

By Senator Aronberg

27-67-07

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A bill to be entitled

An act relating to the Office of the Sheriff of Collier County; providing for the relief of J. Rae Hoyer, individually, and as Personal Representative of the Estate of David J. Hoyer, M.D., deceased, whose demise was due in part to negligence on the part of the Sheriff of Collier County; providing an effective date.

WHEREAS, on January 3, 2001, Dr. David J. Hoyer was strangled in the Collier County jail by Rodriguez Patten, an inmate at the Collier County Jail, and Dr. Hoyer died on January 6, 2001, as a result of the manual strangulation and injuries inflicted on him by inmate Patten, and

WHEREAS, Dr. Hoyer, a 58-year-old psychiatrist who worked for the David Lawrence Center, a not-for-profit mental health center located in Collier County, had been appointed by the State of Florida to perform a forensic mental health evaluation to determine whether inmate Patten was competent to stand trial on charges of carjacking, kidnapping, and robbery, and

WHEREAS, Dr. Hoyer was placed in a small interview room with the inmate, who suffered from delusions and had been a chronic problem at the jail; there were no guards posted inside or outside the room maintaining visual observation of Dr. Hoyer and the inmate; and there were no other safeguards to protect Dr. Hoyer, no handcuffs or restraints of any sort on inmate Patten, and no other monitoring of the interview room, and

WHEREAS, on July 3, 2002, Dr. Hoyer's widow, J. Rae Hoyer, individually, and as Personal Representative of the

1 Estate of David J. Hoyer, filed suit against Don Hunter, as
2 Sheriff of Collier County, and

3 WHEREAS, the matter was removed to the United States
4 District Court, Middle District of Florida, Ft. Myers
5 Division, and litigated, and, after a 5-day jury trial, a
6 verdict was returned on May 10, 2005, in the amount of
7 \$2,650,260, and

8 WHEREAS, Sheriff Hunter was found to be 50-percent
9 comparatively at fault for causing Dr. Hoyer's death, and

10 WHEREAS, a judgment in the civil case was entered on
11 May 16, 2005, in the amount of \$1,325,130, and an order on
12 taxation of costs was entered on June 21, 2005, in the amount
13 of \$3,912.44, making a total judgment in favor of Mrs. Hoyer
14 in the amount of \$1,329,042.44, and

15 WHEREAS, after the sheriff has paid the statutory limit
16 of \$200,000 under section 768.28, Florida Statutes, the
17 remaining amount of the judgment will be \$1,129,042.44, and

18 WHEREAS, a motion for new trial was denied on July 18,
19 2005, and

20 WHEREAS, the Sheriff of Collier County has insurance
21 coverage in the amount of \$3.1 million, which could be used to
22 satisfy the judgment that has been awarded in this matter,
23 NOW, THEREFORE,

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. The facts stated in the preamble to this
28 act are found and declared to be true.

29 Section 2. The Sheriff of Collier County is authorized
30 and directed to appropriate from funds of the sheriff's office
31 not otherwise appropriated and to draw a warrant payable to J.

1 Rae Hoyer, individually, and as Personal Representative of the
2 Estate of David J. Hoyer, M.D., for the total amount of
3 \$1,129,042.44, for injuries and damages sustained due to the
4 death of David J. Hoyer.

5 Section 3. This act shall take effect upon becoming a
6 law.

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