

HB 613

2007

1 A bill to be entitled
2 An act for the relief of J. Rae Hoyer by the Office of the
3 Sheriff of Collier County; providing for the relief of J.
4 Rae Hoyer, individually, and as Personal Representative of
5 the Estate of David J. Hoyer, M.D., deceased, whose demise
6 was due in part to negligence on the part of the Sheriff
7 of Collier County; providing an effective date.

8
9 WHEREAS, on January 3, 2001, Dr. David J. Hoyer was
10 strangled in the Collier County jail by Rodriguez Patten, an
11 inmate at the Collier County Jail, and Dr. Hoyer died on January
12 6, 2001, as a result of the manual strangulation and injuries
13 inflicted on him by inmate Patten, and

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

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

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

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29 David J. Hoyer, filed suit against Don Hunter, as Sheriff of
 30 Collier County, and

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

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

37 WHEREAS, a judgment in the civil case was entered on May
 38 16, 2005, in the amount of \$1,325,130, and an order on taxation
 39 of costs was entered on June 21, 2005, in the amount of
 40 \$3,912.44, making a total judgment in favor of Mrs. Hoyer in the
 41 amount of \$1,329,042.44, and

42 WHEREAS, after the sheriff has paid the statutory limit of
 43 \$200,000 under section 768.28, Florida Statutes, the remaining
 44 amount of the judgment will be \$1,129,042.44, and

45 WHEREAS, a motion for new trial was denied on July 18,
 46 2005, and

47 WHEREAS, the Sheriff of Collier County has insurance
 48 coverage in the amount of \$3.1 million, which could be used to
 49 satisfy the judgment that has been awarded in this matter, NOW,
 50 THEREFORE,

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. The facts stated in the preamble to this act
 55 are found and declared to be true.

56 Section 2. The Sheriff of Collier County is authorized and

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57 directed to appropriate from funds of the sheriff's office not
58 otherwise appropriated and to draw a warrant payable to J. Rae
59 Hoyer, individually, and as Personal Representative of the
60 Estate of David J. Hoyer, M.D., for the total amount of
61 \$1,129,042.44, for injuries and damages sustained due to the
62 death of David J. Hoyer.

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