

By Senator Aronberg

27-00056A-08

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1 A bill to be entitled

2 An act relating to the Office of the Sheriff of Collier
3 County; providing for the relief of J. Rae Hoyer,
4 individually, and as Personal Representative of the Estate
5 of David J. Hoyer, M.D., deceased, whose demise was due in
6 part to negligence on the part of the Sheriff of Collier
7 County; providing a limitation on the payment of fees and
8 costs; providing an effective date.

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

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

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

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

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

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

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

38 WHEREAS, a judgment in the civil case was entered on May 16,
39 2005, in the amount of \$1,325,130, and an order on taxation of
40 costs was entered on June 21, 2005, in the amount of \$3,912.44,
41 making a total judgment in favor of Mrs. Hoyer in the amount of
42 \$1,329,042.44, and

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

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

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

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53 Be It Enacted by the Legislature of the State of Florida:

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

57 Section 2. The Sheriff of Collier County is authorized and
58 directed to appropriate from funds of the sheriff's office not

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59 otherwise appropriated and to draw a warrant payable to J. Rae
60 Hoyer, individually, and as Personal Representative of the Estate
61 of David J. Hoyer, M.D., for the total amount of \$1,129,042.44,
62 for injuries and damages sustained due to the death of David J.
63 Hoyer.

64 Section 3. This award is intended to provide the sole
65 compensation for all present and future claims arising out of the
66 factual situation that resulted in the death of David J. Hoyer as
67 described in this act. The total amount paid for attorney's fees,
68 lobbying fees, costs, and other similar expenses relating to this
69 claim may not exceed 25 percent of the amount awarded under this
70 act.

71 Section 4. This act shall take effect upon becoming a law.