

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.