

HB 1085

2009

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

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

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | to protect Dr. Hoyer, and

30 | WHEREAS, on July 3, 2002, Dr. Hoyer's widow, J. Rae Hoyer,
31 | individually, and as Personal Representative of the Estate of
32 | David J. Hoyer, filed suit against Don Hunter, as Sheriff of
33 | Collier County, and

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

38 | WHEREAS, Sheriff Hunter was found to be 50 percent
39 | comparatively at fault for causing Dr. Hoyer's death, and

40 | WHEREAS, a judgment in the civil case was entered on May
41 | 16, 2005, in the amount of \$1,325,130, and an order on taxation
42 | of costs was entered on June 21, 2005, in the amount of
43 | \$3,912.44, making a total judgment in favor of Mrs. Hoyer in the
44 | amount of \$1,329,042.44, and

45 | WHEREAS, after the sheriff has paid the statutory limit of
46 | \$200,000 under s. 768.28, Florida Statutes, the remaining amount
47 | of the judgment will be \$1,129,042.44, and

48 | WHEREAS, a motion for new trial was denied on July 18,
49 | 2005, and

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

54 |

55 | Be It Enacted by the Legislature of the State of Florida:

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

59 Section 2. The Sheriff of Collier County is authorized and
60 directed to appropriate from funds of the sheriff's office not
61 otherwise appropriated and to draw a warrant payable to J. Rae
62 Hoyer, individually, and as Personal Representative of the
63 Estate of David J. Hoyer, M.D., for the total amount of
64 \$1,129,042.44 for injuries and damages sustained due to the
65 death of David J. Hoyer.

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

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