

By Senator Aronberg

27-00078-09

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1                   A bill to be entitled  
2           An act for the relief of J. Rae Hoyer by the Office of  
3           the Sheriff of Collier County; providing an  
4           appropriation to compensate J. Rae Hoyer,  
5           individually, and as Personal Representative of the  
6           Estate of David J. Hoyer, M.D., deceased, whose demise  
7           was due in part to the negligence of the Sheriff of  
8           Collier County; providing a limitation on the payment  
9           of fees and costs; providing an effective 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  
29           to protect Dr. Hoyer, and

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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:

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

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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.