

HB 113

2010

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 death was due in part to the negligence of  
7           the Sheriff of Collier County; providing a limitation on  
8           the payment of fees and costs; providing an effective  
9           date.

10

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

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

21           WHEREAS, the Collier County Sheriff's Office knew that  
22           inmate Patten suffered from delusions and had been a chronic  
23           problem at the jail, and

24           WHEREAS, the Collier County Sheriff's Office placed Dr.  
25           Hoyer in a small interview room with the inmate, but did not  
26           protect Dr. Hoyer's safety by posting guards inside or outside  
27           the interview room to observe Dr. Hoyer and the inmate, and did  
28           not monitor the room electronically or handcuff or restrain

HB 113

2010

29 inmate Patten in any manner, 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, after a 5-day jury trial, a verdict was returned on May 10,  
 37 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, for a total judgment in favor of Mrs. Hoyer in the  
 44 amount of \$1,329,042.44, and

45 WHEREAS, the Office of the Sheriff of Collier County has  
 46 paid the statutory limit of \$200,000 pursuant to s. 768.28,  
 47 Florida Statutes, and \$1,129,042.44 remains unpaid, 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 can 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

HB 113

2010

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 amount of \$1,129,042.44  
64 for injuries and damages sustained due to the death of David J.  
65 Hoyer.

66           Section 3. The amount paid by the Office of the Sheriff of  
67 Collier County pursuant to s. 768.28, Florida Statutes, and this  
68 award are intended to provide the sole compensation for all  
69 present and future claims arising out of the factual situation  
70 that resulted in the death of David J. Hoyer as described in  
71 this act. The total amount paid for attorney's fees, lobbying  
72 fees, costs, and other similar expenses relating to this claim  
73 may not exceed 25 percent of the amount awarded under this act.

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