

By Senator Aronberg

27-00082-10

201014

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 death
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.

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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
29 inmate Patten in any manner, 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, 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,

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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 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 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.