

By Representative Saunders

1                                   A bill to be entitled  
2           An act relating to Collier County; providing  
3           for the relief of Franklin David Messick as  
4           Personal Representative of the Estate of Arthur  
5           D. Messick; providing for an appropriation to  
6           compensate him for the wrongful death of his  
7           son, Arthur D. Messick, which occurred as a  
8           result of the negligence of Collier County;  
9           providing an effective date.  
10  
11           WHEREAS, on October 6, 1990, Arthur D. Messick was a  
12           passenger in a motor vehicle driven by his brother, Joe  
13           Randall Messick, and  
14           WHEREAS, the vehicle in which Arthur D. Messick was a  
15           passenger was traveling toward an unmarked intersection of  
16           DeSoto Boulevard and a canal in Collier County, and  
17           WHEREAS, a hazardous condition existed at this  
18           intersection, caused by the absence of warnings, lighting, or  
19           a sign indicating the end of the road at the intersection with  
20           the canal, and  
21           WHEREAS, Collier County was aware that a dangerous  
22           condition existed at the intersection, but did not inspect,  
23           supervise, or maintain the warning signs in the area, and  
24           WHEREAS, because the intersection was not properly  
25           marked, the motor vehicle in which Arthur D. Messick was a  
26           passenger left the road and entered the canal, and  
27           WHEREAS, as a result of the accident, Arthur D. Messick  
28           was killed, and  
29           WHEREAS, following a jury trial, Collier County was  
30           found to be eighty-five percent negligent in the death of  
31

1 Arthur D. Messick and Joe Randall Messick was found to be  
2 fifteen percent negligent, and

3 WHEREAS, a final judgment was entered on October 21,  
4 1993, in the amount of \$237,223.00 in favor of the Estate of  
5 Arthur D. Messick, and

6 WHEREAS, the amount of the claim against Collier County  
7 is \$201,639.55, NOW, THEREFORE,

8

9 Be It Enacted by the Legislature of the State of Florida:

10

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

13 Section 2. The Board of County Commissioners of  
14 Collier County is authorized and directed to appropriate from  
15 funds of the county not otherwise appropriated and to draw a  
16 warrant in the sum of \$201,639.55 payable to Franklin David  
17 Messick as Personal Representative of the Estate of Arthur D.  
18 Messick to compensate him for the death of his son, Arthur D.  
19 Messick.

20 Section 3. This act shall take effect upon becoming a  
21 law.

22

23

24

25

26

27

28

29

30

31