

By Senator Forman

25-8-98

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 85-percent negligent in the death of Arthur D.
31

1 Messick and Joe Randall Messick was found to be 15-percent
2 negligent, and

3 WHEREAS, a final judgment was entered on October 21,
4 1993, in the amount of \$237,223 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