

By Representative Dennis

1                                   A bill to be entitled  
2           An act for the relief of Frances McGrady;  
3           providing an appropriation to compensate her  
4           for injuries and damages sustained as a result  
5           of the negligence of the Jacksonville  
6           Transportation Authority; providing an  
7           effective date.

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9           WHEREAS, on August 7, 1993, Frances McGrady was  
10          disembarking from a Jacksonville Transportation Authority bus  
11          near the corner of Phoenix Avenue and 10th Street in  
12          Jacksonville, and

13                 WHEREAS, the Jacksonville Transportation Authority bus  
14          from which Frances McGrady was disembarking had stopped at an  
15          inclined driveway, contrary to rules and regulations for the  
16          operation of the bus, and

17                 WHEREAS, the operator of the Jacksonville  
18          Transportation Authority bus negligently failed to ascertain  
19          that Frances McGrady had completely stepped away from the bus  
20          before accelerating to depart, and

21                 WHEREAS, as Frances McGrady exited the bus she stepped  
22          on the inclined driveway and fell back against the bus as it  
23          pulled away, and

24                 WHEREAS, as a result of the fall, Frances McGrady  
25          fractured her pubic ramus bone and injured her hip, and

26                 WHEREAS, though Frances McGrady was 78 years of age at  
27          the time of the accident and walked with a cane, she was  
28          active and independent, and

29                 WHEREAS, as a result of the injuries sustained in this  
30          accident, Frances McGrady's condition progressively worsened  
31          to the point of confinement to a wheelchair, and

1           WHEREAS, Frances McGrady remains confined to a  
2 wheelchair and has experienced deterioration of her physical  
3 and mental state, and

4           WHEREAS, in a jury trial in the Circuit Court of the  
5 Fourth Judicial Circuit in and for Duval County, (Case No.  
6 95-03127-CA), the jury returned a verdict of \$365,000 in favor  
7 of Frances McGrady, attributing 100 percent of fault to the  
8 Jacksonville Transportation Authority, and

9           WHEREAS, the Jacksonville Transportation Authority  
10 appealed the trial court's decision, and

11           WHEREAS, on November 4, 1996, the First District Court  
12 of Appeal issued a per curiam opinion affirming the trial  
13 court's verdict, and

14           WHEREAS, as a result of the Jacksonville Transportation  
15 Authority's negligent failure to safely operate the bus on  
16 which Frances McGrady was a passenger, Frances McGrady has  
17 suffered injuries and damages which include loss of earnings,  
18 medical expenses, personal inconvenience, aggravation of a  
19 preexisting condition, and mental and physical pain and  
20 suffering, and

21           WHEREAS, Frances McGrady's injuries are permanent in  
22 nature and her losses will continue into the future, and

23           WHEREAS, the remainder of the judgment against the  
24 Jacksonville Transportation Authority owed to Frances McGrady  
25 is \$265,000, NOW, THEREFORE,

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

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

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1           Section 2. The Executive Office of the Governor is  
2 directed to transfer existing spending authority or establish  
3 spending authority from unappropriated trust fund balances in  
4 the Jacksonville Transportation Authority in the amount of  
5 \$265,000 to a new category titled "Relief - Frances McGrady"  
6 as relief for damages sustained.

7           Section 3. The Comptroller is directed to draw his  
8 warrant in favor of Frances McGrady in the sum of \$265,000  
9 upon funds of the Jacksonville Transportation Authority in the  
10 State Treasury and the State Treasurer is directed to pay the  
11 same out of such funds in the State Treasury.

12           Section 4. This act shall take effect July 1, 1997.

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HOUSE SUMMARY

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Provides a \$265,000 appropriation for the relief of  
Frances McGrady to compensate her for injuries and  
damages sustained as a result of the negligence of the  
Jacksonville Transportation Authority.

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