

By Senator Holzendorf

2-56-99

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 upon becoming a
13 law.

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