

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-2615

HENRY BELL,

Appellant,

v.

CITY OF JACKSONVILLE and
JACKSONVILLE TRANSPORTATION
AUTHORITY,

Appellees.

On appeal from the Circuit Court for Duval County.
Eric C. Roberson, Judge.

August 23, 2019

PER CURIAM.

Henry Bell appeals an order dismissing his negligence claim against the Jacksonville Transit Authority. We find no error in the trial court's dismissal of the claim on statute of limitations grounds. The claim, asserted for the first time against the JTA in the amended complaint, was untimely and did not relate back to the claims asserted in the original complaint against the City of Jacksonville, a separate and distinct legal entity. *See Patel v. Sch. Bd. of Volusia Cty.*, 813 So. 2d 135, 136 (Fla. 5th DCA 2002) (finding that the county and the county school board were not sufficiently related to justify application of the relation-back doctrine).

Bell also appeals a separate order granting partial summary judgment to the City of Jacksonville. *See* Fla. R. App. P. 9.110(k) (providing that partial final judgments are reviewable either on appeal from the partial final judgment or on appeal from the final judgment in the entire case); *Roessler v. Novak*, 858 So. 2d 1158, 1160 n.1 (Fla. 2d DCA 2003). This portion of the appeal is dismissed as untimely. *See, e.g., Wagner v. Wells Fargo Bank, N. A.*, 249 So. 3d 620 (Fla. 2d DCA 2018) (“Timely filing of the notice of appeal is jurisdictional.”).

AFFIRMED in part and DISMISSED in part.

ROWE, JAY, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Michael D. McGrath and M. Brad Gibson of McGrath Gibson, LLC, Jacksonville, for Appellant.

Katy A. Harris, Office of General Counsel, City of Jacksonville, for City of Jacksonville; Beverly A. Pohl of Nelson Mullins Broad and Cassel, Fort Lauderdale, and Richard N. Milian of Nelson Mullins Broad and Cassel, Orlando, for Jacksonville Transportation Authority, Appellees.