

By Senator Rouson

16-00102-26

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A bill to be entitled

An act for the relief of Reginald Jackson by the City of Lakeland; providing an appropriation to compensate Mr. Jackson for injuries and damages sustained as a result of the negligence of Mike Cochran, a police officer with the Lakeland Police Department; providing a limitation on the payment of compensation and attorney fees; providing an effective date.

WHEREAS, on October 18, 2001, Officer Mike Cochran of the Lakeland Police Department stopped Reginald Jackson for driving with an invalid license tag after the officer incorrectly typed the tag number into his computer and the tag number was, therefore, identified as invalid, and

WHEREAS, Officer Cochran then issued a citation to Mr. Jackson for transporting his girlfriend's 18-month-old brother without a child safety seat and forbade Mr. Jackson to move the vehicle without properly restraining the child, and

WHEREAS, Mr. Jackson asked if Officer Cochran could escort his vehicle to his home a short distance away, but the officer refused and directed Mr. Jackson to use an immediately adjacent pay phone to call someone to bring a car seat for the child, and

WHEREAS, after the stop, Officer Cochran drove away and positioned himself in an alley parallel to the site of the initial stop and observed Mr. Jackson drive to a pay phone on the next block, which Mr. Jackson did after determining that the immediately adjacent pay phone was not operational, and

WHEREAS, while Mr. Jackson attempted to use the second pay phone, Officer Cochran approached him and told him that he was

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under arrest for disobeying a law enforcement officer, and

WHEREAS, Mr. Jackson was startled by the officer and ran back to his vehicle, got inside, backed up a short distance, and then drove forward without pressing the gas pedal, and

WHEREAS, when Officer Cochran told Mr. Jackson to stop the vehicle or he would shoot, Mr. Jackson then pumped his brakes twice, and the officer fired a .45 caliber bullet through the windshield which struck Mr. Jackson in the neck and exited through his back, and

WHEREAS, Mr. Jackson was unarmed and seated next to an 18-month-old child, and

WHEREAS, after the shooting, the police transported the child to the police station in a marked vehicle without a child safety seat, and

WHEREAS, as a result of his injury, Mr. Jackson will suffer pain and be disabled for the rest of his life, and

WHEREAS, Officer Cochran, as an employee of the Lakeland Police Department acting within the scope of employment, owed a duty to Mr. Jackson to conduct himself in a reasonable manner and exercise reasonable care, but he breached that duty by discharging his firearm through Mr. Jackson's windshield in a careless and negligent manner, and

WHEREAS, a jury in the Circuit Court of the Tenth Judicial Circuit in and for Polk County awarded Mr. Jackson \$412,500 in damages, and

WHEREAS, due to the limits of s. 768.28, Florida Statutes, at the time of the incident, Mr. Jackson has collected only \$100,000 of his judgment against the City of Lakeland, and the remainder may be recovered only through passage of a claim bill

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59 by the Legislature, NOW, THEREFORE,

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

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

65 Section 2. The City of Lakeland is authorized and directed
66 to appropriate from funds of the city not otherwise encumbered
67 and to draw a warrant in the sum of \$312,500 payable to Reginald
68 Jackson as compensation for injuries and damages sustained.

69 Section 3. The amount paid by the City of Lakeland pursuant
70 to s. 768.28, Florida Statutes, and the amount awarded under
71 this act are intended to provide the sole compensation for all
72 present and future claims arising out of the factual situation
73 resulting in the shooting of Reginald Jackson as described in
74 this act. The total amount paid for attorney fees relating to
75 this claim may not exceed 25 percent of the amount awarded under
76 this act.

77 Section 4. This act shall take effect upon becoming a law.