

HB 6517

2017

1 A bill to be entitled
2 An act for the relief of Reginald Jackson by the City
3 of Lakeland; providing for an appropriation to
4 compensate him for injuries sustained as a result of
5 the negligence of an employee of the City of Lakeland;
6 providing a limitation on the payment of fees and
7 costs; providing an effective date.

8
9 WHEREAS, on October 18, 2001, Officer Michael Cochran, an
10 employee of the Lakeland Police Department, carried out a
11 traffic stop after he ran a check of the license plate on
12 Reginald Jackson's vehicle and the license plate registered as
13 invalid, and

14 WHEREAS, it was later determined that Officer Cochran had
15 entered an incorrect license plate number and that Mr. Jackson's
16 license plate was, in fact, valid, and

17 WHEREAS, upon approaching Mr. Jackson's vehicle, Officer
18 Cochran observed a child of approximately 18 months of age
19 occupying the front passenger seat unrestrained, and

20 WHEREAS, Officer Cochran issued Mr. Jackson a citation for
21 failure to properly restrain the child and informed him that he
22 could not operate the vehicle with the child as a passenger
23 until the child was properly restrained, and

24 WHEREAS, Mr. Jackson attempted to use a pay telephone in
25 the vicinity of the traffic stop in order to call someone to

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26 | bring a car seat for the child, but the pay telephone was not in
27 | working order, and

28 | WHEREAS, Mr. Jackson moved his vehicle a short distance to
29 | a nearby parking lot where another pay telephone was located,
30 | and as Mr. Jackson was walking toward the pay telephone, Officer
31 | Cochran pulled into the parking lot and told Mr. Jackson that he
32 | was under arrest, and

33 | WHEREAS, Mr. Jackson ran toward his vehicle, and Officer
34 | Cochran chased him with his firearm drawn, and

35 | WHEREAS, as Mr. Jackson sat, unarmed, in the driver seat of
36 | his vehicle with a 1-year-old child also sitting in the front
37 | seat, Officer Cochran discharged his firearm into the windshield
38 | of Mr. Jackson's vehicle, striking him in the neck, and

39 | WHEREAS, Mr. Jackson lost consciousness while behind the
40 | steering wheel of the vehicle, and the vehicle traveled over the
41 | median and across the roadway before coming to rest in an
42 | adjacent parking lot, and

43 | WHEREAS, the wound to Mr. Jackson's neck required medical
44 | attention, and he was taken to Lakeland Regional Medical Center
45 | for treatment, and

46 | WHEREAS, Officer Cochran, while acting within the scope of
47 | his employment with the Lakeland Police Department, owed a duty
48 | to Mr. Jackson to conduct himself in a reasonable manner,
49 | properly handle his firearm, and exercise reasonable care while
50 | drawing and discharging the weapon during his stop and arrest of

51 Mr. Jackson, and Officer Cochran breached this duty by
 52 discharging his firearm into the windshield of Mr. Jackson's
 53 vehicle and otherwise conducting himself in a careless and
 54 negligent manner, and

55 WHEREAS, this breach of duty caused injury to Mr. Jackson's
 56 body and extremities which has caused him pain and suffering,
 57 emotional and mental anguish, and loss of enjoyment of life and
 58 for which he has incurred numerous medical expenses, and as such
 59 injury is permanent or continuing in nature, Mr. Jackson is
 60 expected to suffer these losses in the future, and

61 WHEREAS, pursuant to a verdict rendered on February 25,
 62 2009, Mr. Jackson was awarded the sum of \$412,500 in damages,
 63 \$100,000 of which was satisfied by the City of Lakeland pursuant
 64 to a final judgment entered on April 23, 2009, and the balance
 65 of which remains unsatisfied, NOW, THEREFORE,

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. The facts stated in the preamble to this act
 70 are found and declared to be true.

71 Section 2. The City of Lakeland is authorized and directed
 72 to appropriate from funds of the city not otherwise appropriated
 73 and to draw a warrant in the sum of \$312,500 payable to Reginald
 74 Jackson as compensation for injuries and damages sustained as a
 75 result of the negligence of an employee of the City of Lakeland.

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76 Section 3. The amount paid by the City of Lakeland
77 pursuant to s. 768.28, Florida Statutes, and the amount awarded
78 under this act are intended to provide the sole compensation for
79 all present and future claims arising out of the factual
80 situation described in the preamble to this act which resulted
81 in the injury to Reginald Jackson. The total amount paid for
82 attorney fees, lobbying fees, costs, and similar expenses
83 relating to this claim may not exceed 25 percent of the total
84 amount awarded under this act.

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