

By Senator Rouson

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1 A bill to be entitled

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

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

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

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

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

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

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30 under arrest for disobeying a law enforcement officer, and

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

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

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

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

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

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

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

55 WHEREAS, due to the limits of s. 768.28, Florida Statutes,
56 at the time of the incident, Mr. Jackson has collected only
57 \$100,000 of his judgment against the City of Lakeland, and the
58 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 appropriated
67 and to draw a warrant payable to Reginald Jackson for the sum of
68 \$312,500 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.