

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 Mr. Jackson for injuries and damages sustained as a
5 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.

9
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 the tag number was,
14 therefore, 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 child safety seat and forbade Mr. Jackson to move 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 on

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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
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 his 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

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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 by the Legislature, NOW, THEREFORE,

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

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

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

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

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76 | awarded under this act.

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