

By Senator Bullard

39-00449-13

2013174

1 A bill to be entitled
2 An act for the relief of Brian Pitts; directing the
3 Division of Administrative Hearings to appoint an
4 administrative law judge or special master to
5 determine a basis for equitable relief for the purpose
6 of compensating Mr. Pitts for the wrongful acts or
7 omissions of the State of Florida or officials
8 thereof; requiring a report to the Legislature;
9 authorizing compensation to Mr. Pitts upon a
10 determination by an administrative law judge;
11 providing an appropriation to compensate Mr. Pitts for
12 injuries and damages sustained; providing a limitation
13 on attorney fees and costs; directing that certain
14 court orders and judgments be declared null and void;
15 specifying the limited circumstances under which Mr.
16 Pitts may represent himself or others in judicial or
17 administrative proceedings; directing the Department
18 of Law Enforcement to investigate certain illegal acts
19 committed by certain persons; authorizing the
20 President of the Senate, the Speaker of the House of
21 Representatives, and the Governor to sever portions of
22 this act under certain circumstances; providing an
23 effective date.

24
25 WHEREAS, this state has clearly recognized the practice of
26 law by lay persons since at least 1980 as declared in *The*
27 *Florida Bar v. Moses*, 380 So.2d 412, 416-418 (Fla. 1980) and *The*
28 *Florida Bar re Advisory Opinion on Nonlawyer Representation in*
29 *Securities Arbitration*, 696 So.2d 1178, 1180-1181, 1183-1184

39-00449-13

2013174

30 (Fla. 1997), the Legislature and judiciary having concurrent
31 jurisdiction to regulate such, and

32 WHEREAS, Mr. Pitts has exercised this privilege since 2001
33 in Pinellas County, and his practice was later confirmed by the
34 Florida Supreme Court in case number SC02-247, in a final order
35 dated November 6, 2003, at clause (1) declaring "unless
36 otherwise authorized by Florida Statutes, court rule, case law,
37 administrative rule, or the rules regulating The Florida Bar,"
38 and

39 WHEREAS, since the inception of Mr. Pitts' practice, the
40 Second District Court of Appeal, the Sixth Judicial Circuit, the
41 Office of the State Attorney for the Sixth Judicial Circuit, and
42 The Florida Bar have, without cause, continued to deprive Mr.
43 Pitts of the privilege of practicing law as prescribed by the
44 Legislature and the Florida Supreme Court, subjecting him to
45 civil and criminal proceedings and penalties on an ongoing
46 basis, and

47 WHEREAS, the Florida Supreme Court, by virtue of the broad,
48 general, and ambiguous language of its 2003 final order in case
49 number SC02-247, has subjected Mr. Pitts to entrapment, and has
50 needlessly and unjustly avoided and failed upon many requests by
51 Mr. Pitts to clarify or amend the final order or to promulgate
52 court rules through The Florida Bar following original
53 proceedings brought or suggested by Mr. Pitts to correct the
54 matter, and

55 WHEREAS, this course of misconduct has been ongoing from
56 2001 to 2012, such that the courts, The Florida Bar, and the
57 Office of the State Attorney for the Sixth Judicial Circuit
58 being in continual collusion against Mr. Pitts in cases SC02-

39-00449-13

2013174

59 247, SC06-1279, CRCAB-65835CFANO, CRCAB-90407CFANO, CRC07-
60 12964CFANO, CTC07-03965MMANO, CTC03-01885MMANO, CTC03-
61 01887MMANO, and CTC03-09855MMANO, and such action has resulted
62 in the wrongful and unlawful incarceration of Mr. Pitts in the
63 Pinellas County Jail for a total of nearly 1 year, and

64 WHEREAS, the purpose of this course of misconduct was to
65 retaliate against Mr. Pitts and, by way of his detainment, to
66 thwart his pending pro se actions for relief from said collusion
67 by civil, appellate, or original proceedings regarding the
68 criminal cases, and

69 WHEREAS, appearing pro se in many of his cases, Mr. Pitts
70 was complimented by several judges of the Sixth Judicial Circuit
71 for an exceptional degree of technical and performance
72 competence that would be expected of an experienced member of
73 The Florida Bar, yet he was informed by express or implied
74 communication that he would not receive the relief requested in
75 any given proceeding unless represented by a member of The
76 Florida Bar, as a matter of camaraderie, and

77 WHEREAS, though appearing pro se in said cases and other
78 actions seeking relief from said collusion, Mr. Pitts was at
79 times represented by appointed counsel; however, such
80 proceedings proved to be futile because the proceedings were
81 staged by the courts and the Office of the State Attorney for
82 the Sixth Judicial Circuit to be illusory. The courts failed to
83 abide by binding precedent and stare decisis, where applicable,
84 as well as Florida Rules of Court, as evidenced by the series of
85 filings in each case by Mr. Pitts, or his court-appointed
86 counsel, hence depriving Mr. Pitts of procedural and substantive
87 due process, equal protection of the law, self-representation,

39-00449-13

2013174

88 and representation by counsel under the United States
89 Constitution, and

90 WHEREAS, the Second District Court of Appeal has declared
91 in *Denson v. State*, 711 So.2d 1225, 1230 (Fla. 2d DCA 1998) that
92 "appellate judges take an oath to uphold the law and the
93 constitution of this state. The citizens of this state properly
94 expect these judges to protect their rights. When reviewing an
95 appeal with a preserved issue, if we discover that a person has
96 been subjected to a patently illegal sentence to which no
97 objection was lodged in the trial court, neither the
98 constitution nor our own consciences will allow us to remain
99 silent and hope that the prisoner, untrained in the law, will
100 somehow discover the error and request its correction. If three
101 appellate judges, like a statue of the 'see no evil, hear no
102 evil, speak no evil' monkeys, declined to consider such serious,
103 patent errors, we would jeopardize the public's trust and
104 confidence in the institution of courts of law." *Compare*,
105 *Bedford v. State*, 633 So.2d 13, 14 (Fla. 1994), and

106 WHEREAS, Mr. Pitts contends that the trial judges and
107 appellate judges have deliberately and intentionally, in concert
108 with the Florida Supreme Court justices, failed to abide by said
109 rules of law as to Mr. Pitts' cases on appeal or by original
110 proceedings brought and maintained by him or his counsel, and

111 WHEREAS, Mr. Pitts believes that The Florida Bar, the
112 Office of the State Attorney, and the judges and justices
113 involved at each level of Mr. Pitts' cases all have a personal
114 and private interest in deterring Mr. Pitts from engaging in the
115 authorized practice of law as prescribed in this state and,
116 thus, have failed to afford Mr. Pitts the required process and

39-00449-13

2013174

117 means of justice or resolution as normally expected of esteemed
118 persons in their official capacities, and

119 WHEREAS, the Pinellas County Sheriff's Office participated
120 in the concerted effort of the courts, The Florida Bar, and the
121 Office of the State Attorney for the Sixth Judicial Circuit
122 illegally incarcerating Mr. Pitts in the Pinellas County Jail
123 from January 2003 through April 2004 and from March 22, 2010,
124 through July 4, 2010, by refusing him administrative alternative
125 sentencing without cause, and by subjecting him to living
126 conditions and circumstances in violation of Florida Model Jail
127 Standards (2.15)(c); (4.12); (4.13); (4.15); (5.08)(a), (c)(1)-
128 (8), and j; (6.02); (9.06)(b); (9.08); (9.10); (10.01); (11.12);
129 (11.16); (12.03)(d)-(i); and (12.06), Appendix A, and in
130 violation of ss. 951.03 and 951.033(3), Florida Statutes, and by
131 extending his sentence an additional 50 days in violation of
132 Inmate Handbook XI. A., Florida Model Jail Standard (4.16), and
133 ss. 951.21(1) and 921.16(1), Florida Statutes, thereby
134 subjecting him to cruel and unusual punishment and false
135 imprisonment and denying him due process and equal protection of
136 the law. See *Miller v. Carson*, 599 F.2d 742 (5th Cir. 1979);
137 *Miller v. Carson*, 563 F.2d 757 (5th Cir. 1977); *Miller v.*
138 *Carson*, 563 F.2d 741 (5th Cir. 1977); *Miller v. Carson*, 401 F.
139 Supp. 835 (M.D. Fla. 1975); *Miller v. Carson*, 392 F. Supp. 515
140 (M.D. Fla. 1975); *Solomos v. Jenne*, 776 So.2d 953 (Fla. 4th DCA
141 2000); and *Douthit v. Jones*, 619 F.2d 527 (5th Cir. 1980), and
142 WHEREAS, such conditions and circumstances of the jail are
143 reflected in a St. Petersburg Times article dated July 5, 2010,
144 and published under the headline "Thousands of Pinellas jail
145 inmates released without a judge ever setting bail," which was

39-00449-13

2013174

146 complemented by a series of articles published by the Orlando
147 Sentinel under the respective headlines "Florida's suspect
148 jails: The state's hands-off approach to inspecting jails leaves
149 them vulnerable," dated April 8, 2010; "Jail-standards chief
150 defends system of checks," dated May 15, 2010; "If all Central
151 Florida jails rate an A, is it deserved?" dated May 15, 2010;
152 "Beef up jail oversight: Florida jails need tough oversight, not
153 coddling," dated May 18, 2010; and other articles, and

154 WHEREAS, such misconduct is a clear abuse of judicial,
155 executive, and administrative authority as to the state court
156 system and local government, including the Office of the State
157 Attorney for the Sixth Judicial Circuit and the Pinellas County
158 Sheriff's Office, thereby resulting in a public embarrassment to
159 this state since said authorities knew there was no basis in
160 fact or law for their unlawful acts against Mr. Pitts, and

161 WHEREAS, Mr. Pitts' good name and reputation have been
162 damaged; he has been deprived of due process, the ability to
163 conduct a lawful business, freedom of speech, property, liberty,
164 and equal protection of the law; he has not benefited from
165 constitutional protections against unlawful trusts by public
166 officers and employees under oath of office and double jeopardy
167 as to criminal proceedings and sanctions; he has suffered mental
168 anguish and emotional distress as the result of the intentional
169 misconduct and gross negligence of the courts, the Office of the
170 State Attorney for the Sixth Judicial Circuit, The Florida Bar,
171 and the Pinellas County Sheriff's Office relating to his
172 practice of law as a nonlawyer in this state, and, further,
173 there is no state-action exception to federal antitrust laws,
174 which were violated in the subject cases, and

39-00449-13

2013174

175 WHEREAS, Mr. Pitts has suffered, and continues to suffer,
176 significant monetary damage by virtue of expenses, fees, fines,
177 costs, restitution, and lost income, property, and time
178 resulting from the civil and criminal proceedings relating to
179 his alleged unauthorized or unlicensed practice of law, and

180 WHEREAS, Mr. Pitts frequently appears before the
181 Legislature to instruct, advise, and inform members and to
182 advocate for or against proposed legislation covering a broad
183 spectrum of topics and subject matter in fact and law, always
184 demonstrating an exceptional degree of technical and performance
185 competence that would be expected of any trained and experienced
186 member of The Florida Bar, and

187 WHEREAS, the Legislature recognizes that no system of
188 justice is impervious to human error, and

189 WHEREAS, the Legislature acknowledges that the state's
190 system of justice sometimes yields imperfect results that may
191 have tragic consequences, and

192 WHEREAS, this claim is based on a moral and legal
193 obligation of the Legislature to acknowledge its actions and act
194 on its authority to correct a wrong, when those actions have
195 resulted in a manifest injustice or disregard for the law, and

196 WHEREAS, the filing of this claim bill is in accord with
197 holdings of the Florida Supreme Court concerning legislative
198 claim bills. *See Circuit Court of Twelfth Judicial Circuit v.*
199 *Dep't of Natural Res.*, 339 So.2d 1113, 1116-1117 (Fla.
200 1976) ("Absent legislation waiving the state's sovereign immunity
201 . . . this Court cannot authorize relief through the judicial
202 process"); *Gerard v. Dep't of Transp.*, 472 So.2d 1170, 1172
203 (Fla. 1985) ("[W]e agree with the Department of Transportation's

39-00449-13

2013174

204 assertion that a judgment in this case was not a prerequisite to
205 Gerard's filing a claims bill in the legislature."), and

206 WHEREAS, the First District Court of Appeal in *Jetton v.*
207 *Jacksonville Electric Authority*, 399 So.2d 396, 397 (Fla. 1st
208 DCA 1981), stated that although the Legislature has placed
209 limits on recovery, "claimants remain free to seek legislative
210 relief bills, as they did during days of complete sovereign
211 immunity," and

212 WHEREAS, the Florida Supreme Court in *Dickinson v. Bradley*,
213 298 So.2d 352, 354 (Fla. 1974), held that "any claim bill is
214 restricted to less than the general public and its purpose is to
215 discharge the state's moral obligation to any individual or
216 other entity whom or which the legislature recognizes as being
217 entitled to such. . . . The legislature may enact a claim bill
218 for what would be a tort if a private party was involved just as
219 effectively as for what would constitute a contractual debt,"
220 and

221 WHEREAS, the Legislature intends that any compensation made
222 pursuant to this act be the sole compensation provided by the
223 state for any and all present and future claims arising out of
224 the facts presented in this act, NOW, THEREFORE,

225
226 Be It Enacted by the Legislature of the State of Florida:

227
228 Section 1. The facts stated in the preamble to this act are
229 found and declared to be true, and all judicial and
230 administrative remedies have been exhausted. This act is the
231 remedy of last resort available to Mr. Pitts.

232 Section 2. The Division of Administrative Hearings shall

39-00449-13

2013174

233 appoint an administrative law judge or special master to conduct
234 a hearing and determine a basis for equitable relief for the
235 purpose of compensating Mr. Pitts for any wrongful act or
236 omission of the State of Florida, the Office of the State
237 Attorney for the Sixth Judicial Circuit, and the Pinellas County
238 Sheriff's Office regarding investigations involving Mr. Pitts,
239 the civil and criminal proceedings relating to Mr. Pitts'
240 alleged unlicensed or unauthorized practice of law, and his
241 incarcerations totaling nearly 12 months from 2001 to 2012, if
242 not longer.

243 Section 3. (1) The administrative law judge or special
244 master shall determine by a preponderance of the evidence
245 whether the State of Florida, the Office of the State Attorney
246 for the Sixth Judicial Circuit, or the Pinellas County Sheriff's
247 Office committed a wrongful act or omission and whether a basis
248 for equitable relief exists, and if it so finds, the
249 administrative law judge or special master shall award Mr. Pitts
250 an amount of up to \$7 million, but not less than \$1 million, to
251 be paid proportionately by the parties that wronged him and to
252 be paid in lump sum or in payments over a period of no more than
253 10 years.

254 (2) The administrative law judge or special master shall
255 report his or her determination to the President of the Senate
256 and the Speaker of the House of Representatives by July 1, 2013.
257 The Chief Financial Officer is directed to draw a warrant in
258 satisfaction of the relief awarded by the administrative law
259 judge or special master, as provided in this act, and to pay the
260 warrant out of the Administrative Trust Fund or State Courts
261 Revenue Trust Fund within the state courts system and the State

39-00449-13

2013174

262 Attorneys Revenue Trust Fund to Brian Pitts. Pinellas County is
263 directed to and shall pay the warrant out of its general revenue
264 fund or by other means it has provided for to pay valid claims
265 against the local government as pertains to the Pinellas County
266 Sheriff's Office and as to its share of the total award to Mr.
267 Pitts.

268 (3) This award is intended to provide the sole compensation
269 for all present and future claims arising out of the factual
270 situation described in this act which resulted in unlawful or
271 unconstitutional acts committed against Mr. Pitts. The total
272 amount paid for attorney fees, lobbying fees, costs, and other
273 similar expenses relating to this claim may not exceed 25
274 percent of the amount awarded under this act.

275 (4) All final orders, judgments, decrees, and convictions,
276 and orders or liens pertaining to fees, fines, costs, and
277 restitution, rendered in cases SC06-1279, SC02-247, CRCAB-
278 90407CFANO, CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-
279 03965MMANO, CTC03-09855MMANO, CTC03-01885MMANO, and CTC03-
280 01887MMANO, wherein Mr. Pitts is the respondent or defendant,
281 are void and are annulled by this act by virtue of the doctrine
282 of separation of powers because the courts failed to recognize
283 the Legislature's lawful and valid enactments authorizing lay
284 representation as expressed in *The Florida Bar v. Moses*, 380
285 So.2d 412, 416-418 (Fla. 1980); by virtue of inherent authority
286 of this Legislature as expressed in *Florida House of*
287 *Representatives v. Crist*, 999 So.2d 601, 611 (Fla. 2008),
288 *Trianon Park Condominium Ass'n v. City of Hialeah*, 468 So.2d
289 912, 918, 919 (Fla. 1985); and by virtue of checks and balances
290 exercised by this Legislature as expressed in *State Ex Rel.*

39-00449-13

2013174

291 Young v. Duval County, 79 So. 692, 697 (Fla. 1918), in which the
292 court found "[a] clear violation of the constitutional
293 provisions dividing the powers of government into departments
294 should be checked and remedied." As the court found in State v.
295 City of Stuart, 120 So. 335, 346 (Fla. 1929), "[t]he general
296 rule is that the Legislature is supreme in the legislative
297 field, which is the most powerful branch of government, so long
298 as it does not violate any of the provisions of the organic law.
299 There is to our minds no justifiable exception of any class of
300 legislation from this all-pervasive and fundamental principle."

301 (5) The clerk of the court for the Florida Supreme Court,
302 as to cases SC06-1279 and SC02-247, and the clerk of the court
303 for the Sixth Judicial Circuit, as to cases CRCAB-90407CFANO,
304 CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-03965MMANO, CTC03-
305 09855MMANO, CTC03-01885MMANO, and CTC03-01887MMANO, all
306 pertaining to Mr. Pitts, are hereby directed to remove from
307 public and private access all dockets, records, documents, and
308 recorded orders or liens related to those cases and transmit
309 them to the Department of Law Enforcement to fulfill the duties
310 required under section 6 of this act. The Department of Law
311 Enforcement is hereby directed to remove from public and private
312 access all record history and information of a criminal nature
313 concerning Mr. Pitts. This includes, but is not limited to,
314 fingerprints, felon registration, and all other matters
315 concerning the case numbers cited in this subsection. The
316 records, information, or documents may not be used by or
317 accessed for any purpose by anyone unless access to those
318 records is required by federal authorities or for investigations
319 conducted under section 6 of this act.

39-00449-13

2013174

320 (6) The Department of Law Enforcement is directed to ensure
321 the compliance, execution, and enforcement of subsections (4)
322 and (5) of this section, and shall provide protective services
323 to Mr. Pitts ensuring his rights, privileges, and safety under
324 sections 4, 5, and 6 of this act.

325 Section 4. In accordance with the Florida Supreme Court's
326 final order in case number SC02-247 and the exception contained
327 in clause (1) of that ruling, unless otherwise authorized by
328 Florida Statutes, court rule, case law, administrative rule, or
329 the rules regulating The Florida Bar, thereby authorizing Mr.
330 Pitts to practice law in this state, the Legislature authorizes
331 Mr. Pitts to practice law in this state under the following
332 designations, titles, rules, decisions, or acts in the capacity
333 of lay counselor or lay representative:

334 (1) Chapter 120, Florida Statutes, relating to a qualified
335 representative.

336 (2) Chapter 44, Florida Statutes, relating to a designated
337 representative.

338 (3) Chapter 709, Florida Statutes, relating to an attorney-
339 in-fact and durable power of attorney, including an interest in
340 any personal or property claim, election, right, or interest.

341 (4) Decisions or rules of the Florida Supreme Court
342 relating to representation by a realty property manager.

343 (5) Decisions or rules of the Florida Supreme Court
344 relating to a nonlawyer using approved forms.

345 (6) Decisions or rules of the Florida Supreme Court
346 relating to representation in county or small claims civil
347 proceedings.

348 (7) Decisions or rules of the Florida Supreme Court

39-00449-13

2013174

349 relating to third-party standing.

350 (8) Rule 5-15, Rules Relating to Admission to The Florida
351 Bar.

352 (9) Judicial discretion under the inherent authority
353 doctrine.

354 (10) Federal law or any other clearly expressed rule,
355 statute, or court or administrative decision or order under
356 other federal, state, or local law and authority.

357 Section 5. Any appearance or public testimony given by Mr.
358 Pitts on bills or matters before the Legislature does not
359 constitute the practice of law. In all circumstances Mr. Pitts
360 retains the right to represent himself at any time he has valid
361 standing supported by law. If Mr. Pitts is the subject of civil,
362 administrative, or criminal proceedings, he retains the right to
363 represent himself without a lawyer.

364 Section 6. Due to the period of ongoing misconduct against
365 Mr. Pitts as described in this act, the Legislature directs the
366 Department of Law Enforcement, assisted by Mr. Pitts, to
367 investigate these acts committed by:

368 (1) The Florida Supreme Court justices involved for
369 violations of ss. 914.22(2)(f) or (4)(f), Florida Statutes, and
370 18 U.S.C. 1512, relating to their final ruling rendered on
371 February 22, 2010, in case SC06-1279 resulting in the
372 incarceration of Mr. Pitts on the eve of the 2010 legislative
373 session while proceedings on Senate Bill 58 were pending, and
374 other violations of ss. 775.15(12)(b), 777.04(2) and (3),
375 836.05, 839.13(1), 839.24, 843.03, 843.0855(2) and (3), 876.10,
376 895.03, and 918.13, Florida Statutes, and 18 U.S.C. 241, 242,
377 1951, and 1962.

39-00449-13

2013174

378 (2) The Second District Court of Appeal judges assigned to
379 Mr. Pitts' cases on motions, reviews, and original proceedings;
380 the Sixth Judicial Circuit judges; and the state attorneys
381 involved for violations of ss. 775.15(12)(b), 777.04(2) and (3),
382 836.05, 839.13(1), 839.24, 843.03, 843.0855(2) and (3), 876.10,
383 895.03, and 918.13, Florida Statutes, and 18 U.S.C. 241, 242,
384 1951, and 1962.

385 (3) The Florida Bar and its representatives, who pursued
386 charges of unlicensed practice of law against Mr. Pitts, for
387 violations of ss. 777.04(2) and (3), 836.05, 839.13(1), 895.03,
388 and 918.13, Florida Statutes, and 18 U.S.C. 241, 242, 1951, and
389 1962, as well as s. 542.21(2), Florida Statutes, and 15 U.S.C.
390 1, 2, and 3, relating to the practice of law by lawyers and
391 nonlawyers.

392 (4) The Pinellas County Sheriff's Office for violations of
393 ss. 775.15(12)(b), 839.13(1), 843.03, 843.0855(2) and (3),
394 876.10, 950.09, and 951.14, Florida Statutes, and 18 U.S.C. 241
395 or 242.

396
397 The Department of Law Enforcement shall exercise all authority
398 it has under general law to investigate criminal violations
399 under this act and shall refer any evidence of such crimes to
400 the appropriate officials for prosecution. Charges arising out
401 of the criminal investigation shall be brought before a grand
402 jury impaneled in Leon County within 1 year after passage of
403 this act.

404 Section 7. The President of the Senate, the Speaker of the
405 House of Representatives, or the Governor may sever in whole or
406 in part any section of this act, excluding this section 7, which

39-00449-13

2013174__

407 remaining parts shall be in full force and effect upon becoming
408 law. Notwithstanding severance, Brian Pitts shall retain the
409 right or privilege during future legislative sessions to request
410 the relief severed in part or whole by virtue of this section
411 until fully remedied.

412 Section 8. This act shall take effect upon becoming a law.