	Bill No. <u>CS for SB 68</u>
	Amendment No. <u>1</u>
	CHAMBER ACTION Senate House
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11	The Committee on Ways and Means recommended the following
12	amendment:
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14	Senate Amendment (with title amendment)
15	Delete everything after the enacting clause
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17	and insert:
18	Section 1. The Division of Administrative Hearings is
19 20	directed to appoint an administrative law judge to conduct a
20	hearing and determine whether a basis for equitable relief
21	exists for the purpose of compensating claimants Freddie Lee
22 23	Pitts and Wilbert Lee for any wrongful act or omission of the
23 24	State of Florida, or officials thereof, which affected the fundamental fairness of the criminal proceedings against the
24 25	claimants and resulted in their convictions. In conducting the
25 26	hearing, the administrative law judge shall review the trial
20 27	and appellate record of the criminal cases against the
28	claimants, the record of the legislative proceedings, and the
29	Cabinet pardon proceedings and shall report on the fundamental
30	fairness thereof. The Department of Legal Affairs is directed
31	to provide representation for the State of Florida.
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1	Section 2. If the administrative law judge determines
2	by a preponderance of the evidence that the State of Florida,
3	or officials, thereof, committed a wrongful act and that a
4	basis for equitable relief exists, the administrative law
5	judge is authorized to award claimants Freddie Lee Pitts and
6	Wilbert Lee the amount of \$1.5 million each. The determination
7	of the administrative law judge shall be reported to the
8	President of the Florida Senate and the Speaker of the Florida
9	House of Representatives no later than July 1, 1998. The
10	Comptroller is authorized to draw a warrant in satisfaction of
11	the relief awarded by the administrative law judge as provided
12	in this act, and the State Treasurer is directed to pay the
13	same out of funds appropriated in section 3 of this act.
14	Section 3. The amount of \$3,750,000 is hereby
15	appropriated from the General Revenue Fund in the State
16	Treasury to fund any amounts awarded to Freddie Lee Pitts and
17	Wilbert Lee pursuant to this act, including amounts awarded
18	pursuant to section 4 of this act.
19	Section 4. In addition to any funds awarded to
20	claimants, if the claimants are determined to be prevailing
21	parties, the administrative law judge is authorized to award a
22	reasonable attorney's fee including all costs to the claimants
23	in an amount not to exceed 25 percent of the compensation
24	awarded.
25	Section 5. This act shall take effect upon becoming a
26	law.
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29	========== TITLE AMENDMENT===========
30	And the title is amended as follows:
31	On page 1, lines 3-5, delete those lines
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1	and insert:
2	Wilbert Lee; providing for a hearing to be
3	conducted by the Division of Administrative
4	Hearings; requiring the Department of Legal
5	Affairs to represent the state; providing a
6	contingent appropriation to compensate Freddie
7	Lee Pitts and Wilbert Lee, if appropriate;
8	providing a contingent appropriation for the
9	payment of attorneys' fees; providing an
10	effective
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