

By Senator Wise

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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 to determine whether a basis  
5 for equitable relief exists for the purpose of  
6 compensating Brian Pitts for any wrongful act or  
7 omission by the State of Florida or officials thereof;  
8 requiring a report to the Legislature; authorizing  
9 such compensation upon a determination by the  
10 administrative law judge; providing an appropriation  
11 to compensate Brian Pitts for injuries and damages  
12 sustained; providing a limitation on the payment of  
13 fees and costs; directing that certain court orders  
14 and judgments to be declared null and void;  
15 prohibiting certain specified clerks of court from  
16 restricting access to court papers pertaining to Mr.  
17 Pitts; authorizing Brian Pitts to practice law under  
18 certain circumstances; directing the Department of Law  
19 Enforcement to investigate certain illegal acts  
20 committed by certain designated persons; providing an  
21 effective date.

22  
23 WHEREAS, this state has clearly recognized the practice of  
24 law by lay persons since at least 1980, the Legislature and  
25 judiciary having concurrent jurisdiction to regulate such, and

26 WHEREAS, Brian Pitts has exercised this privilege since  
27 2001 in Pinellas County, and his practice was later confirmed by  
28 the Florida Supreme Court in case number SC 02-247, in a final  
29 order dated November 6, 2003, and

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30 WHEREAS, since the inception of Mr. Pitts' practice, the  
31 Second District Court of Appeal, the Sixth Judicial Circuit of  
32 Florida serving Pasco and Pinellas Counties, the state attorney  
33 for the Sixth Judicial Circuit of Florida, and The Florida Bar  
34 have, without cause, deprived Mr. Pitts of the privilege of  
35 practicing law as prescribed by the Legislature and Florida  
36 Supreme Court, subjecting him to civil and criminal proceedings  
37 and penalties on an ongoing basis, and

38 WHEREAS, the Florida Supreme Court has, by virtue of the  
39 broad, general, and ambiguous language of its 2003 final order  
40 in the case, subjected Mr. Pitts to entrapment, and has  
41 needlessly and unjustly avoided and failed upon many requests by  
42 Mr. Pitts to clarify or amend the final order or to promulgate  
43 other rules following original proceedings brought by Mr. Pitts  
44 to correct the matter, and

45 WHEREAS, this course of misconduct has been ongoing from  
46 2001 to 2010, such that the courts, The Florida Bar, and the  
47 state attorney's office for Pinellas County have been in  
48 continual collusion against Mr. Pitts and such behavior has  
49 resulted in wrongful and unlawful incarcerations of Brian Pitts  
50 in the Pinellas County jail, and

51 WHEREAS, this misconduct was intended to retaliate against  
52 Mr. Pitts and to thwart other pending actions for relief from  
53 collusion by civil, appellate, or petitions of writs and  
54 proceedings directed to or from criminal cases, with his  
55 incarceration resulting in his inability to appear pro se and  
56 maintain said actions in state or federal courts, and

57 WHEREAS, appearing pro se in many of his cases, Mr. Pitts  
58 was complimented by several judges of the Sixth Judicial Circuit

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59 for an exceptional degree of technical and performance  
60 competence such as would be expected of any trained and  
61 experienced member of The Florida Bar, but was informed  
62 expressly or by implication that he would not receive the relief  
63 requested in any given proceeding unless he was represented by a  
64 member of The Florida Bar, as a matter of camaraderie, and

65 WHEREAS, though appearing pro se in said cases and other  
66 actions seeking relief from the collusion, Mr. Pitts was, at  
67 times, represented by appointed counsel, however such  
68 appearances proved to be futile as the proceedings were staged  
69 by the courts and state attorney to be illusory and failed to  
70 abide by binding precedent and stare decisis, where applicable,  
71 and the Florida Rules of Court, as evidenced by the series of  
72 filings in each case by Mr. Pitts and, then, his counsel, when  
73 counsel was appointed, hence resulting in deprivation of  
74 procedural and substantive due process, equal protection of the  
75 law, self representation, and representation by counsel under  
76 the United States Constitution, and

77 WHEREAS, the sheriff of Pinellas County further  
78 participated in the concerted effort of the courts, The Florida  
79 Bar, and state attorneys to illegally incarcerate Mr. Pitts in  
80 the Pinellas County jail by denying him, without cause,  
81 administrative alternative sentencing, subjecting him to living  
82 conditions and circumstances in violation of multiple Florida  
83 model jail standards, and extending his sentence an additional  
84 10 to 30 days over the ordered sentences, hence subjecting him  
85 to cruel and unusual punishment, denying him due process and  
86 equal protection under the law, and violating prohibitions  
87 against false imprisonment, and

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88 WHEREAS, the conditions and circumstances of his  
89 incarceration in the Pinellas County jail are reflected in  
90 articles published by *The St. Petersburg Times* and *The Orlando*  
91 *Sentinel*, and

92 WHEREAS, such behavior is a clear abuse of judicial,  
93 executive, and administrative authority as to the state court  
94 system and local government as to the state attorney and the  
95 sheriff of Pinellas County and resulted in a public  
96 embarrassment to this state, and

97 WHEREAS, Mr. Pitts' good name and reputation have been  
98 damaged and he has been deprived of due process, the ability to  
99 conduct a lawful business, freedom of speech, property, liberty,  
100 and equal protection under the law, and has not benefited from  
101 constitutional protections against unlawful trusts and double  
102 jeopardy, and, further, has suffered mental anguish and  
103 emotional distress as the result of the intentional misconduct  
104 and gross negligence of the courts, the state attorney's office,  
105 and The Florida Bar related to his practice of law as a  
106 nonlawyer in this state, and

107 WHEREAS, Mr. Pitts has suffered, and continues to suffer,  
108 significant monetary damage in the form of time, expenses, fees,  
109 fines, costs, and restitution associated with the civil and  
110 criminal proceedings pertaining to his defense against charges  
111 of unauthorized or unlicensed practice of law, and

112 WHEREAS, Brian Pitts has, on many occasions, appeared  
113 before the Legislature to instruct, advise, inform, and advocate  
114 for or against proposed legislation covering a large spectrum of  
115 topics and subject matter, and

116 WHEREAS, the Legislature recognizes that no system of

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117 justice is impervious to human error, and

118 WHEREAS, the Legislature acknowledges that the state's  
119 system of justice sometimes yields imperfect results that may  
120 have tragic consequences, and

121 WHEREAS, this claim is based on a moral and legal  
122 obligation of the Legislature to acknowledge its own acts and  
123 inherent authority to correct a wrong whereby normal or other  
124 state authority, remedy, or resolution has been intentionally  
125 avoided or denied on an arbitrary and capricious basis,  
126 resulting in a manifest injustice or disregard of the law, and

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

131

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

133

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

136 Section 2. The Division of Administrative Hearings shall  
137 appoint an administrative law judge to conduct a hearing and  
138 determine a basis for equitable and proportional relief for the  
139 purpose of compensating Brian Pitts for any wrongful act or  
140 omission of the State of Florida, the state attorney of Pinellas  
141 County, or the sheriff of Pinellas County which occurred in the  
142 investigations and civil or criminal proceedings pertaining to  
143 or alleging the unlicensed or unauthorized practice of law and  
144 the incarceration of Mr. Pitts.

145 Section 3. (1) The administrative law judge shall determine

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146 by a preponderance of the evidence whether the State of Florida,  
147 the state attorney, or the sheriff of Pinellas County committed  
148 a wrongful act or omission and whether a basis for equitable  
149 relief exists. If it so finds, the administrative law judge  
150 shall award Brian Pitts an amount of \$500,000 unless it is  
151 determined that a lesser award is in order, which shall be no  
152 less than \$100,000 in proportionate shares to be paid in lump  
153 sum or payments over a period of not more than 10 years.

154 (2) The administrative law judge shall report his or her  
155 determination to the President of the Senate and the Speaker of  
156 the House of Representatives by July 1, 2011. The Chief  
157 Financial Officer is directed to draw a warrant in satisfaction  
158 of the relief awarded by the administrative law judge, as  
159 provided in this act, and to pay the warrant out of the State  
160 Courts Trust Fund and the State Attorneys Trust Fund in the  
161 State Treasury to be payable to Brian Pitts. As to its  
162 proportional share, Pinellas County is directed to and shall  
163 draw a warrant payable to Brian Pitts out of its general revenue  
164 fund or such other funding source it has provided to pay valid  
165 claims against the local government as it pertains to the  
166 sheriff of Pinellas County.

167 (3) This award is intended to provide the sole compensation  
168 for all present and future claims arising out of the factual  
169 situation described in this act which resulted in unlawful or  
170 unconstitutional acts committed against Brian Pitts in  
171 connection with allegations, judgments, and convictions of the  
172 unlicensed or unauthorized practice of law and his  
173 incarcerations from 2001 through 2010. The total amount paid for  
174 attorney's fees, lobbying fees, costs, and other similar

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175 expenses relating to this claim may not exceed 25 percent of the  
176 amount awarded under this act.

177 (4) All final orders, judgments, decrees, and convictions,  
178 and orders or liens as to fees, fines, costs, and restitution  
179 rendered in cases SC06-1279, SC02-247, CRCAB-90407CFANO, CRCAB-  
180 65835CFANO, CRC07-12964CFANO, CTC07-03965MMANO, CTC03-  
181 09855MMANO, CTC03-01885MMANO, and CTC03-01887MMANO pertaining to  
182 Brian Pitts as respondent or defendant are hereby declared to be  
183 null and void and are annulled by this act by virtue of the  
184 doctrine of separation of powers, the Legislature's lawful and  
185 valid enactments authorizing lay representation, and checks and  
186 balances exercised by this Legislature.

187 (5) The clerk of the court for the Florida Supreme Court,  
188 as to cases SC06-1279 and SC02-247, and the clerk of the court  
189 for the Sixth Judicial Circuit, as to cases CRCAB-90407CFANO,  
190 CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-03965MMANO, CTC03-  
191 09855MMANO, CTC03-01885MMANO, and CTC03-01887MMANO, pertaining  
192 to Brian Pitts shall remove from public and private access all  
193 dockets, records, documents, and recorded orders or liens on the  
194 cases and hand the records or documents over to the Department  
195 of Law Enforcement to fulfill its duties. The Department of Law  
196 Enforcement shall remove from public and private access all  
197 record history and information of a criminal nature concerning  
198 Brian Pitts, including, but not limited to, fingerprints, felon  
199 registration, and all other matters contained in the case  
200 numbers cited in this subsection. The records, information, or  
201 documents may not be used by or accessed for any purpose by  
202 anyone unless inquired of by federal authorities or for  
203 investigations under section 6 of this act.

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204       (6) The Department of Law Enforcement shall ensure the  
205 compliance, execution, and enforcement of subsections (4) and  
206 (5) and provide protective services to Brian Pitts ensuring his  
207 rights, privileges, and safety under sections 4, 5, and 6 of  
208 this act.

209       Section 4. In accordance with the final order of the  
210 Florida Supreme Court in Case Number SC 02-247, which authorized  
211 Brian Pitts to practice law in this state, the Legislature  
212 authorizes Brian Pitts to practice law in this state under the  
213 following designations, titles, rules, decisions, or acts in the  
214 capacity as a lay counselor or lay representative:

215       (1) Chapter 120, Florida Statutes, concerning a qualified  
216 representative.

217       (2) Chapter 44, Florida Statutes, concerning a designated  
218 representative.

219       (3) Section 709.08, Florida Statutes, concerning an  
220 attorney in fact.

221       (4) Decisions or rules of the Florida Supreme Court  
222 concerning representation by a realty property manager.

223       (5) Decisions or rules of the Florida Supreme Court  
224 concerning a nonlawyer using approved forms.

225       (6) Decisions or rules of the Florida Supreme Court  
226 concerning representation in county or small claims civil  
227 proceedings.

228       (7) Rule 5-15, Rules Relating to Admission to the Florida  
229 Bar.

230       (8) Judicial discretion under the inherent authority  
231 doctrine.

232       (9) Federal law, or any other clearly expressed rule,

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233 statute, or court or administrative decision or order under  
234 other federal or state law and authority.

235 Section 5. Any appearance or public testimony given by  
236 Brian Pitts on bills or matters before the Legislature, wherever  
237 held or convened throughout this state, does not constitute the  
238 practice of law. In all circumstances Brian Pitts retains the  
239 right where having valid standing supported by law or, if he is  
240 the subject of civil or criminal proceeding, to represent  
241 himself without a lawyer.

242 Section 6. Due to the period of ongoing misconduct against  
243 Mr. Pitts cited in this act, the Department of Law Enforcement  
244 assisted by Mr. Pitts shall investigate the acts commissioned  
245 by: the Justices of the Florida Supreme Court; the judges of the  
246 Second District Court of Appeal assigned to Mr. Pitts' cases on  
247 motions, reviews, and petitions for writs; Sixth Judicial  
248 Circuit judges Robert E. Beach, Chris Helinger, and Paul Levine;  
249 and Sixth Judicial Circuit state attorneys Holly Grissinger and  
250 William A. Lowery, and any related violations of the law on the  
251 part of The Florida Bar and the sheriff of Pinellas County. The  
252 Department of Law Enforcement shall exercise all authority  
253 granted it under general law to pursue criminal violations under  
254 this act and to refer the evidence of such crimes to the  
255 officials authorized to conduct the prosecution, which shall be  
256 placed before a grand jury to be impaneled in Leon County to  
257 make presentment within 1 year as to the criminal matters under  
258 this section.

259 Section 7. The President of the Senate, the Speaker of the  
260 House of Representatives, or the Governor may sever in whole or  
261 in part any section of this act, and the remaining sections

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262 shall be in full force and effect upon this act becoming law.

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