

By Senator Siplin

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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 a basis for
5 equitable relief for the purpose of compensating Mr.
6 Pitts for any wrongful act or omission by the State of
7 Florida or officials thereof; requiring a report to
8 the Legislature; authorizing compensation upon a
9 determination by the administrative law judge;
10 providing an appropriation to compensate Mr. Pitts for
11 injuries and damages sustained; providing a limitation
12 on the payment of fees and costs; directing that
13 certain court orders and judgments be declared null
14 and void; authorizing Mr. Pitts to practice law under
15 certain circumstances; directing the Department of Law
16 Enforcement to investigate certain illegal acts
17 committed by certain persons; authorizing the
18 President of the Senate, Speaker of the House of
19 Representatives, and the Governor to sever portions of
20 this act under certain circumstances; 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 as declared in *The*
25 *Florida Bar v. Moses*, 380 So.2d 412, 416-418 (Fla. 1980) and *The*
26 *Florida Bar re Advisory Opinion on Nonlawyer Representation in*
27 *Securities Arbitration*, 696 So.2d 1178, 1180-1181, 1183-1184
28 (Fla. 1997), the Legislature and judiciary having concurrent
29 jurisdiction to regulate such, and

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

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

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

53 WHEREAS, this course of misconduct has been ongoing from
54 2001 to 2010, such that the courts, The Florida Bar, and the
55 State Attorney's Office for the Sixth Judicial Circuit of
56 Florida being in continual collusion against Mr. Pitts in cases
57 SC02-247, SC06-1279, CRCAB-65835CFANO, CRCAB-90407CFANO, CRC07-
58 12964CFANO, CTC07-03965 MMANO, CTC03-01885MMANO, CTC03-

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59 01887MMANO, and CTC03-09855MMANO, and such action has resulted
60 in wrongful and unlawful incarcerations of Mr. Pitts in the
61 Pinellas County jail for a total of nearly 1 year, and

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

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

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

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88 WHEREAS, the Second District Court of Appeal has declared
89 in *Denson v. State*, 711 So.2d 1225, 1230 (Fla. 2d DCA 1998) that
90 "appellate judges take an oath to uphold the law and the
91 constitution of this state. The citizens of this state properly
92 expect these judges to protect their rights. When reviewing an
93 appeal with a preserved issue, if we discover that a person has
94 been subjected to a patently illegal sentence to which no
95 objection was lodged in the trial court, neither the
96 constitution nor our own consciences will allow us to remain
97 silent and hope that the prisoner, untrained in the law, will
98 somehow discover the error and request its correction. If three
99 appellate judges, like a statue of the 'see no evil, hear no
100 evil, speak no evil' monkeys, declined to consider such serious,
101 patent errors, we would jeopardize the public's trust and
102 confidence in the institution of courts of law"; compare,
103 *Bedford v. State*, 633 So.2d 13, 14 (Fla. 1994), yet they have
104 deliberately and intentionally, in concert with the Florida
105 Supreme Court justices, failed to abide by said rules of law as
106 to Mr. Pitts' cases on appeal or by original proceedings brought
107 and maintained by him or his counsel, and

108 WHEREAS, the Pinellas County Sheriff's Office further
109 participated in the concerted effort of the courts, The Florida
110 Bar, and the State Attorney's Office by illegally incarcerating
111 Mr. Pitts in the Pinellas County jail during the time periods of
112 January 2003 through April 2004 and March 22, 2010, through July
113 4, 2010, and by refusing him administrative alternative
114 sentencing without cause, and by subjecting him to living
115 conditions and circumstances in violation of Florida Model Jail
116 Standards (2.15) (c), (9.08), (9.06) (b), (5.08) (a) & (c) (1) - (8),

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117 (12.03) (d)-(g)&(i), (12.06), (5.08) (j), (10.01), (6.02),
118 (11.12), (11.16), Appendix A, (4.12), (4.13), (4.15), and (9.10)
119 and in violation of ss. 951.03 and 951.033(3), Florida Statutes,
120 and by extending his sentence an additional 40 and 10 days of
121 detention over the ordered sentences in violation of Inmate
122 Handbook XI. A., Florida Model Jail Standard (4.16), and ss.
123 951.21(1) and 921.16(1), Florida Statutes, thereby subjecting
124 him to cruel and unusual punishment, subjecting him to false
125 imprisonment, and denying him due process and equal protection
126 of the law. See *Miller v. Carson*, 599 F.2d 742 (5th Cir. 1979);
127 *Miller v. Carson*, 563 F.2d 757 (5th Cir. 1977); *Miller v.*
128 *Carson*, 563 F.2d 741 (5th Cir. 1977); *Miller v. Carson*, 401 F.
129 Supp. 835 (M.D. Fla. 1975); *Miller v. Carson*, 392 F. Supp. 515
130 (M.D. Fla. 1975); *Solomos v. Jenne*, 776 So.2d 953 (Fla. 4th DCA
131 2000); *Douthit v. Jones*, 619 F.2d 527 (5th Cir. 1980), and

132 WHEREAS, such conditions and circumstances of the jail are
133 reflected in a *St. Petersburg Times* article dated July 5, 2010,
134 and titled "Thousands of Pinellas jail inmates released without
135 a judge ever setting bail," which is complemented by a series of
136 articles released by the *Orlando Sentinel*, including "Florida's
137 suspect jails: The state's hands-off approach to inspecting
138 jails leaves them vulnerable," dated April 8, 2010, "Jail-
139 standards chief defends system of checks," dated May 15, 2010,
140 "If all Central Florida jails rate an A, is it deserved?" dated
141 May 15, 2010, "Beef up jail oversight: Florida jails need tough
142 oversight, not coddling," dated May 18, 2010, and other
143 articles, and

144 WHEREAS, such misconduct is a clear abuse of judicial,
145 executive, and administrative authority as to the state court

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146 system and local government, including the State Attorney's
147 Office for the Sixth Judicial Circuit of Florida and the
148 Pinellas County Sheriff's Office, thereby resulting in a public
149 embarrassment to this state since said authorities knew there
150 was no basis in fact or law for their unlawful acts against Mr.
151 Pitts, and

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

167 WHEREAS, the cases involving Mr. Pitts fail to comply with
168 the requirements of s. 20.02(1), Florida Statutes, which states
169 in part: "The judicial branch has the purpose of determining the
170 constitutional propriety of the policies and programs and of
171 adjudicating any conflicts arising from the interpretation or
172 application of the laws," and

173 WHEREAS, Mr. Pitts has suffered, and continues to suffer,
174 significant monetary damage by virtue of lost income, property,

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175 and time, expenses, fees, fines, costs, and restitution
176 resulting from the civil and criminal proceedings relating to
177 his alleged unauthorized or unlicensed practice of law, and

178 WHEREAS, Mr. Pitts, on many occasions, appears before the
179 Legislature to instruct, advise, inform, and advocate for or
180 against proposed legislation covering a broad spectrum of topics
181 and subject matter in fact and law in a exceptional degree of
182 technical and performance competence that would be expected of
183 any trained and experienced member of The Florida Bar, and

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

186 WHEREAS, the Legislature acknowledges that the state's
187 system of justice sometimes yields imperfect results that may
188 have tragic consequences, and

189 WHEREAS, this claim is based on a moral and legal
190 obligation of the Legislature to acknowledge its own acts and
191 inherent authority to correct a wrong whereby normal or other
192 state authority, remedy, or resolution has been intentionally
193 avoided and denied in an arbitrary and capricious manner,
194 resulting in a manifest injustice or disregard for the law, and

195 WHEREAS, this is in accord with rulings of the courts
196 concerning legislative claim bills as expressed in *Circuit Court*
197 *of Twelfth Judicial Circuit v. Dep't of Natural Res.*, 339 So.2d
198 1113, 1116-1117 (Fla. 1976), in which the court held that one
199 may seek a claim bill through the Legislature, for "[a]bsent
200 legislation waiving the state's sovereign immunity . . . this
201 Court cannot authorize relief through the judicial process";
202 *Gerard v. Dep't of Transp.*, 472 So.2d 1170, 1172 (Fla. 1985), in
203 which the court stated, "we agree with the Department of

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

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

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

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

226

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

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229 Section 1. The facts stated in the preamble to this act are
230 found and declared to be true, and all judicial and
231 administrative remedies were exhausted as of March 12, 2010, and
232 July 4, 2010, respectively.

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233 Section 2. The Division of Administrative Hearings shall
234 appoint an administrative law judge or special master to conduct
235 a hearing and determine a basis for equitable relief for the
236 purpose of compensating Mr. Pitts for any wrongful act or
237 omission of the State of Florida, the State Attorney's Office
238 for the Sixth Judicial Circuit of Florida, or the Pinellas
239 County Sheriff's Office in proportion to what occurred in the
240 investigations, the civil and criminal proceedings relating to
241 Mr. Pitts' alleged unlicensed or unauthorized practice of law,
242 and his incarcerations totaling nearly 12 months from 2001 to
243 2010, if not longer.

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

255 (2) The administrative law judge or special master shall
256 report his or her determination to the President of the Senate
257 and the Speaker of the House of Representatives by July 1, 2012.
258 The Chief Financial Officer is directed to draw a warrant in
259 satisfaction of the relief awarded by the administrative law
260 judge or special master, as provided in this act, and to pay the
261 warrant out of the Administrative Trust Fund or State Courts

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

269 (3) This award is intended to provide the sole compensation
270 for all present and future claims arising out of the factual
271 situation described in this act which resulted in unlawful or
272 unconstitutional acts committed against Mr. Pitts in connection
273 with allegations, judgments, and convictions of the unlicensed
274 or unauthorized practice of law and his incarcerations totaling
275 nearly 12 months, if not longer, from 2001 through 2010. The
276 total amount paid for attorney's fees, lobbying fees, costs, and
277 other similar expenses relating to this claim may not exceed 25
278 percent of the amount awarded under this act.

279 (4) All final orders, judgments, decrees, and convictions,
280 and orders or liens pertaining to fees, fines, costs, and
281 restitution, rendered in cases SC06-1279, SC02-247, CRCAB-
282 90407CFANO, CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-
283 03965MMANO, CTC03-09855MMANO, CTC03-01885MMANO, and CTC03-
284 01887MMANO, wherein Mr. Pitts is the respondent or defendant,
285 are null and void and are annulled by this act by virtue of the
286 doctrine of separation of powers because the courts failed to
287 recognize the Legislature's lawful and valid enactments
288 authorizing lay representation as expressed in *The Florida Bar*
289 *v. Moses*, 380 So.2d 412, 416-418 (Fla. 1980); by virtue of
290 inherent authority of this Legislature as expressed in *Florida*

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291 House of Representatives v. Crist, 999 So.2d 601, 611 (Fla.
292 2008), Trianon Park Condo. Ass'n v. City of Hialeah, 468 So.2d
293 912, 918, 919 (Fla. 1985); and by virtue of checks and balances
294 exercised by this Legislature as expressed in State Ex Rel.
295 Young v. Duval County, 79 So. 692, 697 (Fla. 1918), in which the
296 court found, "A clear violation of the constitutional provisions
297 dividing the powers of government into departments should be
298 checked and remedied." As the court found in State v. City of
299 Stuart, 120 So. 335, 346 (Fla. 1929), "[t]he general rule is
300 that the Legislature is supreme in the legislative field, which
301 is the most powerful branch of government, so long as it does
302 not violate any of the provisions of the organic law. There is
303 to our minds no justifiable exception of any class of
304 legislation from this all-pervasive and fundamental principle."

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

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320 records, information, or documents may not be used by or
321 accessed for any purpose by anyone unless access to those
322 records is required by federal authorities or for investigations
323 conducted under section 6 of this act.

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

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

338 (1) Chapter 120, Florida Statutes, relating to a qualified
339 representative.

340 (2) Chapter 44, Florida Statutes, relating to a designated
341 representative.

342 (3) Chapter 709, Florida Statutes, relating to an attorney-
343 in-fact and durable power of attorney, including when coupled
344 with an interest in any personal or property claim, election,
345 right, or interest.

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

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

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349 relating to a nonlawyer using approved forms.

350 (6) Decisions or rules of the Florida Supreme Court
351 relating to representation in county or small claims civil
352 proceedings.

353 (7) Decisions or rules of the Florida Supreme Court
354 relating to third party standing representation.

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

357 (9) Judicial discretion under the inherent authority
358 doctrine.

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

362 Section 5. Any appearance or public testimony given by Mr.
363 Pitts on bills or matters before the Legislature, wherever held
364 or convened throughout this state, does not constitute the
365 practice of law. In all circumstances Mr. Pitts retains the
366 right to represent himself at any time he has valid standing
367 supported by law, or, if he is the subject of civil,
368 administrative, or criminal proceedings, Mr. Pitts retains the
369 right to represent himself without a lawyer in court and in
370 administrative actions or cases.

371 Section 6. Due to the period of ongoing misconduct against
372 Mr. Pitts as described in this act, the Legislature directs the
373 Department of Law Enforcement, assisted by Mr. Pitts, to
374 investigate these acts committed by:

375 (1) The Florida Supreme Court justices involved for
376 violations of ss. 914.22(2)(f) or (4)(f), Florida Statutes, and
377 18 U.S.C. 1512, relating to their final ruling rendered on

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378 February 22, 2010, in case SC06-1279 resulting in the
379 incarceration of Mr. Pitts on the eve of the 2010 legislative
380 session while proceedings on Senate Bill 58 were pending, and
381 other violations of ss. 775.15(12)(b), 843.0855(2) and (3),
382 839.13(1), 839.24, 918.13, 836.05, 843.03, 876.10, 777.04(2) and
383 (3), and 895.03, Florida Statutes, and 18 U.S.C. 241, 242, 1951,
384 and 1962.

385 (2) The Second District Court of Appeal judges assigned to
386 Mr. Pitts' cases on motions, reviews, and original proceedings;
387 the Sixth Judicial Circuit judges; and the state attorneys
388 involved for violations of ss. 775.15(12)(b), 843.0855(2) and
389 (3), 839.13(1), 839.24, 918.13, 836.05, 843.03, 876.10 777.04(2)
390 and (3), and 895.03, Florida Statutes, and 18 U.S.C. 241, 242,
391 1951, and 1962.

392 (3) The Florida Bar and its representatives, who pursued
393 charges of unlicensed practice of law against Mr. Pitts, for
394 violations of ss. 839.13(1), 918.13, 836.05, 777.04(2) and (3),
395 and 895.03, Florida Statutes, and 18 U.S.C. 241, 242, 1951, and
396 1962, as well as s. 542.21(2), Florida Statutes, and 15 U.S.C.
397 1, 2, and 3, relating to the practice of law by lawyers and
398 nonlawyers.

399 (4) The Pinellas County Sheriff's Office for violations of
400 ss. 775.15(12)(b), 843.0855(2) and (3), 843.03, 839.13(1),
401 876.10, 950.09, and 951.14, Florida Statutes, and 18 U.S.C. 241
402 or 242.

403
404 The Department of Law Enforcement shall exercise all authority
405 it has under general law to investigate criminal violations
406 under this act and shall refer any evidence of such crimes to

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407 the appropriate officials for prosecution. Charges arising out
408 of the criminal investigation shall be brought before a grand
409 jury impaneled in Leon County within 1 year after passage of
410 this act.

411 Section 7. The President of the Senate, the Speaker of the
412 House of Representatives, or Governor may sever in whole or in
413 part any section of this act, excluding this section 7, which
414 remaining parts shall be in full force and effect upon becoming
415 law. Notwithstanding severance, Brian Pitts shall retain the
416 right or privilege during future legislative sessions to request
417 the relief severed in part or whole by virtue of this section
418 until fully remedied.

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