

1 A bill to be entitled
2 An act for the relief of Freddie Lee Pitts and
3 Wilbert Lee; providing for a hearing to be
4 conducted by the Division of Administrative
5 Hearings; requiring the Department of Legal
6 Affairs to represent the state; providing a
7 contingent appropriation to compensate Freddie
8 Lee Pitts and Wilbert Lee, if appropriate;
9 providing a contingent appropriation for the
10 payment of attorneys' fees; providing an
11 effective date.

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13 WHEREAS, in 1972 Freddie Lee Pitts and Wilbert Lee were
14 convicted of first degree murder in the deaths of Grover Floyd
15 and Jesse Burkett, and

16 WHEREAS, in 1975 Freddie Lee Pitts and Wilbert Lee were
17 granted a full pardon for their convictions, and

18 WHEREAS, beginning in 1977 numerous relief bills have
19 been filed on behalf of Freddie Lee Pitts and Wilbert Lee, and

20 WHEREAS, in 1979, 1989, and 1990 the Florida House of
21 Representatives conducted hearings on relief bills for Freddie
22 Lee Pitts and Wilbert Lee, but resolution of the issues
23 relating to the fundamental fairness of the criminal
24 proceedings which resulted in the claimant's convictions, and
25 their entitlement to equitable relief, was not concluded, and

26 WHEREAS, the Florida Legislature seeks to provide an
27 impartial forum for the resolution of these issues, NOW,
28 THEREFORE,

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

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1 Section 1. This act may be cited as the "Maurice Rosen
2 Act."

3 Section 2. The Division of Administrative Hearings is
4 directed to appoint an administrative law judge to conduct a
5 hearing and determine whether a basis for equitable relief
6 exists for the purpose of compensating claimants Freddie Lee
7 Pitts and Wilbert Lee for any wrongful act or omission of the
8 State of Florida, or officials thereof, which affected the
9 fundamental fairness of the criminal proceedings against the
10 claimants and resulted in their convictions. In conducting the
11 hearing, the administrative law judge shall review the trial
12 and appellate record of the criminal cases against the
13 claimants, the record of the legislative proceedings, and the
14 Cabinet pardon proceedings and shall report on the fundamental
15 fairness thereof. The Department of Legal Affairs is directed
16 to provide representation for the State of Florida.

17 Section 3. If the administrative law judge determines
18 by a preponderance of the evidence that the State of Florida,
19 or officials, thereof, committed a wrongful act and that a
20 basis for equitable relief exists, the administrative law
21 judge is authorized to award claimants Freddie Lee Pitts and
22 Wilbert Lee the amount of \$500,000 each. The determination of
23 the administrative law judge shall be reported to the
24 President of the Florida Senate and the Speaker of the Florida
25 House of Representatives no later than July 1, 1998. The
26 Comptroller is authorized to draw a warrant in satisfaction of
27 the relief awarded by the administrative law judge as provided
28 in this act, and the State Treasurer is directed to pay the
29 same out of funds appropriated in section 4 of this act.

30 Section 4. The amount of \$1,250,000 is hereby
31 appropriated from the General Revenue Fund in the State

1 Treasury to fund any amounts awarded to Freddie Lee Pitts and
2 Wilbert Lee pursuant to this act, including amounts awarded
3 pursuant to section 5 of this act.

4 Section 5. In addition to any funds awarded to
5 claimants, if the claimants are determined to be prevailing
6 parties, the administrative law judge is authorized to award a
7 reasonable attorney's fee including all costs to the claimants
8 in an amount not to exceed 25 percent of the compensation
9 awarded.

10 Section 6. This act shall take effect upon becoming a
11 law.