

1 A bill to be entitled
 2 An act for the relief of the descendents of Mrs. Johnnie
 3 Mae Chappell, Claimants; directing the Division of
 4 Administrative Hearings to appoint an administrative law
 5 judge to determine whether a basis for equitable relief
 6 exists for the purpose of compensating the descendents of
 7 Mrs. Johnnie Mae Chappell for any wrongful act or omission
 8 by the State of Florida, or officials thereof; authorizing
 9 such compensation upon a determination by the
 10 administrative law judge; requiring a report to the
 11 Legislature; authorizing an award of attorney's fees;
 12 providing an appropriation; providing an effective date.

13
 14 WHEREAS, on March 23, 1964, Mrs. Johnnie Mae Chappell, a
 15 35-year-old mother of 10 children was shot outside the Banner
 16 Market on New Kings Road in Jacksonville, Florida, and

17 WHEREAS, Mrs. Chappell died in route to the hospital, in an
 18 ambulance reserved for the Black residents of Jacksonville and
 19 Duval County, even though an ambulance for White residents was
 20 located closer to the area where Mrs. Chappell was shot, and

21 WHEREAS, this incident occurred during a time when race
 22 riots were occurring every day in the downtown area of
 23 Jacksonville, stores were being looted and burned, and peaceful
 24 marches were disbanded by violent means, and

25 WHEREAS, the State of Florida determined that Willie
 26 Chappell, Mrs. Johnnie Mae Chappell's husband, was not capable
 27 of taking proper care of his 10 children following the murder of
 28 their mother, and ordered that the children be sent to

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29 relatives, foster homes, and juvenile shelters, and

30 WHEREAS, the Chappell siblings not only lost their mother
31 forever, they lost contact with each other for decades and had
32 only vague information concerning the murder of their mother,
33 and

34 WHEREAS, in 1996, Shelton Chappell, the youngest child of
35 Mrs. Johnnie Mae Chappell, met former Jacksonville Sheriff's
36 Office Detectives Lee Cody and Donald Coleman who had obtained
37 confessions from three men concerning the murder, but the former
38 detectives informed Shelton Chappell that they thought that the
39 investigation of the Chappell case had been subverted because
40 they had been prevented from further investigating the case, and

41 WHEREAS, the four suspects in the case, J. W. Rich, Elmer
42 Cato, Wayne Chessman, and James Davis, were each indicted by a
43 grand jury on the charge of first-degree murder, with J. W. Rich
44 accused of pulling the trigger and the three other men charged
45 with aiding and encouraging the crime, and

46 WHEREAS, on November 30, 1964, after a 2-day trial, an all-
47 White male jury convicted J. W. Rich of the lesser charge of
48 manslaughter rather than first-degree murder, for which he
49 served 3 years in prison, and state prosecutors dropped charges
50 against the other three defendants, citing insufficient
51 evidence, and

52 WHEREAS, in the fall of 1965, Detectives Lee Cody and
53 Donald Coleman were fired from the Jacksonville Sheriff's Office
54 for insubordination after repeatedly trying to convince outside
55 authorities to investigate corruption within the sheriff's
56 office, including the Chappell murder, and

57 WHEREAS, the State Attorney has refused to reopen the case
 58 for prosecution and the Department of Law Enforcement has failed
 59 to issue a report concerning the case as requested, NOW,
 60 THEREFORE,

61
 62 Be It Enacted by the Legislature of the State of Florida:

63
 64 Section 1. The facts stated in the preamble of this act
 65 are found and declared to be true.

66 Section 2. The Division of Administrative Hearings shall
 67 appoint an administrative law judge to conduct a hearing and
 68 determine whether a basis for equitable relief exists for the
 69 purpose of compensating the descendents of Mrs. Johnnie Mae
 70 Chappell for any wrongful act or omission of the State of
 71 Florida, or officials thereof, which occurred in the
 72 investigation of the murder of Mrs. Johnnie Mae Chappell. The
 73 Department of Legal Affairs shall provide representation for the
 74 State of Florida.

75 Section 3. (1) If the administrative law judge determines
 76 by a preponderance of the evidence that the State of Florida, or
 77 officials thereof, committed a wrongful act or omission and that
 78 a basis for equitable relief exists, the administrative law
 79 judge may award the descendents of Mrs. Johnnie Mae Chappell the
 80 amount of \$ _____ each. The administrative law judge shall
 81 report his or her determination to the President of the Senate
 82 and the Speaker of the House of Representatives by July 1, 2007.
 83 The Chief Financial Officer is directed to draw a warrant in
 84 satisfaction of the relief awarded by the administrative law

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85 judge, as provided in this act, and to pay the warrant out of
86 funds appropriated by this act.

87 (2) If the descendents of Mrs. Johnnie Mae Chappell are
88 determined to be prevailing parties, the administrative law
89 judge may award reasonable attorney's fees in an amount not to
90 exceed 25 percent of the compensation awarded.

91 Section 4. The sum of \$ _____ is appropriated from the
92 General Revenue Fund for the purpose of funding any amounts
93 awarded under this act.

94 Section 5. This act shall take effect upon becoming a law.