Florida Senate - 2007

By Senator Hill

1-110-07

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1	A bill to be entitled
2	An act for the relief of the descendents of
3	Mrs. Johnnie Mae Chappell, Claimants; directing
4	the Division of Administrative Hearings to
5	appoint an administrative law judge to
б	determine whether a basis for equitable relief
7	exists for the purpose of compensating the
8	descendents of Mrs. Johnnie Mae Chappell for
9	any wrongful act or omission by the State of
10	Florida, or officials thereof; authorizing such
11	compensation upon a determination by the
12	administrative law judge; requiring a report to
13	the Legislature; authorizing an award of
14	attorney's fees; providing an appropriation;
15	providing an effective date.
16	
17	WHEREAS, on March 23, 1964, Mrs. Johnnie Mae Chappell,
18	a 35-year-old mother of 10 children was shot outside the
19	Banner Market on New Kings Road in Jacksonville, Florida, and
20	WHEREAS, Mrs. Chappell died in route to the hospital,
21	in an ambulance reserved for the Black residents of
22	Jacksonville and Duval County, even though an ambulance for
23	White residents was located closer to the area where Mrs.
24	Chappell was shot, and
25	WHEREAS, this incident occurred during a time when race
26	riots were occurring every day in the downtown area of
27	Jacksonville, stores were being looted and burned, and
28	peaceful marches were disbanded by violent means, and
29	WHEREAS, the State of Florida determined that Willie
30	Chappell, Mrs. Johnnie Mae Chappell's husband, was not capable
31	of taking proper care of his 10 children following the murder
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1 of their mother, and ordered that the children be sent to relatives, foster homes, and juvenile shelters, and 2 WHEREAS, the Chappell siblings not only lost their 3 mother forever, they lost contact with each other for decades 4 and had only vague information concerning the murder of their 5 6 mother, and 7 WHEREAS, in 1996, Shelton Chappell, the youngest child 8 of Mrs. Johnnie Mae Chappell, met former Jacksonville Sheriff's Office Detectives Lee Cody and Donald Coleman who 9 had obtained confessions from three men concerning the murder, 10 but the former detectives informed Shelton Chappell that they 11 12 thought that the investigation of the Chappell case had been 13 subverted because they had been prevented from further 14 investigating the case, and WHEREAS, the four suspects in the case, J. W. Rich, 15 Elmer Cato, Wayne Chessman, and James Davis, were each 16 17 indicted by a grand jury on the charge of first-degree murder, with J. W. Rich accused of pulling the trigger and the three 18 other men charged with aiding and encouraging the crime, and 19 20 WHEREAS, on November 30, 1964, after a 2-day trial, an 21 all-White male jury convicted J. W. Rich of the lesser charge 22 of manslaughter rather than first-degree murder, for which he 23 served 3 years in prison, and state prosecutors dropped charges against the other three defendants, citing 2.4 insufficient evidence, and 25 WHEREAS, in the fall of 1965, Detectives Lee Cody and 26 27 Donald Coleman were fired from the Jacksonville Sheriff's 2.8 Office for insubordination after repeatedly trying to convince 29 outside authorities to investigate corruption within the 30 sheriff's office, including the Chappell murder, and 31

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1 WHEREAS, the State Attorney has refused to reopen the 2 case for prosecution and the Department of Law Enforcement has 3 failed to issue a report concerning the case as requested, 4 NOW, THEREFORE, 5 б Be It Enacted by the Legislature of the State of Florida: 7 8 Section 1. The facts stated in the preamble of this act are found and declared to be true. 9 10 Section 2. The Division of Administrative Hearings shall appoint an administrative law judge to conduct a hearing 11 12 and determine whether a basis for equitable relief exists for 13 the purpose of compensating the descendents of Mrs. Johnnie Mae Chappell for any wrongful act or omission of the State of 14 Florida, or officials thereof, which occurred in the 15 investigation of the murder of Mrs. Johnnie Mae Chappell. The 16 17 Department of Legal Affairs shall provide representation for 18 the State of Florida. Section 3. (1) If the administrative law judge 19 determines by a preponderance of the evidence that the State 2.0 21 of Florida, or officials thereof, committed a wrongful act or 2.2 omission and that a basis for equitable relief exists, the 23 administrative law judge may award the descendents of Mrs. Johnnie Mae Chappell the amount of \$ 2.4 each. The administrative law judge shall report his or her determination 25 to the President of the Senate and the Speaker of the House of 26 27 Representatives by July 1, 2007. The Chief Financial Officer 2.8 is directed to draw a warrant in satisfaction of the relief awarded by the administrative law judge, as provided in this 29 act, and to pay the warrant out of funds appropriated by this 30 31 <u>act.</u>

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1 (2) If the descendents of Mrs. Johnnie Mae Chappell 2 are determined to be prevailing parties, the administrative 3 law judge may award reasonable attorney's fees in an amount 4 not to exceed 25 percent of the compensation awarded. 5 Section 4. The sum of \$ is appropriated from б the General Revenue Fund for the purpose of funding any 7 amounts awarded under this act. 8 Section 5. This act shall take effect upon becoming a 9 law. 10 11 12 SENATE SUMMARY 13 Requires that the Division of Administrative Hearings appoint an administrative law judge to determine whether a basis for equitable relief exists for compensating the 14 descendents of Mrs. Johnnie Mae Chappell for a wrongful act or omission by the State of Florida or an official 15 thereof. Requires a report to the Legislature. Provides 16 an appropriation. 17 18 19 20 21 22 23 2.4 25 26 27 28 29 30 31

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