

By Senator Hill

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

15
16 WHEREAS, on March 23, 1964, Mrs. Johnnie Mae Chappell, a
17 35-year-old mother of 10 children was shot outside the Banner
18 Market on New Kings Road in Jacksonville, Florida, and

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

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

27 WHEREAS, the State of Florida determined that Willie
28 Chappell, Mrs. Johnnie Mae Chappell's husband, was not capable
29 of taking proper care of his 10 children following the murder of

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30 their mother, and ordered that the children be sent to
31 relatives, foster homes, and juvenile shelters, and

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

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

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

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

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

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59 WHEREAS, the State Attorney has refused to reopen the case
60 for prosecution and the Department of Law Enforcement has failed
61 to issue a report concerning the case as requested, NOW,
62 THEREFORE,
63

64 Be It Enacted by the Legislature of the State of Florida:
65

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

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

77 Section 3. (1) If the administrative law judge determines
78 by a preponderance of the evidence that the State of Florida, or
79 officials thereof, committed a wrongful act or omission and that
80 a basis for equitable relief exists, the administrative law
81 judge may award the descendents of Mrs. Johnnie Mae Chappell the
82 amount of \$ _____ each. The administrative law judge shall
83 report his or her determination to the President of the Senate
84 and the Speaker of the House of Representatives by July 1, 2009.
85 The Chief Financial Officer is directed to draw a warrant in
86 satisfaction of the relief awarded by the administrative law
87 judge, as provided in this act, and to pay the warrant out of

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88 funds appropriated by this act.

89 (2) This award is intended to provide the sole compensation
90 for all present and future claims arising out of the factual
91 situation described in this act which resulted in the death of
92 Mrs. Johnnie Mae Chappell. The total amount paid for attorney's
93 fees, lobbying fees, costs, and other similar expenses relating
94 to this claim may not exceed 25 percent of the amount awarded
95 under this act.

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

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