

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 whether a basis  
5           for equitable relief exists for the purpose of  
6           compensating Brian Pitts for any wrongful act or  
7           omission by the State of Florida or officials thereof;  
8           requiring a report to the Legislature; authorizing  
9           such compensation upon a determination by the  
10          administrative law judge; providing an appropriation  
11          to compensate Brian Pitts for injuries and damages  
12          sustained; providing a limitation on the payment of  
13          fees and costs; authorizing Brian Pitts to practice  
14          law under certain circumstances; providing an  
15          effective date.

16  
17          WHEREAS, this state has clearly recognized the practice of  
18          law by lay persons since at least 1980, the Legislature and  
19          judiciary having concurrent jurisdiction to regulate such, and

20          WHEREAS, Brian Pitts has exercised this privilege since  
21          2001 in Pinellas County, and his practice was later confirmed by  
22          the Florida Supreme Court in case number SC 02-247, in a final  
23          order dated November 11, 2003, and

24          WHEREAS, since the inception of Mr. Pitts' practice, the  
25          Second District Court of Appeal, the Sixth Judicial Circuit of  
26          Florida serving Pasco and Pinellas Counties, the state attorney  
27          for the Sixth Judicial Circuit of Florida, and The Florida Bar  
28          have, without cause, deprived Mr. Pitts of the privilege of  
29          practicing law as prescribed by the Legislature and Florida

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30 Supreme Court, subjecting him to civil and criminal proceedings  
31 and penalties on an ongoing basis, and

32 WHEREAS, the Florida Supreme Court has, by virtue of the  
33 broad, general, and ambiguous language of its 2003 final order  
34 in the case, subjected Mr. Pitts to entrapment, and has  
35 needlessly and unjustly delayed ruling upon a request by Mr.  
36 Pitts to clarify or amend the final order or to promulgate other  
37 rules following original proceedings brought by Mr. Pitts to  
38 correct the matter, and

39 WHEREAS, Mr. Pitts' good name and reputation have been  
40 damaged and he has been deprived of due process, the ability to  
41 conduct a lawful business, freedom of speech, property, liberty,  
42 and equal protection under the law, and has not benefited from  
43 constitutional protections against unlawful trusts and double  
44 jeopardy, and has further suffered mental anguish and emotional  
45 distress as the result of the intentional misconduct and gross  
46 negligence of the courts, the state attorney's office, and The  
47 Florida Bar related to his practice of law as a nonlawyer in  
48 this state, and

49 WHEREAS, Mr. Pitts has suffered, and continues to suffer,  
50 significant monetary damage in the form of time, expenses, fees,  
51 fines, costs, and restitution associated with the civil and  
52 criminal proceedings pertaining to his unauthorized or  
53 unlicensed practice of law, and

54 WHEREAS, Brian Pitts has on many occasions appeared before  
55 the Legislature to instruct, advise, inform, and advocate for or  
56 against proposed legislation covering a large spectrum of topics  
57 and subject matter, and

58 WHEREAS, the Legislature recognizes that no system of

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59 justice is impervious to human error, and

60 WHEREAS, the Legislature acknowledges that the state's  
61 system of justice sometimes yields imperfect results that may  
62 have tragic consequences, and

63 WHEREAS, this claim is based on a moral and legal  
64 obligation of the Legislature to acknowledge its own acts and  
65 inherent authority to correct a wrong whereby normal or other  
66 state authority, remedy, or resolution has been intentionally  
67 delayed or denied on an arbitrary and capricious basis,  
68 resulting in a manifest injustice or disregard of the law, and

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

73

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

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

78 Section 2. The Division of Administrative Hearings shall  
79 appoint an administrative law judge to conduct a hearing and  
80 determine whether a basis for equitable relief exists for the  
81 purpose of compensating Brian Pitts for any wrongful act or  
82 omission of the State of Florida which occurred in the  
83 investigations and civil and criminal proceedings pertaining to  
84 or alleging the unlicensed or unauthorized practice of law.

85 Section 3. (1) If the administrative law judge determines  
86 by a preponderance of the evidence that the State of Florida  
87 committed a wrongful act or omission and that a basis for

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88 equitable relief exists, the administrative law judge may award  
89 Brian Pitts an amount of up to \$350,000. The administrative law  
90 judge shall report his or her determination to the President of  
91 the Senate and the Speaker of the House of Representatives no  
92 later than July 1, 2010. The Chief Financial Officer is directed  
93 to draw a warrant in satisfaction of the relief awarded by the  
94 administrative law judge or special master, as provided in this  
95 act, and to pay the warrant out of funds in the State Treasury.

96 (2) This award is intended to provide the sole compensation  
97 for all present and future claims arising out of the factual  
98 situation described in this act which resulted in unlawful or  
99 unconstitutional acts committed against Brian Pitts in  
100 connection with allegations of the unlicensed or unauthorized  
101 practice of law. The total amount paid for attorney's fees,  
102 lobbying fees, costs, and other similar expenses relating to  
103 this claim may not exceed 25 percent of the amount awarded under  
104 this act.

105 Section 4. In accordance with the Florida Supreme Court  
106 final order in case number SC 02-247, authorizing Brian Pitts to  
107 practice law in this state, the Legislature authorizes Brian  
108 Pitts to practice law in this state under the following  
109 designations, titles, rules, decisions, or acts in the capacity  
110 as a lay counselor or lay representative:

111 (1) Chapter 120, Florida Statutes, concerning a qualified  
112 representative.

113 (2) Chapter 44, Florida Statutes, concerning a designated  
114 representative.

115 (3) Section 709.08, Florida Statutes, concerning an  
116 attorney in fact.

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117       (4) Decisions or rules of the Florida Supreme Court  
118 concerning representation by a realty property manager.

119       (5) Decisions or rules of the Florida Supreme Court  
120 concerning a nonlawyer using approved forms.

121       (6) Decisions or rules of the Florida Supreme Court  
122 concerning representation in county or small claims civil  
123 proceedings.

124       (7) Rule 5-15, Rules Relating to Admission to the Florida  
125 Bar.

126       (8) Judicial discretion under the inherent authority  
127 doctrine.

128       (9) Federal law, or any other clearly expressed rule,  
129 statute, or court or administrative decision or order under  
130 other federal or state law and authority.

131       Section 5. Any appearance or public testimony given by  
132 Brian Pitts on bills or matters before the Legislature, wherever  
133 held or convened throughout this state, does not constitute the  
134 practice of law. In all circumstances, Brian Pitts retains the  
135 right where having valid standing supported by law or, if he is  
136 the subject of civil or criminal proceeding, to represent  
137 himself without a lawyer.

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