

By Senator Wise

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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; directing that certain court orders
14 and judgments to be declared null and void;
15 prohibiting certain specified clerks of court from
16 restricting access to court papers pertaining to Mr.
17 Pitts; authorizing Brian Pitts to practice law under
18 certain circumstances; directing the Department of Law
19 Enforcement to investigate certain illegal acts
20 committed by certain designated persons; providing an
21 effective date.

22
23 WHEREAS, this state has clearly recognized the practice of
24 law by lay persons since at least 1980, the Legislature and
25 judiciary having concurrent jurisdiction to regulate such, and

26 WHEREAS, Brian Pitts has exercised this privilege since
27 2001 in Pinellas County, and his practice was later confirmed by
28 the Florida Supreme Court in case number SC 02-247, in a final
29 order dated November 6, 2003, and

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30 WHEREAS, since the inception of Mr. Pitts' practice, the
31 Second District Court of Appeal, the Sixth Judicial Circuit of
32 Florida serving Pasco and Pinellas Counties, the state attorney
33 for the Sixth Judicial Circuit of Florida, and The Florida Bar
34 have, without cause, deprived Mr. Pitts of the privilege of
35 practicing law as prescribed by the Legislature and Florida
36 Supreme Court, subjecting him to civil and criminal proceedings
37 and penalties on an ongoing basis, and

38 WHEREAS, the Florida Supreme Court has, by virtue of the
39 broad, general, and ambiguous language of its 2003 final order
40 in the case, subjected Mr. Pitts to entrapment, and has
41 needlessly and unjustly avoided and failed upon many requests by
42 Mr. Pitts to clarify or amend the final order or to promulgate
43 other rules following original proceedings brought by Mr. Pitts
44 to correct the matter, and

45 WHEREAS, this course of misconduct has been ongoing from
46 2001 to 2010, such that the courts, The Florida Bar, and the
47 state attorney's office for Pinellas County have been in
48 continual collusion against Mr. Pitts and such behavior has
49 resulted in wrongful and unlawful incarcerations of Brian Pitts
50 in the Pinellas County jail, and

51 WHEREAS, this misconduct was intended to retaliate against
52 Mr. Pitts and to thwart other pending actions for relief from
53 collusion by civil, appellate, or petitions of writs and
54 proceedings directed to or from criminal cases, with his
55 incarceration resulting in his inability to appear pro se and
56 maintain said actions in state or federal courts, and

57 WHEREAS, appearing pro se in many of his cases, Mr. Pitts
58 was complimented by several judges of the Sixth Judicial Circuit

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59 for an exceptional degree of technical and performance
60 competence such as would be expected of any trained and
61 experienced member of The Florida Bar, but was informed
62 expressly or by implication that he would not receive the relief
63 requested in any given proceeding unless he was represented by a
64 member of The Florida Bar, as a matter of camaraderie, and

65 WHEREAS, though appearing pro se in said cases and other
66 actions seeking relief from the collusion, Mr. Pitts was, at
67 times, represented by appointed counsel, however such
68 appearances proved to be futile as the proceedings were staged
69 by the courts and state attorney to be illusory and failed to
70 abide by binding precedent and stare decisis, where applicable,
71 and the Florida Rules of Court, as evidenced by the series of
72 filings in each case by Mr. Pitts and, then, his counsel, when
73 counsel was appointed, hence resulting in deprivation of
74 procedural and substantive due process, equal protection of the
75 law, self representation, and representation by counsel under
76 the United States Constitution, and

77 WHEREAS, the sheriff of Pinellas County further
78 participated in the concerted effort of the courts, The Florida
79 Bar, and state attorneys to illegally incarcerate Mr. Pitts in
80 the Pinellas County jail by denying him, without cause,
81 administrative alternative sentencing, subjecting him to living
82 conditions and circumstances in violation of multiple Florida
83 model jail standards, and extending his sentence an additional
84 10 to 30 days over the ordered sentences, hence subjecting him
85 to cruel and unusual punishment, denying him due process and
86 equal protection under the law, and violating prohibitions
87 against false imprisonment, and

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88 WHEREAS, the conditions and circumstances of his
89 incarceration in the Pinellas County jail are reflected in
90 articles published by *The St. Petersburg Times* and *The Orlando*
91 *Sentinel*, and

92 WHEREAS, such behavior is a clear abuse of judicial,
93 executive, and administrative authority as to the state court
94 system and local government as to the state attorney and the
95 sheriff of Pinellas County and resulted in a public
96 embarrassment to this state, and

97 WHEREAS, Mr. Pitts' good name and reputation have been
98 damaged and he has been deprived of due process, the ability to
99 conduct a lawful business, freedom of speech, property, liberty,
100 and equal protection under the law, and has not benefited from
101 constitutional protections against unlawful trusts and double
102 jeopardy, and, further, has suffered mental anguish and
103 emotional distress as the result of the intentional misconduct
104 and gross negligence of the courts, the state attorney's office,
105 and The Florida Bar related to his practice of law as a
106 nonlawyer in this state, and

107 WHEREAS, Mr. Pitts has suffered, and continues to suffer,
108 significant monetary damage in the form of time, expenses, fees,
109 fines, costs, and restitution associated with the civil and
110 criminal proceedings pertaining to his defense against charges
111 of unauthorized or unlicensed practice of law, and

112 WHEREAS, Brian Pitts has, on many occasions, appeared
113 before the Legislature to instruct, advise, inform, and advocate
114 for or against proposed legislation covering a large spectrum of
115 topics and subject matter, and

116 WHEREAS, the Legislature recognizes that no system of

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117 justice is impervious to human error, and

118 WHEREAS, the Legislature acknowledges that the state's
119 system of justice sometimes yields imperfect results that may
120 have tragic consequences, and

121 WHEREAS, this claim is based on a moral and legal
122 obligation of the Legislature to acknowledge its own acts and
123 inherent authority to correct a wrong whereby normal or other
124 state authority, remedy, or resolution has been intentionally
125 avoided or denied on an arbitrary and capricious basis,
126 resulting in a manifest injustice or disregard of the law, and

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

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

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

136 Section 2. The Division of Administrative Hearings shall
137 appoint an administrative law judge to conduct a hearing and
138 determine a basis for equitable and proportional relief for the
139 purpose of compensating Brian Pitts for any wrongful act or
140 omission of the State of Florida, the state attorney of Pinellas
141 County, or the sheriff of Pinellas County which occurred in the
142 investigations and civil or criminal proceedings pertaining to
143 or alleging the unlicensed or unauthorized practice of law and
144 the incarceration of Mr. Pitts.

145 Section 3. (1) The administrative law judge shall determine

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146 by a preponderance of the evidence whether the State of Florida,
147 the state attorney, or the sheriff of Pinellas County committed
148 a wrongful act or omission and whether a basis for equitable
149 relief exists. If it so finds, the administrative law judge
150 shall award Brian Pitts an amount of \$500,000 unless it is
151 determined that a lesser award is in order, which shall be no
152 less than \$100,000 in proportionate shares to be paid in lump
153 sum or payments over a period of not more than 10 years.

154 (2) The administrative law judge shall report his or her
155 determination to the President of the Senate and the Speaker of
156 the House of Representatives by July 1, 2011. The Chief
157 Financial Officer is directed to draw a warrant in satisfaction
158 of the relief awarded by the administrative law judge, as
159 provided in this act, and to pay the warrant out of the State
160 Courts Trust Fund and the State Attorneys Trust Fund in the
161 State Treasury to be payable to Brian Pitts. As to its
162 proportional share, Pinellas County is directed to and shall
163 draw a warrant payable to Brian Pitts out of its general revenue
164 fund or such other funding source it has provided to pay valid
165 claims against the local government as it pertains to the
166 sheriff of Pinellas County.

167 (3) This award is intended to provide the sole compensation
168 for all present and future claims arising out of the factual
169 situation described in this act which resulted in unlawful or
170 unconstitutional acts committed against Brian Pitts in
171 connection with allegations, judgments, and convictions of the
172 unlicensed or unauthorized practice of law and his
173 incarcerations from 2001 through 2010. The total amount paid for
174 attorney's fees, lobbying fees, costs, and other similar

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175 expenses relating to this claim may not exceed 25 percent of the
176 amount awarded under this act.

177 (4) All final orders, judgments, decrees, and convictions,
178 and orders or liens as to fees, fines, costs, and restitution
179 rendered in cases SC06-1279, SC02-247, CRCAB-90407CFANO, CRCAB-
180 65835CFANO, CRC07-12964CFANO, CTC07-03965MMANO, CTC03-
181 09855MMANO, CTC03-01885MMANO, and CTC03-01887MMANO pertaining to
182 Brian Pitts as respondent or defendant are hereby declared to be
183 null and void and are annulled by this act by virtue of the
184 doctrine of separation of powers, the Legislature's lawful and
185 valid enactments authorizing lay representation, and checks and
186 balances exercised by this Legislature.

187 (5) The clerk of the court for the Florida Supreme Court,
188 as to cases SC06-1279 and SC02-247, and the clerk of the court
189 for the Sixth Judicial Circuit, as to cases CRCAB-90407CFANO,
190 CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-03965MMANO, CTC03-
191 09855MMANO, CTC03-01885MMANO, and CTC03-01887MMANO, pertaining
192 to Brian Pitts shall remove from public and private access all
193 dockets, records, documents, and recorded orders or liens on the
194 cases and hand the records or documents over to the Department
195 of Law Enforcement to fulfill its duties. The Department of Law
196 Enforcement shall remove from public and private access all
197 record history and information of a criminal nature concerning
198 Brian Pitts, including, but not limited to, fingerprints, felon
199 registration, and all other matters contained in the case
200 numbers cited in this subsection. The records, information, or
201 documents may not be used by or accessed for any purpose by
202 anyone unless inquired of by federal authorities or for
203 investigations under section 6 of this act.

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204 (6) The Department of Law Enforcement shall ensure the
205 compliance, execution, and enforcement of subsections (4) and
206 (5) and provide protective services to Brian Pitts ensuring his
207 rights, privileges, and safety under sections 4, 5, and 6 of
208 this act.

209 Section 4. In accordance with the final order of the
210 Florida Supreme Court in Case Number SC 02-247, which authorized
211 Brian Pitts to practice law in this state, the Legislature
212 authorizes Brian Pitts to practice law in this state under the
213 following designations, titles, rules, decisions, or acts in the
214 capacity as a lay counselor or lay representative:

215 (1) Chapter 120, Florida Statutes, concerning a qualified
216 representative.

217 (2) Chapter 44, Florida Statutes, concerning a designated
218 representative.

219 (3) Section 709.08, Florida Statutes, concerning an
220 attorney in fact.

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

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

225 (6) Decisions or rules of the Florida Supreme Court
226 concerning representation in county or small claims civil
227 proceedings.

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

230 (8) Judicial discretion under the inherent authority
231 doctrine.

232 (9) Federal law, or any other clearly expressed rule,

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233 statute, or court or administrative decision or order under
234 other federal or state law and authority.

235 Section 5. Any appearance or public testimony given by
236 Brian Pitts on bills or matters before the Legislature, wherever
237 held or convened throughout this state, does not constitute the
238 practice of law. In all circumstances Brian Pitts retains the
239 right where having valid standing supported by law or, if he is
240 the subject of civil or criminal proceeding, to represent
241 himself without a lawyer.

242 Section 6. Due to the period of ongoing misconduct against
243 Mr. Pitts cited in this act, the Department of Law Enforcement
244 assisted by Mr. Pitts shall investigate the acts commissioned
245 by: the Justices of the Florida Supreme Court; the judges of the
246 Second District Court of Appeal assigned to Mr. Pitts' cases on
247 motions, reviews, and petitions for writs; Sixth Judicial
248 Circuit judges Robert E. Beach, Chris Helinger, and Paul Levine;
249 and Sixth Judicial Circuit state attorneys Holly Grissinger and
250 William A. Lowery, and any related violations of the law on the
251 part of The Florida Bar and the sheriff of Pinellas County. The
252 Department of Law Enforcement shall exercise all authority
253 granted it under general law to pursue criminal violations under
254 this act and to refer the evidence of such crimes to the
255 officials authorized to conduct the prosecution, which shall be
256 placed before a grand jury to be impaneled in Leon County to
257 make presentment within 1 year as to the criminal matters under
258 this section.

259 Section 7. The President of the Senate, the Speaker of the
260 House of Representatives, or the Governor may sever in whole or
261 in part any section of this act, and the remaining sections

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262 shall be in full force and effect upon this act becoming law.

263 Section 8. This act shall take effect upon becoming a law.