

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 a basis for  
5 equitable relief for the purpose of compensating Mr.  
6 Pitts for any wrongful act or omission by the State of  
7 Florida or officials thereof; requiring a report to  
8 the Legislature; authorizing compensation upon a  
9 determination by the administrative law judge;  
10 providing an appropriation to compensate Mr. Pitts for  
11 injuries and damages sustained; providing a limitation  
12 on the payment of fees and costs; directing that  
13 certain court orders and judgments be declared null  
14 and void; authorizing Mr. Pitts to practice law under  
15 certain circumstances; directing the Department of Law  
16 Enforcement to investigate certain illegal acts  
17 committed by certain persons; authorizing the  
18 President of the Senate, Speaker of the House of  
19 Representatives, and the Governor to sever portions of  
20 this act under certain circumstances; 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 as declared in *The*  
25 *Florida Bar v. Moses*, 380 So.2d 412, 416-418 (Fla. 1980) and *The*  
26 *Florida Bar re Advisory Opinion on Nonlawyer Representation in*  
27 *Securities Arbitration*, 696 So.2d 1178, 1180-1181, 1183-1184  
28 (Fla. 1997), the Legislature and judiciary having concurrent

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29 jurisdiction to regulate such, and

30 WHEREAS, Mr. Pitts has exercised this privilege since 2001  
31 in Pinellas County, and his practice was later confirmed by the  
32 Florida Supreme Court in case number SC02-247, in a final order  
33 dated November 6, 2003, at clause (1) declaring "unless  
34 otherwise authorized by Florida Statutes, court rule, case law,  
35 administrative rule, or the rules regulating The Florida Bar,"  
36 and

37 WHEREAS, since the inception of Mr. Pitts' practice, the  
38 Second District Court of Appeal, the Sixth Judicial Circuit of  
39 Florida serving Pasco and Pinellas Counties, the State  
40 Attorney's Office for the Sixth Judicial Circuit of Florida, and  
41 The Florida Bar have, without cause, continued to deprive Mr.  
42 Pitts of the privilege of practicing law as prescribed by the  
43 Legislature and Florida Supreme Court, subjecting him to civil  
44 and criminal proceedings and penalties on an ongoing basis, and

45 WHEREAS, the Florida Supreme Court, by virtue of the broad,  
46 general, and ambiguous language of its 2003 final order in case  
47 number SC02-247, has subjected Mr. Pitts to entrapment, and has  
48 needlessly and unjustly avoided and failed upon many requests by  
49 Mr. Pitts to clarify or amend the final order or to promulgate  
50 court rules through The Florida Bar following original  
51 proceedings brought or suggested by Mr. Pitts to correct the  
52 matter, and

53 WHEREAS, this course of conduct has been ongoing from 2001  
54 to 2010, and such action has resulted in wrongful and unlawful  
55 incarcerations of Mr. Pitts in the Pinellas County jail for a  
56 total of nearly 1 year, and

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57 WHEREAS, appearing pro se in many of his cases, Mr. Pitts  
58 was complimented by several judges of the Sixth Judicial Circuit  
59 for his exceptional degree of technical and performance  
60 competence that would be expected of any trained and experienced  
61 member of The Florida Bar, yet he was informed by express or  
62 implied communication that he would not receive the relief  
63 requested in any given proceeding unless represented by a member  
64 of The Florida Bar, and

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

76 WHEREAS, the Second District Court of Appeal has declared  
77 in *Denson v. State*, 711 So.2d 1225, 1230 (Fla. 2d DCA 1998) that  
78 "appellate judges take an oath to uphold the law and the  
79 constitution of this state. The citizens of this state properly  
80 expect these judges to protect their rights. When reviewing an  
81 appeal with a preserved issue, if we discover that a person has  
82 been subjected to a patently illegal sentence to which no  
83 objection was lodged in the trial court, neither the  
84 constitution nor our own consciences will allow us to remain

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85 | silent and hope that the prisoner, untrained in the law, will  
86 | somehow discover the error and request its correction. If three  
87 | appellate judges, like a statue of the 'see no evil, hear no  
88 | evil, speak no evil' monkeys, declined to consider such serious,  
89 | patent errors, we would jeopardize the public's trust and  
90 | confidence in the institution of courts of law"; compare,  
91 | *Bedford v. State*, 633 So.2d 13, 14 (Fla. 1994), yet they have  
92 | deliberately and intentionally, failed to abide by said rules of  
93 | law as to Mr. Pitts' cases on appeal or by original proceedings  
94 | brought and maintained by him or his counsel, and

95 |       WHEREAS, the Pinellas County Sheriff's Office further  
96 | participated in the concerted effort of the courts, The Florida  
97 | Bar, and the State Attorney's Office by illegally incarcerating  
98 | Mr. Pitts in the Pinellas County jail during the time periods of  
99 | January 2003 through April 2004 and March 22, 2010, through July  
100 | 4, 2010, and by refusing him administrative alternative  
101 | sentencing without cause, and by subjecting him to living  
102 | conditions and circumstances in violation of Florida Model Jail  
103 | Standards (2.15)(c), (9.08), (9.06)(b), (5.08)(a)&(c)(1)-(8),  
104 | (12.03)(d)-(g)&(i), (12.06), (5.08)(j), (10.01), (6.02),  
105 | (11.12), (11.16), Appendix A, (4.12), (4.13), (4.15), and (9.10)  
106 | and in violation of ss. 951.03 and 951.033(3), Florida Statutes,  
107 | and by extending his sentence an additional 40 and 10 days of  
108 | detention over the ordered sentences in violation of Inmate  
109 | Handbook XI. A., Florida Model Jail Standard (4.16), and ss.  
110 | 951.21(1) and 921.16(1), Florida Statutes, thereby subjecting  
111 | him to cruel and unusual punishment, subjecting him to false  
112 | imprisonment, and denying him due process and equal protection

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113 of the law. See *Miller v. Carson*, 599 F.2d 742 (5th Cir. 1979);  
114 *Miller v. Carson*, 563 F.2d 757 (5th Cir. 1977); *Miller v.*  
115 *Carson*, 563 F.2d 741 (5th Cir. 1977); *Miller v. Carson*, 401 F.  
116 Supp. 835 (M.D. Fla. 1975); *Miller v. Carson*, 392 F. Supp. 515  
117 (M.D. Fla. 1975); *Solomos v. Jenne*, 776 So.2d 953 (Fla. 4th DCA  
118 2000); *Douthit v. Jones*, 619 F.2d 527 (5th Cir. 1980), and

119 WHEREAS, such misconduct is a clear abuse of judicial,  
120 executive, and administrative authority as to the state court  
121 system and local government, including the State Attorney's  
122 Office for the Sixth Judicial Circuit of Florida and the  
123 Pinellas County Sheriff's Office, since said authorities knew  
124 there was no basis in fact or law for their unlawful acts  
125 against Mr. Pitts, and

126 WHEREAS, Mr. Pitts' good name and reputation have been  
127 damaged, he has been deprived of due process, the ability to  
128 conduct a lawful business, freedom of speech, property, liberty,  
129 and equal protection of the law, he has not benefited from  
130 constitutional protections against unlawful trusts by public  
131 officers and employees (oath of office) and double jeopardy as  
132 to criminal proceedings and sanctions, he has suffered mental  
133 anguish and emotional distress as the result of the intentional  
134 misconduct and gross negligence of the courts, the State  
135 Attorney's Office for the Sixth Judicial Circuit of Florida, The  
136 Florida Bar, and the Pinellas County Sheriff's Office relating  
137 to his practice of law as a nonlawyer in this state, and,  
138 further, there is no state-action exception to federal anti-  
139 trust laws (Sherman Act), which were violated in the subject  
140 cases, and

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141 WHEREAS, the cases involving Mr. Pitts fail to comply with  
142 the requirements of s. 20.02(1), Florida Statutes, which states  
143 in part: "The judicial branch has the purpose of determining the  
144 constitutional propriety of the policies and programs and of  
145 adjudicating any conflicts arising from the interpretation or  
146 application of the laws," and

147 WHEREAS, Mr. Pitts has suffered, and continues to suffer,  
148 significant monetary damage by virtue of lost income, property,  
149 and time, expenses, fees, fines, costs, and restitution  
150 resulting from the civil and criminal proceedings relating to  
151 his alleged unauthorized or unlicensed practice of law, and

152 WHEREAS, Mr. Pitts, on many occasions, appears before the  
153 Legislature to instruct, advise, inform, and advocate for or  
154 against proposed legislation covering a broad spectrum of topics  
155 and subject matter in fact and law in a exceptional degree of  
156 technical and performance competence that would be expected of  
157 any trained and experienced member of The Florida Bar, and

158 WHEREAS, the Legislature recognizes that no system of  
159 justice is impervious to human error, and

160 WHEREAS, the Legislature acknowledges that the state's  
161 system of justice sometimes yields imperfect results that may  
162 have tragic consequences, and

163 WHEREAS, this claim is based on a moral and legal  
164 obligation of the Legislature to acknowledge its own acts and  
165 inherent authority to correct a wrong whereby normal or other  
166 state authority, remedy, or resolution has been intentionally  
167 avoided and denied in an arbitrary and capricious manner,  
168 resulting in a manifest injustice or disregard for the law, and

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169 WHEREAS, this is in accord with rulings of the courts  
170 concerning legislative claim bills as expressed in *Circuit Court*  
171 *of Twelfth Judicial Circuit v. Dep't of Natural Res.*, 339 So.2d  
172 1113, 1116-1117 (Fla. 1976), in which the court held that one  
173 may seek a claim bill through the Legislature, for "[a]bsent  
174 legislation waiving the state's sovereign immunity . . . this  
175 Court cannot authorize relief through the judicial process";  
176 *Gerard v. Dep't of Transp.*, 472 So.2d 1170, 1172 (Fla. 1985), in  
177 which the court stated, "we agree with the Department of  
178 Transportation's assertion that a judgment in this case was not  
179 a prerequisite to Gerard's filing a claims bill in the  
180 legislature," and

181 WHEREAS, the First District Court of Appeal in *Jetton v.*  
182 *Jacksonville Elec. Auth.*, 399 So.2d 396, 397 (Fla. 1st DCA  
183 1981), stated that although the Legislature has placed limits on  
184 recovery, "claimants remain free to seek legislative relief  
185 bills, as they did during days of complete sovereign immunity,"  
186 and

187 WHEREAS, the Florida Supreme Court in *Dickinson v. Bradley*,  
188 298 So.2d 352, 354 (Fla. 1974), held that "any claim bill is  
189 restricted to less than the general public and its purpose is to  
190 discharge the state's moral obligation to any individual or  
191 other entity whom or which the legislature recognizes as being  
192 entitled to such . . . The Legislature may enact a claim bill  
193 for what would be a tort if a private party was involved just as  
194 effectively as for what would constitute a contractual debt,"  
195 and

196 WHEREAS, the Legislature intends that any compensation made

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197 | pursuant to this act be the sole compensation provided by the  
198 | state for any and all present and future claims arising out of  
199 | the facts presented in this act, NOW, THEREFORE,

200

201 | Be It Enacted by the Legislature of the State of Florida:

202

203 |       Section 1. The facts stated in the preamble to this act  
204 | are found and declared to be true, and all judicial and  
205 | administrative remedies were exhausted as of March 12, 2010, and  
206 | July 4, 2010, respectively.

207 |       Section 2. The Division of Administrative Hearings shall  
208 | appoint an administrative law judge or special master to conduct  
209 | a hearing and determine a basis for equitable relief for the  
210 | purpose of compensating Mr. Pitts for any wrongful act or  
211 | omission of the State of Florida, the State Attorney's Office  
212 | for the Sixth Judicial Circuit of Florida, or the Pinellas  
213 | County Sheriff's Office in proportion to what occurred in the  
214 | investigations, the civil and criminal proceedings relating to  
215 | Mr. Pitts' alleged unlicensed or unauthorized practice of law,  
216 | and his incarcerations totaling nearly 12 months from 2001 to  
217 | 2010, if not longer.

218 |       Section 3. (1) The administrative law judge or special  
219 | master shall determine by a preponderance of the evidence  
220 | whether the State of Florida, the State Attorney's Office for  
221 | the Sixth Judicial Circuit of Florida, or the Pinellas County  
222 | Sheriff's Office committed a wrongful act or omission and  
223 | whether a basis for equitable relief exists, and if it so finds,  
224 | the administrative law judge or special master shall award Mr.



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225 Pitts an amount of up to \$7 million, but not less than \$1  
226 million, to be paid proportionately by the parties that wronged  
227 him and to be paid in lump sum or in payments over a period of  
228 no more than 10 years.

229 (2) The administrative law judge or special master shall  
230 report his or her determination to the President of the Senate  
231 and the Speaker of the House of Representatives by July 1, 2012.  
232 The Chief Financial Officer is directed to draw a warrant in  
233 satisfaction of the relief awarded by the administrative law  
234 judge or special master, as provided in this act, and to pay the  
235 warrant out of the Administrative Trust Fund or State Courts  
236 Revenue Trust Fund within the state courts system and the State  
237 Attorneys Revenue Trust Fund to Brian Pitts. Pinellas County is  
238 directed to and shall pay the warrant out of its general revenue  
239 fund or by other means it has provided for to pay valid claims  
240 against the local government as pertains to the Pinellas County  
241 Sheriff's Office and as to its share of the total award to Mr.  
242 Pitts.

243 (3) This award is intended to provide the sole  
244 compensation for all present and future claims arising out of  
245 the factual situation described in this act which resulted in  
246 unlawful or unconstitutional acts committed against Mr. Pitts in  
247 connection with allegations, judgments, and convictions of the  
248 unlicensed or unauthorized practice of law and his  
249 incarcerations totaling nearly 12 months, if not longer, from  
250 2001 through 2010. The total amount paid for attorney's fees,  
251 lobbying fees, costs, and other similar expenses relating to  
252 this claim may not exceed 25 percent of the amount awarded under

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253 this act.

254 (4) All final orders, judgments, decrees, and convictions,  
255 and orders or liens pertaining to fees, fines, costs, and  
256 restitution, rendered in cases SC06-1279, SC02-247, CRCAB-  
257 90407CFANO, CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-  
258 03965MMANO, CTC03-09855MMANO, CTC03-01885MMANO, and CTC03-  
259 01887MMANO, wherein Mr. Pitts is the respondent or defendant,  
260 are null and void and are annulled by this act by virtue of the  
261 doctrine of separation of powers because the courts failed to  
262 recognize the Legislature's lawful and valid enactments  
263 authorizing lay representation as expressed in *The Florida Bar*  
264 *v. Moses*, 380 So.2d 412, 416-418 (Fla. 1980); by virtue of  
265 inherent authority of this Legislature as expressed in *Florida*  
266 *House of Representatives v. Crist*, 999 So.2d 601, 611 (Fla.  
267 2008), *Trianon Park Condo. Ass'n v. City of Hialeah*, 468 So.2d  
268 912, 918, 919 (Fla. 1985); and by virtue of checks and balances  
269 exercised by this Legislature as expressed in *State Ex Rel.*  
270 *Young v. Duval County*, 79 So. 692, 697 (Fla. 1918), in which the  
271 court found, "A clear violation of the constitutional provisions  
272 dividing the powers of government into departments should be  
273 checked and remedied." As the court found in *State v. City of*  
274 *Stuart*, 120 So. 335, 346 (Fla. 1929), "[t]he general rule is  
275 that the Legislature is supreme in the legislative field, which  
276 is the most powerful branch of government, so long as it does  
277 not violate any of the provisions of the organic law. There is  
278 to our minds no justifiable exception of any class of  
279 legislation from this all-pervasive and fundamental principle."

280 (5) The clerk of the court for the Florida Supreme Court,

281 as to cases SC06-1279 and SC02-247, and the clerk of the court  
 282 for the Sixth Judicial Circuit, as to cases CRCAB-90407CFANO,  
 283 CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-03965MMANO, CTC03-  
 284 09855MMANO, CTC03-01885MMANO, and CTC03-01887MMANO, all  
 285 pertaining to Mr. Pitts, are hereby directed to remove from  
 286 public and private access all dockets, records, documents, and  
 287 recorded orders or liens related to those cases and transmit  
 288 them to the Department of Law Enforcement to fulfill the duties  
 289 required under section 6 of this act. The Department of Law  
 290 Enforcement is hereby directed to remove from public and private  
 291 access all record history and information of a criminal nature  
 292 concerning Mr. Pitts. This includes, but is not limited to,  
 293 fingerprints, felon registration, and all other matters  
 294 concerning the case numbers cited in this subsection. Said  
 295 records, information, or documents may not be used by or  
 296 accessed for any purpose by anyone unless access to those  
 297 records is required by federal authorities or for investigations  
 298 conducted under section 6 of this act.

299 (6) The Department of Law Enforcement is directed to  
 300 ensure the compliance, execution, and enforcement of subsections  
 301 (4) and (5) of this section, and shall provide protective  
 302 services to Mr. Pitts ensuring his rights, privileges, and  
 303 safety under sections 4, 5, and 6 of this act.

304 Section 4. In accordance with the Florida Supreme Court's  
 305 final order in case number SC02-247 and the exception contained  
 306 in clause (1) of that ruling, unless otherwise authorized by  
 307 Florida Statutes, court rule, case law, administrative rule, or  
 308 the rules regulating The Florida Bar, thereby authorizing Mr.

309 Pitts to practice law in this state, the Legislature authorizes  
 310 Mr. Pitts to practice law in this state under the following  
 311 designations, titles, rules, decisions, or acts in the capacity  
 312 as a lay counselor or lay representative:

313 (1) Chapter 120, Florida Statutes, relating to a qualified  
 314 representative.

315 (2) Chapter 44, Florida Statutes, relating to a designated  
 316 representative.

317 (3) Chapter 709, Florida Statutes, relating to an  
 318 attorney-in-fact and durable power of attorney, including when  
 319 coupled with an interest in any personal or property claim,  
 320 election, right, or interest.

321 (4) Decisions or rules of the Florida Supreme Court  
 322 relating to representation by a realty property manager.

323 (5) Decisions or rules of the Florida Supreme Court  
 324 relating to a nonlawyer using approved forms.

325 (6) Decisions or rules of the Florida Supreme Court  
 326 relating to representation in county or small claims civil  
 327 proceedings.

328 (7) Decisions or rules of the Florida Supreme Court  
 329 relating to third party standing representation.

330 (8) Rule 5-15, Rules Relating to Admission to The Florida  
 331 Bar.

332 (9) Judicial discretion under the inherent authority  
 333 doctrine.

334 (10) Federal law or any other clearly expressed rule,  
 335 statute, or court or administrative decision or order under  
 336 other federal, state, or local law and authority.

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337           Section 5. Any appearance or public testimony given by Mr.  
338 Pitts on bills or matters before the Legislature, wherever held  
339 or convened throughout this state, does not constitute the  
340 practice of law. In all circumstances Mr. Pitts retains the  
341 right to represent himself at any time he has valid standing  
342 supported by law, or, if he is the subject of civil,  
343 administrative, or criminal proceedings, Mr. Pitts retains the  
344 right to represent himself without a lawyer in court and in  
345 administrative actions or cases.

346           Section 6. Due to the period of ongoing misconduct against  
347 Mr. Pitts as described in this act, the Legislature directs the  
348 Department of Law Enforcement, assisted by Mr. Pitts, to  
349 investigate these acts committed by:

350           (1) The Florida Supreme Court justices involved for  
351 violations of ss. 914.22(2)(f) or (4)(f), Florida Statutes, and  
352 18 U.S.C. 1512, relating to their final ruling rendered on  
353 February 22, 2010, in case SC06-1279 resulting in the  
354 incarceration of Mr. Pitts on the eve of the 2010 legislative  
355 session while proceedings on Senate Bill 58 were pending, and  
356 other violations of ss. 775.15(12)(b), 843.0855(2) and (3),  
357 839.13(1), 839.24, 918.13, 836.05, 843.03, 876.10, 777.04(2) and  
358 (3), and 895.03, Florida Statutes, and 18 U.S.C. 241, 242, 1951,  
359 and 1962.

360           (2) The Second District Court of Appeal judges assigned to  
361 Mr. Pitts' cases on motions, reviews, and original proceedings;  
362 the Sixth Judicial Circuit judges; and the state attorneys  
363 involved for violations of ss. 775.15(12)(b), 843.0855(2) and  
364 (3), 839.13(1), 839.24, 918.13, 836.05, 843.03, 876.10 777.04(2)

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365 and (3), and 895.03, Florida Statutes, and 18 U.S.C. 241, 242,  
 366 1951, and 1962.

367 (3) The Florida Bar and its representatives, who pursued  
 368 charges of unlicensed practice of law against Mr. Pitts, for  
 369 violations of ss. 839.13(1), 918.13, 836.05, 777.04(2) and (3),  
 370 and 895.03, Florida Statutes, and 18 U.S.C. 241, 242, 1951, and  
 371 1962, as well as s. 542.21(2), Florida Statutes, and 15 U.S.C.  
 372 1, 2, and 3, relating to the practice of law by lawyers and  
 373 nonlawyers.

374 (4) The Pinellas County Sheriff's Office for violations of  
 375 ss. 775.15(12)(b), 843.0855(2) and (3), 843.03, 839.13(1),  
 376 876.10, 950.09, and 951.14, Florida Statutes, and 18 U.S.C. 241  
 377 or 242.

378  
 379 The Department of Law Enforcement shall exercise all authority  
 380 it has under general law to investigate criminal violations  
 381 under this act and shall refer any evidence of such crimes to  
 382 the appropriate officials for prosecution. Charges arising out  
 383 of the criminal investigation shall be brought before a grand  
 384 jury impaneled in Leon County within 1 year after passage of  
 385 this act.

386 Section 7. The President of the Senate, the Speaker of the  
 387 House of Representatives, or Governor may sever in whole or in  
 388 part any section of this act, excluding this section 7, which  
 389 remaining parts shall be in full force and effect upon becoming  
 390 law. Notwithstanding severance, Brian Pitts shall retain the  
 391 right or privilege during future legislative sessions to request  
 392 the relief severed in part or whole by virtue of this section

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393 | until fully remedied.

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