

By Senator Bullard

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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 or special master to  
5           determine a basis for equitable relief for the purpose  
6           of compensating Mr. Pitts for the wrongful acts or  
7           omissions of the State of Florida or officials  
8           thereof; requiring a report to the Legislature;  
9           authorizing compensation to Mr. Pitts upon a  
10          determination by an administrative law judge;  
11          providing an appropriation to compensate Mr. Pitts for  
12          injuries and damages sustained; providing a limitation  
13          on attorney fees and costs; directing that certain  
14          court orders and judgments be declared null and void;  
15          specifying the limited circumstances under which Mr.  
16          Pitts may represent himself or others in judicial or  
17          administrative proceedings; directing the Department  
18          of Law Enforcement to investigate certain illegal acts  
19          committed by certain persons; authorizing the  
20          President of the Senate, the Speaker of the House of  
21          Representatives, and the Governor to sever portions of  
22          this act under certain circumstances; providing an  
23          effective date.

24  
25          WHEREAS, this state has clearly recognized the practice of  
26          law by lay persons since at least 1980 as declared in *The*  
27          *Florida Bar v. Moses*, 380 So.2d 412, 416-418 (Fla. 1980) and *The*  
28          *Florida Bar re Advisory Opinion on Nonlawyer Representation in*  
29          *Securities Arbitration*, 696 So.2d 1178, 1180-1181, 1183-1184

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30 (Fla. 1997), the Legislature and judiciary having concurrent  
31 jurisdiction to regulate such, and

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

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

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

55 WHEREAS, this course of misconduct has been ongoing from  
56 2001 to 2012, such that the courts, The Florida Bar, and the  
57 Office of the State Attorney for the Sixth Judicial Circuit  
58 being in continual collusion against Mr. Pitts in cases SC02-

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59 247, SC06-1279, CRCAB-65835CFANO, CRCAB-90407CFANO, CRC07-  
60 12964CFANO, CTC07-03965MMANO, CTC03-01885MMANO, CTC03-  
61 01887MMANO, and CTC03-09855MMANO, and such action has resulted  
62 in the wrongful and unlawful incarceration of Mr. Pitts in the  
63 Pinellas County Jail for a total of nearly 1 year, and

64 WHEREAS, the purpose of this course of misconduct was to  
65 retaliate against Mr. Pitts and, by way of his detainment, to  
66 thwart his pending pro se actions for relief from said collusion  
67 by civil, appellate, or original proceedings regarding the  
68 criminal cases, and

69 WHEREAS, appearing pro se in many of his cases, Mr. Pitts  
70 was complimented by several judges of the Sixth Judicial Circuit  
71 for an exceptional degree of technical and performance  
72 competence that would be expected of an experienced member of  
73 The Florida Bar, yet he was informed by express or implied  
74 communication that he would not receive the relief requested in  
75 any given proceeding unless represented by a member of The  
76 Florida Bar, as a matter of camaraderie, and

77 WHEREAS, though appearing pro se in said cases and other  
78 actions seeking relief from said collusion, Mr. Pitts was at  
79 times represented by appointed counsel; however, such  
80 proceedings proved to be futile because the proceedings were  
81 staged by the courts and the Office of the State Attorney for  
82 the Sixth Judicial Circuit to be illusory. The courts failed to  
83 abide by binding precedent and stare decisis, where applicable,  
84 as well as Florida Rules of Court, as evidenced by the series of  
85 filings in each case by Mr. Pitts, or his court-appointed  
86 counsel, hence depriving Mr. Pitts of procedural and substantive  
87 due process, equal protection of the law, self-representation,

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88 and representation by counsel under the United States  
89 Constitution, and

90 WHEREAS, the Second District Court of Appeal has declared  
91 in *Denson v. State*, 711 So.2d 1225, 1230 (Fla. 2d DCA 1998) that  
92 "appellate judges take an oath to uphold the law and the  
93 constitution of this state. The citizens of this state properly  
94 expect these judges to protect their rights. When reviewing an  
95 appeal with a preserved issue, if we discover that a person has  
96 been subjected to a patently illegal sentence to which no  
97 objection was lodged in the trial court, neither the  
98 constitution nor our own consciences will allow us to remain  
99 silent and hope that the prisoner, untrained in the law, will  
100 somehow discover the error and request its correction. If three  
101 appellate judges, like a statue of the 'see no evil, hear no  
102 evil, speak no evil' monkeys, declined to consider such serious,  
103 patent errors, we would jeopardize the public's trust and  
104 confidence in the institution of courts of law." *Compare*,  
105 *Bedford v. State*, 633 So.2d 13, 14 (Fla. 1994), and

106 WHEREAS, Mr. Pitts contends that the trial judges and  
107 appellate judges have deliberately and intentionally, in concert  
108 with the Florida Supreme Court justices, failed to abide by said  
109 rules of law as to Mr. Pitts' cases on appeal or by original  
110 proceedings brought and maintained by him or his counsel, and

111 WHEREAS, Mr. Pitts believes that The Florida Bar, the  
112 Office of the State Attorney, and the judges and justices  
113 involved at each level of Mr. Pitts' cases all have a personal  
114 and private interest in deterring Mr. Pitts from engaging in the  
115 authorized practice of law as prescribed in this state and,  
116 thus, have failed to afford Mr. Pitts the required process and

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117 means of justice or resolution as normally expected of esteemed  
118 persons in their official capacities, and

119 WHEREAS, the Pinellas County Sheriff's Office participated  
120 in the concerted effort of the courts, The Florida Bar, and the  
121 Office of the State Attorney for the Sixth Judicial Circuit  
122 illegally incarcerating Mr. Pitts in the Pinellas County Jail  
123 from January 2003 through April 2004 and from March 22, 2010,  
124 through July 4, 2010, by refusing him administrative alternative  
125 sentencing without cause, and by subjecting him to living  
126 conditions and circumstances in violation of Florida Model Jail  
127 Standards (2.15)(c); (4.12); (4.13); (4.15); (5.08)(a), (c)(1)-  
128 (8), and j; (6.02); (9.06)(b); (9.08); (9.10); (10.01); (11.12);  
129 (11.16); (12.03)(d)-(i); and (12.06), Appendix A, and in  
130 violation of ss. 951.03 and 951.033(3), Florida Statutes, and by  
131 extending his sentence an additional 50 days in violation of  
132 Inmate Handbook XI. A., Florida Model Jail Standard (4.16), and  
133 ss. 951.21(1) and 921.16(1), Florida Statutes, thereby  
134 subjecting him to cruel and unusual punishment and false  
135 imprisonment and denying him due process and equal protection of  
136 the law. See *Miller v. Carson*, 599 F.2d 742 (5th Cir. 1979);  
137 *Miller v. Carson*, 563 F.2d 757 (5th Cir. 1977); *Miller v.*  
138 *Carson*, 563 F.2d 741 (5th Cir. 1977); *Miller v. Carson*, 401 F.  
139 Supp. 835 (M.D. Fla. 1975); *Miller v. Carson*, 392 F. Supp. 515  
140 (M.D. Fla. 1975); *Solomos v. Jenne*, 776 So.2d 953 (Fla. 4th DCA  
141 2000); and *Douthit v. Jones*, 619 F.2d 527 (5th Cir. 1980), and  
142 WHEREAS, such conditions and circumstances of the jail are  
143 reflected in a St. Petersburg Times article dated July 5, 2010,  
144 and published under the headline "Thousands of Pinellas jail  
145 inmates released without a judge ever setting bail," which was

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146 complemented by a series of articles published by the Orlando  
147 Sentinel under the respective headlines "Florida's suspect  
148 jails: The state's hands-off approach to inspecting jails leaves  
149 them vulnerable," dated April 8, 2010; "Jail-standards chief  
150 defends system of checks," dated May 15, 2010; "If all Central  
151 Florida jails rate an A, is it deserved?" dated May 15, 2010;  
152 "Beef up jail oversight: Florida jails need tough oversight, not  
153 coddling," dated May 18, 2010; and other articles, and

154 WHEREAS, such misconduct is a clear abuse of judicial,  
155 executive, and administrative authority as to the state court  
156 system and local government, including the Office of the State  
157 Attorney for the Sixth Judicial Circuit and the Pinellas County  
158 Sheriff's Office, thereby resulting in a public embarrassment to  
159 this state since said authorities knew there was no basis in  
160 fact or law for their unlawful acts against Mr. Pitts, and

161 WHEREAS, Mr. Pitts' good name and reputation have been  
162 damaged; he has been deprived of due process, the ability to  
163 conduct a lawful business, freedom of speech, property, liberty,  
164 and equal protection of the law; he has not benefited from  
165 constitutional protections against unlawful trusts by public  
166 officers and employees under oath of office and double jeopardy  
167 as to criminal proceedings and sanctions; he has suffered mental  
168 anguish and emotional distress as the result of the intentional  
169 misconduct and gross negligence of the courts, the Office of the  
170 State Attorney for the Sixth Judicial Circuit, The Florida Bar,  
171 and the Pinellas County Sheriff's Office relating to his  
172 practice of law as a nonlawyer in this state, and, further,  
173 there is no state-action exception to federal antitrust laws,  
174 which were violated in the subject cases, and

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

180 WHEREAS, Mr. Pitts frequently appears before the  
181 Legislature to instruct, advise, and inform members and to  
182 advocate for or against proposed legislation covering a broad  
183 spectrum of topics and subject matter in fact and law, always  
184 demonstrating an exceptional degree of technical and performance  
185 competence that would be expected of any trained and experienced  
186 member of The Florida Bar, and

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

189 WHEREAS, the Legislature acknowledges that the state's  
190 system of justice sometimes yields imperfect results that may  
191 have tragic consequences, and

192 WHEREAS, this claim is based on a moral and legal  
193 obligation of the Legislature to acknowledge its actions and act  
194 on its authority to correct a wrong, when those actions have  
195 resulted in a manifest injustice or disregard for the law, and

196 WHEREAS, the filing of this claim bill is in accord with  
197 holdings of the Florida Supreme Court concerning legislative  
198 claim bills. *See Circuit Court of Twelfth Judicial Circuit v.*  
199 *Dep't of Natural Res.*, 339 So.2d 1113, 1116-1117 (Fla.  
200 1976) ("Absent legislation waiving the state's sovereign immunity  
201 . . . this Court cannot authorize relief through the judicial  
202 process"); *Gerard v. Dep't of Transp.*, 472 So.2d 1170, 1172  
203 (Fla. 1985) ("[W]e agree with the Department of Transportation's

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204 assertion that a judgment in this case was not a prerequisite to  
205 Gerard's filing a claims bill in the legislature."), and

206 WHEREAS, the First District Court of Appeal in *Jetton v.*  
207 *Jacksonville Electric Authority*, 399 So.2d 396, 397 (Fla. 1st  
208 DCA 1981), stated that although the Legislature has placed  
209 limits on recovery, "claimants remain free to seek legislative  
210 relief bills, as they did during days of complete sovereign  
211 immunity," and

212 WHEREAS, the Florida Supreme Court in *Dickinson v. Bradley*,  
213 298 So.2d 352, 354 (Fla. 1974), held that "any claim bill is  
214 restricted to less than the general public and its purpose is to  
215 discharge the state's moral obligation to any individual or  
216 other entity whom or which the legislature recognizes as being  
217 entitled to such. . . . The legislature may enact a claim bill  
218 for what would be a tort if a private party was involved just as  
219 effectively as for what would constitute a contractual debt,"  
220 and

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

225  
226 Be It Enacted by the Legislature of the State of Florida:

227  
228 Section 1. The facts stated in the preamble to this act are  
229 found and declared to be true, and all judicial and  
230 administrative remedies have been exhausted. This act is the  
231 remedy of last resort available to Mr. Pitts.

232 Section 2. The Division of Administrative Hearings shall



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233 appoint an administrative law judge or special master to conduct  
234 a hearing and determine a basis for equitable relief for the  
235 purpose of compensating Mr. Pitts for any wrongful act or  
236 omission of the State of Florida, the Office of the State  
237 Attorney for the Sixth Judicial Circuit, and the Pinellas County  
238 Sheriff's Office regarding investigations involving Mr. Pitts,  
239 the civil and criminal proceedings relating to Mr. Pitts'  
240 alleged unlicensed or unauthorized practice of law, and his  
241 incarcerations totaling nearly 12 months from 2001 to 2012, if  
242 not longer.

243 Section 3. (1) The administrative law judge or special  
244 master shall determine by a preponderance of the evidence  
245 whether the State of Florida, the Office of the State Attorney  
246 for the Sixth Judicial Circuit, or the Pinellas County Sheriff's  
247 Office committed a wrongful act or omission and whether a basis  
248 for equitable relief exists, and if it so finds, the  
249 administrative law judge or special master shall award Mr. Pitts  
250 an amount of up to \$7 million, but not less than \$1 million, to  
251 be paid proportionately by the parties that wronged him and to  
252 be paid in lump sum or in payments over a period of no more than  
253 10 years.

254 (2) The administrative law judge or special master shall  
255 report his or her determination to the President of the Senate  
256 and the Speaker of the House of Representatives by July 1, 2013.  
257 The Chief Financial Officer is directed to draw a warrant in  
258 satisfaction of the relief awarded by the administrative law  
259 judge or special master, as provided in this act, and to pay the  
260 warrant out of the Administrative Trust Fund or State Courts  
261 Revenue Trust Fund within the state courts system and the State

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262 Attorneys Revenue Trust Fund to Brian Pitts. Pinellas County is  
263 directed to and shall pay the warrant out of its general revenue  
264 fund or by other means it has provided for to pay valid claims  
265 against the local government as pertains to the Pinellas County  
266 Sheriff's Office and as to its share of the total award to Mr.  
267 Pitts.

268 (3) This award is intended to provide the sole compensation  
269 for all present and future claims arising out of the factual  
270 situation described in this act which resulted in unlawful or  
271 unconstitutional acts committed against Mr. Pitts. The total  
272 amount paid for attorney fees, lobbying fees, costs, and other  
273 similar expenses relating to this claim may not exceed 25  
274 percent of the amount awarded under this act.

275 (4) All final orders, judgments, decrees, and convictions,  
276 and orders or liens pertaining to fees, fines, costs, and  
277 restitution, rendered in cases SC06-1279, SC02-247, CRCAB-  
278 90407CFANO, CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-  
279 03965MMANO, CTC03-09855MMANO, CTC03-01885MMANO, and CTC03-  
280 01887MMANO, wherein Mr. Pitts is the respondent or defendant,  
281 are void and are annulled by this act by virtue of the doctrine  
282 of separation of powers because the courts failed to recognize  
283 the Legislature's lawful and valid enactments authorizing lay  
284 representation as expressed in *The Florida Bar v. Moses*, 380  
285 So.2d 412, 416-418 (Fla. 1980); by virtue of inherent authority  
286 of this Legislature as expressed in *Florida House of*  
287 *Representatives v. Crist*, 999 So.2d 601, 611 (Fla. 2008),  
288 *Trianon Park Condominium Ass'n v. City of Hialeah*, 468 So.2d  
289 912, 918, 919 (Fla. 1985); and by virtue of checks and balances  
290 exercised by this Legislature as expressed in *State Ex Rel.*

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291 Young v. Duval County, 79 So. 692, 697 (Fla. 1918), in which the  
292 court found "[a] clear violation of the constitutional  
293 provisions dividing the powers of government into departments  
294 should be checked and remedied." As the court found in State v.  
295 City of Stuart, 120 So. 335, 346 (Fla. 1929), "[t]he general  
296 rule is that the Legislature is supreme in the legislative  
297 field, which is the most powerful branch of government, so long  
298 as it does not violate any of the provisions of the organic law.  
299 There is to our minds no justifiable exception of any class of  
300 legislation from this all-pervasive and fundamental principle."

301 (5) The clerk of the court for the Florida Supreme Court,  
302 as to cases SC06-1279 and SC02-247, and the clerk of the court  
303 for the Sixth Judicial Circuit, as to cases CRCAB-90407CFANO,  
304 CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-03965MMANO, CTC03-  
305 09855MMANO, CTC03-01885MMANO, and CTC03-01887MMANO, all  
306 pertaining to Mr. Pitts, are hereby directed to remove from  
307 public and private access all dockets, records, documents, and  
308 recorded orders or liens related to those cases and transmit  
309 them to the Department of Law Enforcement to fulfill the duties  
310 required under section 6 of this act. The Department of Law  
311 Enforcement is hereby directed to remove from public and private  
312 access all record history and information of a criminal nature  
313 concerning Mr. Pitts. This includes, but is not limited to,  
314 fingerprints, felon registration, and all other matters  
315 concerning the case numbers cited in this subsection. The  
316 records, information, or documents may not be used by or  
317 accessed for any purpose by anyone unless access to those  
318 records is required by federal authorities or for investigations  
319 conducted under section 6 of this act.

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320       (6) The Department of Law Enforcement is directed to ensure  
321 the compliance, execution, and enforcement of subsections (4)  
322 and (5) of this section, and shall provide protective services  
323 to Mr. Pitts ensuring his rights, privileges, and safety under  
324 sections 4, 5, and 6 of this act.

325       Section 4. In accordance with the Florida Supreme Court's  
326 final order in case number SC02-247 and the exception contained  
327 in clause (1) of that ruling, unless otherwise authorized by  
328 Florida Statutes, court rule, case law, administrative rule, or  
329 the rules regulating The Florida Bar, thereby authorizing Mr.  
330 Pitts to practice law in this state, the Legislature authorizes  
331 Mr. Pitts to practice law in this state under the following  
332 designations, titles, rules, decisions, or acts in the capacity  
333 of lay counselor or lay representative:

334       (1) Chapter 120, Florida Statutes, relating to a qualified  
335 representative.

336       (2) Chapter 44, Florida Statutes, relating to a designated  
337 representative.

338       (3) Chapter 709, Florida Statutes, relating to an attorney-  
339 in-fact and durable power of attorney, including an interest in  
340 any personal or property claim, election, right, or interest.

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

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

345       (6) Decisions or rules of the Florida Supreme Court  
346 relating to representation in county or small claims civil  
347 proceedings.

348       (7) Decisions or rules of the Florida Supreme Court

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349 relating to third-party standing.

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

352 (9) Judicial discretion under the inherent authority  
353 doctrine.

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

357 Section 5. Any appearance or public testimony given by Mr.  
358 Pitts on bills or matters before the Legislature does not  
359 constitute the practice of law. In all circumstances Mr. Pitts  
360 retains the right to represent himself at any time he has valid  
361 standing supported by law. If Mr. Pitts is the subject of civil,  
362 administrative, or criminal proceedings, he retains the right to  
363 represent himself without a lawyer.

364 Section 6. Due to the period of ongoing misconduct against  
365 Mr. Pitts as described in this act, the Legislature directs the  
366 Department of Law Enforcement, assisted by Mr. Pitts, to  
367 investigate these acts committed by:

368 (1) The Florida Supreme Court justices involved for  
369 violations of ss. 914.22(2)(f) or (4)(f), Florida Statutes, and  
370 18 U.S.C. 1512, relating to their final ruling rendered on  
371 February 22, 2010, in case SC06-1279 resulting in the  
372 incarceration of Mr. Pitts on the eve of the 2010 legislative  
373 session while proceedings on Senate Bill 58 were pending, and  
374 other violations of ss. 775.15(12)(b), 777.04(2) and (3),  
375 836.05, 839.13(1), 839.24, 843.03, 843.0855(2) and (3), 876.10,  
376 895.03, and 918.13, Florida Statutes, and 18 U.S.C. 241, 242,  
377 1951, and 1962.

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378       (2) The Second District Court of Appeal judges assigned to  
379 Mr. Pitts' cases on motions, reviews, and original proceedings;  
380 the Sixth Judicial Circuit judges; and the state attorneys  
381 involved for violations of ss. 775.15(12)(b), 777.04(2) and (3),  
382 836.05, 839.13(1), 839.24, 843.03, 843.0855(2) and (3), 876.10,  
383 895.03, and 918.13, Florida Statutes, and 18 U.S.C. 241, 242,  
384 1951, and 1962.

385       (3) The Florida Bar and its representatives, who pursued  
386 charges of unlicensed practice of law against Mr. Pitts, for  
387 violations of ss. 777.04(2) and (3), 836.05, 839.13(1), 895.03,  
388 and 918.13, Florida Statutes, and 18 U.S.C. 241, 242, 1951, and  
389 1962, as well as s. 542.21(2), Florida Statutes, and 15 U.S.C.  
390 1, 2, and 3, relating to the practice of law by lawyers and  
391 nonlawyers.

392       (4) The Pinellas County Sheriff's Office for violations of  
393 ss. 775.15(12)(b), 839.13(1), 843.03, 843.0855(2) and (3),  
394 876.10, 950.09, and 951.14, Florida Statutes, and 18 U.S.C. 241  
395 or 242.

396  
397 The Department of Law Enforcement shall exercise all authority  
398 it has under general law to investigate criminal violations  
399 under this act and shall refer any evidence of such crimes to  
400 the appropriate officials for prosecution. Charges arising out  
401 of the criminal investigation shall be brought before a grand  
402 jury impaneled in Leon County within 1 year after passage of  
403 this act.

404       Section 7. The President of the Senate, the Speaker of the  
405 House of Representatives, or the Governor may sever in whole or  
406 in part any section of this act, excluding this section 7, which

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407 remaining parts shall be in full force and effect upon becoming  
408 law. Notwithstanding severance, Brian Pitts shall retain the  
409 right or privilege during future legislative sessions to request  
410 the relief severed in part or whole by virtue of this section  
411 until fully remedied.

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