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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 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  
26 *The Florida Bar re Advisory Opinion on Nonlawyer Representation*  
27 *in 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)  
78 that "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) and (c)(1)-  
104 | (8), (12.03)(d)-(g) and (i), (12.06), (5.08)(j), (10.01),  
105 | (6.02), (11.12), (11.16), Appendix A, (4.12), (4.13), (4.15),  
106 | and (9.10) and in violation of ss. 951.03 and 951.033(3),  
107 | Florida Statutes, and by extending his sentence an additional 40  
108 | and 10 days of detention over the ordered sentences in violation  
109 | of Inmate Handbook XI. A., Florida Model Jail Standard (4.16),  
110 | and ss. 951.21(1) and 921.16(1), Florida Statutes, thereby  
111 | subjecting him to cruel and unusual punishment, subjecting him  
112 | to false imprisonment, and denying him due process and equal

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113 protection of the law. See *Miller v. Carson*, 599 F.2d 742 (5th  
114 Cir. 1979); *Miller v. Carson*, 563 F.2d 757 (5th Cir. 1977);  
115 *Miller v. Carson*, 563 F.2d 741 (5th Cir. 1977); *Miller v.*  
116 *Carson*, 401 F. Supp. 835 (M.D. Fla. 1975); *Miller v. Carson*, 392  
117 F. Supp. 515 (M.D. Fla. 1975); *Solomos v. Jenne*, 776 So. 2d 953  
118 (Fla. 4th DCA 2000); *Douthit v. Jones*, 619 F.2d 527 (5th Cir.  
119 1980), and

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

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

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141 cases, and

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

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

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

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

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

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

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

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

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

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

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

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

208 Section 2. The Division of Administrative Hearings shall  
209 appoint an administrative law judge or special master to conduct  
210 a hearing and determine a basis for equitable relief for the  
211 purpose of compensating Mr. Pitts for any wrongful act or  
212 omission of the State of Florida, the State Attorney's Office  
213 for the Sixth Judicial Circuit of Florida, or the Pinellas  
214 County Sheriff's Office in proportion to what occurred in the  
215 investigations, the civil and criminal proceedings relating to  
216 Mr. Pitts' alleged unlicensed or unauthorized practice of law,  
217 and his incarcerations totaling nearly 12 months from 2001 to  
218 2010, if not longer.

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

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

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

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

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253 this claim may not exceed 25 percent of the amount awarded under  
254 this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

335 (10) Federal law or any other clearly expressed rule,  
336 statute, or court or administrative decision or order under

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337 other federal, state, or local law and authority.

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

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

351       (1) The Florida Supreme Court justices involved for  
352 violations of ss. 914.22(2)(f) or (4)(f), Florida Statutes, and  
353 18 U.S.C. s. 1512, relating to their final ruling rendered on  
354 February 22, 2010, in case SC06-1279 resulting in the  
355 incarceration of Mr. Pitts on the eve of the 2010 legislative  
356 session while proceedings on Senate Bill 58 were pending, and  
357 other violations of ss. 775.15(12)(b), 843.0855(2) and (3),  
358 839.13(1), 839.24, 918.13, 836.05, 843.03, 876.10, 777.04(2) and  
359 (3), and 895.03, Florida Statutes, and 18 U.S.C. ss. 241, 242,  
360 1951, and 1962.

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

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365 (3), 839.13(1), 839.24, 918.13, 836.05, 843.03, 876.10 777.04(2)  
 366 and (3), and 895.03, Florida Statutes, and 18 U.S.C. ss. 241,  
 367 242, 1951, and 1962.

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

375 (4) The Pinellas County Sheriff's Office for violations of  
 376 ss. 775.15(12)(b), 843.0855(2) and (3), 843.03, 839.13(1),  
 377 876.10, 950.09, and 951.14, Florida Statutes, and 18 U.S.C. ss.  
 378 241 or 242.

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

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

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393 | the relief severed in part or whole by virtue of this section  
394 | until fully remedied.

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