

HB 6547

2017

1 A bill to be entitled
2 An act for the relief of the Justice-2-Jesus
3 Charitable Trust; providing an appropriation to
4 compensate the trust for injuries and damages
5 sustained as a result of the negligence and inaction
6 of state government; providing a limitation on the
7 payment of compensation, fees, and costs; providing an
8 effective date.

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10 WHEREAS, the Justice-2-Jesus Charitable Trust is a
11 charitable trust under the laws of this state and is a nonprofit
12 organization under s. 501(c)(3) of the Internal Revenue Code,
13 created and formed in December 2006 for the purpose of
14 encouraging civic engagement, education, and government
15 accountability, and

16 WHEREAS, the trust initiated its activities during 2006 to
17 2008 through its trustees, Calvester-Benjamin Anderson and Brian
18 Pitts, in the judicial and executive branches of state
19 government by attending or appearing in public meetings and
20 privately communicating through ongoing correspondence and by
21 phone to state government officers and employees, and

22 WHEREAS, by the end of the 2008 regular legislative
23 session, the trust gathered the attention of many in the
24 Legislature through attending and appearing before numerous
25 committees and councils, and through privately corresponding

26 | with members of such bodies on issues covering all aspects of
 27 | Florida citizens and government which were clearly recognized by
 28 | media and legislators alike, and

29 | WHEREAS, many believed the trust and its trustees were
 30 | suspect and had a hidden agenda, and that its cause would not
 31 | come to fruition; and so as not to deceive, exploit, embarrass,
 32 | or harass officers and employees of the Legislature and the
 33 | other two branches of state government, precautions and
 34 | maneuvers were put into play to quickly defuse what seemed to be
 35 | a problem, and

36 | WHEREAS, year after year, despite concerns by many of the
 37 | trust's lack of sincerity, it continued in all manner of
 38 | business with the utmost protocol and decorum with state
 39 | officials and employees, and as such proved to be highly
 40 | respectful, honorable, and an example to emulate, and

41 | WHEREAS, by 2012 the trust proved itself and reached an
 42 | apex, receiving the approval of many government officers and
 43 | employees, and becoming the subject of countless news articles,
 44 | videos, and comments of many, whether liked or disliked, and

45 | WHEREAS, the trust has gone beyond its charge of civics,
 46 | education, and government accountability, and with its services
 47 | and resources has actually assisted Florida government in its
 48 | processes and conduct and has brought about change, and

49 | WHEREAS, from 2008 to 2016, without wavering the trust has
 50 | continued its never-ending cause that Florida ought to have a

51 government that the people can reach and engage with, whether it
52 be on simple or complex matters, and that the process can be
53 understood and properly and fairly applied without political
54 gamesmanship or hidden agendas, and that in fact, anything
55 lesser than this ought not be tolerated, and

56 WHEREAS, the trust has become a conscience and a unique
57 watchdog over certain nonfeasance, misfeasance, or malfeasance
58 in state government which necessitates the trust's service to
59 the citizens of the state, and otherwise such actions and
60 conduct of state government would remain unknown, ignored, or
61 concealed, and

62 WHEREAS, the time, effort, and means to undertake what the
63 trust has accomplished cannot be fairly comprehended, and such
64 an endeavor is truly consuming and commendable, one that very
65 few would undertake or even want to comprehend, and

66 WHEREAS, the Florida Supreme Court has construed the far-
67 reaching circumstances to which the Legislature may extend
68 relief to any matter under the common law of this state in
69 *Gerard v. Dep't of Transp.*, 472 So. 2d 1170, 1172 (Fla. 1985)
70 ("we agree with the Department of Transportation's assertion
71 that a judgment in this case was not a prerequisite to Gerard's
72 filing a claims bill in the legislature. As the First District
73 Court stated in *Jetton v. Jacksonville Elec. Auth.*, 399 So. 2d
74 396, 397 (Fla. 1st DCA 1981) while the Legislature has placed
75 limits on recovery, "claimants remain free to seek legislative

76 relief bills, as they did during days of complete sovereign
 77 immunity"), or *Dickinson v. Bradley*, 298 So. 2d 352, 354 (Fla.
 78 1974) ("any claim bill is restricted to less than the general
 79 public and its purpose is to discharge the state's moral
 80 obligation to any individual or other entity whom or which the
 81 legislature recognizes as being entitled to such. . . . The
 82 legislature may enact a claim bill for what would be a tort if a
 83 private party was involved just as effectively as for what would
 84 constitute a contractual debt."), NOW, THEREFORE,

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

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

90 Section 2. This is solely an equitable claim, not based on
 91 an existing judgment, which the Legislature believes should be
 92 granted to fulfill its moral obligation to and recognition of
 93 Justice-2-Jesus Charitable Trust for its great and hard work in
 94 improving Florida government, publicly and privately.

95 Section 3. The sum of \$240,000 is appropriated from the
 96 General Revenue Fund to the Legislature for the relief of
 97 Justice-2-Jesus Charitable Trust for damages, including services
 98 and expenses, caused by the negligence or inaction, nonfeasance,
 99 misfeasance, or malfeasance of Florida government, and its civic
 100 charge on behalf of the taxpayers of this state to bring true

101 change for the good of the order and to develop good government.

102 Section 4. The Chief Financial Officer is directed to draw
 103 a warrant in favor of Justice-2-Jesus Charitable Trust in the
 104 sum of \$240,000 upon funds of the Legislature in the State
 105 Treasury and to pay the same out of such funds in the State
 106 Treasury.

107 Section 5. The amount paid by the Legislature under s.
 108 768.28, Florida Statutes, and the amount awarded under this act
 109 are intended to provide the sole compensation for all present
 110 and future claims arising out of the factual situation described
 111 in this act which resulted in injuries and damages to Justice-2-
 112 Jesus Charitable Trust due to its voluminous dealings directly
 113 and indirectly with the three branches of state government. The
 114 total amount paid for attorney fees, lobbying fees, costs, and
 115 similar expenses relating to this claim may not exceed 25
 116 percent of the amount awarded under this act.

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