

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; authorizing the President of  
16 the Senate, Speaker of the House of Representatives,  
17 and the Governor to sever portions of this act under  
18 certain circumstances; providing an effective date.

19  
20 WHEREAS, this state has clearly recognized the practice of  
21 law by lay persons since at least 1980 as declared in *The*  
22 *Florida Bar v. Moses*, 380 So. 2d 412, 416-418 (Fla. 1980) and  
23 *The Florida Bar re Advisory Opinion on Nonlawyer Representation*  
24 *in Securities Arbitration*, 696 So. 2d 1178, 1180-1181, 1183-1184  
25 (Fla. 1997), the Legislature and judiciary having concurrent  
26 jurisdiction to regulate such, and

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

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

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

51 WHEREAS, this course of misconduct has been ongoing from  
52 2001 to 2012, and such action has resulted in wrongful and

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53 unlawful incarcerations of Mr. Pitts in the Pinellas County jail  
54 for a total of nearly 1 year, and

55 WHEREAS, the purpose of this course of misconduct was to  
56 retaliate against Mr. Pitts for not being a member of the bar  
57 despite being lawfully otherwise authorized to represent third  
58 persons he assisted in legitimate legal matters and, by way of  
59 his detainment, to thwart his pending pro se actions for relief  
60 directed to or from criminal cases SC02-247, SC06-1279, CRCAB-  
61 65835CFANO, CRCAB-90407CFANO, CRC07-12964CFANO, CTC07-  
62 03965MMANO, CTC03-01885MMANO, CTC03-01887MMANO, and CTC03-  
63 09855MMANO, and

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

72 WHEREAS, though appearing pro se in said cases and other  
73 actions seeking relief from collusion, Mr. Pitts was at times  
74 represented by appointed counsel; however, such proceedings  
75 proved to be futile and illusory, and the courts failed to abide  
76 by binding precedent and stare decisis, where applicable, as  
77 well as Florida Rules of Court, as evidenced by the series of  
78 filings in each case by Mr. Pitts, or his court-appointed

79 counsel, hence depriving Mr. Pitts of procedural and substantive  
80 due process, equal protection of the law, self-representation,  
81 and representation by counsel under the United States  
82 Constitution, and

83 WHEREAS, the Pinellas County Sheriff's Office wrongfully  
84 incarcerated Mr. Pitts in the Pinellas County jail during the  
85 time periods of January 2003 through April 2004 and March 22,  
86 2010, through July 4, 2010, and by refusing him administrative  
87 alternative sentencing without cause, and by subjecting him to  
88 living conditions and circumstances in violation of Florida  
89 Model Jail Standards (2.15)(c), (9.08), (9.06)(b), (5.08)(a) and  
90 (c)(1)-(8), (12.03)(d)-(g) and (i), (12.06), (5.08)(j), (10.01),  
91 (6.02), (11.12), (11.16), Appendix A, (4.12), (4.13), (4.15),  
92 and (9.10) and in violation of ss. 951.03 and 951.033(3),  
93 Florida Statutes, and by extending his sentence an additional 40  
94 and 10 days of detention over the ordered sentences in violation  
95 of Inmate Handbook XI. A., Florida Model Jail Standard (4.16),  
96 and ss. 951.21(1) and 921.16(1), Florida Statutes, thereby  
97 subjecting him to cruel and unusual punishment, subjecting him  
98 to false imprisonment, and denying him due process and equal  
99 protection of the law. See *Miller v. Carson*, 599 F.2d 742 (5th  
100 Cir. 1979); *Miller v. Carson*, 563 F.2d 757 (5th Cir. 1977);  
101 *Miller v. Carson*, 563 F.2d 741 (5th Cir. 1977); *Miller v.*  
102 *Carson*, 401 F. Supp. 835 (M.D. Fla. 1975); *Miller v. Carson*, 392  
103 F. Supp. 515 (M.D. Fla. 1975); *Solomos v. Jenne*, 776 So. 2d 953  
104 (Fla. 4th DCA 2000); *Douthit v. Jones*, 619 F.2d 527 (5th Cir.

105 1980), and

106 WHEREAS, such misconduct is a clear abuse of judicial,  
 107 executive, and administrative authority as to the state court  
 108 system and local government, including the State Attorney's  
 109 Office for the Sixth Judicial Circuit of Florida and the  
 110 Pinellas County Sheriff's Office, and

111 WHEREAS, Mr. Pitts' good name and reputation have been  
 112 damaged, he has been deprived of due process, the ability to  
 113 conduct a lawful business, freedom of speech, property, liberty,  
 114 and equal protection of the law, he has not benefited from  
 115 constitutional protections against unlawful trusts by public  
 116 officers and employees (oath of office) and double jeopardy as  
 117 to criminal proceedings and sanctions, he has suffered mental  
 118 anguish and emotional distress as the result of the intentional  
 119 misconduct and gross negligence of the courts, the State  
 120 Attorney's Office for the Sixth Judicial Circuit of Florida, The  
 121 Florida Bar, and the Pinellas County Sheriff's Office relating  
 122 to his practice of law as a non-lawyer in this state, and,  
 123 further, there is no state-action exception to federal anti-  
 124 trust laws (Sherman Act), which were violated in the subject  
 125 cases, and

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

131 WHEREAS, Mr. Pitts, on many occasions, appears before the  
132 Legislature to instruct, advise, inform, and advocate for or  
133 against proposed legislation covering a broad spectrum of topics  
134 and subject matter in fact and law with an exceptional degree of  
135 technical performance and competence that would be expected of  
136 any trained and experienced member of The Florida Bar, and

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

139 WHEREAS, the Legislature acknowledges that the state's  
140 system of justice sometimes yields imperfect results that may  
141 have tragic consequences, and

142 WHEREAS, this claim is based on a moral and legal  
143 obligation of the Legislature to acknowledge its own acts and  
144 inherent authority to correct a wrong where normal or other  
145 state authority, remedy, or resolution has been intentionally  
146 avoided, deprived, or denied in an arbitrary and capricious  
147 manner, resulting in a manifest injustice or disregard for the  
148 law, and

149 WHEREAS, this is in accord with rulings of the courts  
150 concerning legislative claim bills as expressed in *Circuit Court*  
151 *of Twelfth Judicial Circuit v. Dep't of Natural Res.*, 339 So. 2d  
152 1113, 1116-1117 (Fla. 1976), in which the court held that one  
153 may seek a claim bill through the Legislature, for "[a]bsent  
154 legislation waiving the state's sovereign immunity . . . this  
155 Court cannot authorize relief through the judicial process";  
156 *Gerard v. Dep't of Transp.*, 472 So. 2d 1170, 1172 (Fla. 1985),

157 in which the court stated, "we agree with the Department of  
 158 Transportation's assertion that a judgment in this case was not  
 159 a prerequisite to Gerard's filing a claims bill in the  
 160 legislature," and the First District Court of Appeal in *Jetton*  
 161 *v. Jacksonville Elec. Auth.*, 399 So. 2d 396, 397 (Fla. 1st DCA  
 162 1981), stated that although the Legislature has placed limits on  
 163 recovery, "claimants remain free to seek legislative relief  
 164 bills, as they did during days of complete sovereign immunity,"  
 165 and *Dickinson v. Bradley*, 298 So. 2d 352, 354 (Fla. 1974), held  
 166 that "any claim bill is restricted to less than the general  
 167 public and its purpose is to discharge the state's moral  
 168 obligation to any individual or other entity whom or which the  
 169 legislature recognizes as being entitled to such . . . The  
 170 Legislature may enact a claim bill for what would be a tort if a  
 171 private party was involved just as effectively as for what would  
 172 constitute a contractual debt," and

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

177  
 178 Be It Enacted by the Legislature of the State of Florida:

179  
 180 Section 1. The facts stated in the preamble to this act  
 181 are found and declared to be true, and all judicial and  
 182 administrative remedies were exhausted as of March 12, 2010, and

183 July 4, 2010, respectively.

184       Section 2. The Division of Administrative Hearings shall  
185 appoint an administrative law judge or special master to conduct  
186 a hearing and determine a basis for equitable relief for the  
187 purpose of compensating Mr. Pitts for any wrongful act or  
188 omission of the State of Florida, the State Attorney's Office  
189 for the Sixth Judicial Circuit of Florida, or the Pinellas  
190 County Sheriff's Office in proportion to what occurred in the  
191 investigations, the civil and criminal proceedings relating to  
192 Mr. Pitts' alleged unlicensed or unauthorized practice of law,  
193 and his incarcerations totaling nearly 12 months from 2001 to  
194 2012, if not longer.

195       Section 3. (1) The administrative law judge or special  
196 master shall determine by a preponderance of the evidence  
197 whether the State of Florida, the State Attorney's Office for  
198 the Sixth Judicial Circuit of Florida, or the Pinellas County  
199 Sheriff's Office committed a wrongful act or omission and  
200 whether a basis for equitable relief exists, and if it so finds,  
201 the administrative law judge or special master shall award Mr.  
202 Pitts an amount of up to \$7 million, but not less than \$1  
203 million, to be paid proportionately by the parties that wronged  
204 him and to be paid in lump sum or in payments over a period of  
205 no more than 10 years.

206       (2) The administrative law judge or special master shall  
207 report his or her determination to the President of the Senate  
208 and the Speaker of the House of Representatives by July 1, 2014.

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209 The Chief Financial Officer is directed to draw a warrant in  
210 satisfaction of the relief awarded by the administrative law  
211 judge, special master, or Legislature as provided in this act,  
212 and to pay the warrant out of the Administrative Trust Fund or  
213 State Courts Revenue Trust Fund within the state courts system  
214 and the State Attorneys Revenue Trust Fund to Brian Pitts.  
215 Pinellas County is directed to and shall pay the warrant out of  
216 its general revenue fund or by other means it has provided for  
217 to pay valid claims against the local government as pertains to  
218 the Pinellas County Sheriff's Office and as to its share of the  
219 total award to Mr. Pitts.

220 (3) This award is intended to provide the sole  
221 compensation for all present and future claims arising out of  
222 the factual situation described in this act which resulted in  
223 unlawful or unconstitutional acts committed against Mr. Pitts in  
224 connection with allegations, judgments, and convictions of the  
225 unlicensed or unauthorized practice of law and his  
226 incarcerations totaling nearly 12 months, if not longer, from  
227 2001 through 2012. The total amount paid for attorney fees,  
228 lobbying fees, costs, and other similar expenses relating to  
229 this claim may not exceed 25 percent of the amount awarded under  
230 this act.

231 (4) All final orders, judgments, decrees, and convictions,  
232 and orders or liens pertaining to fees, fines, costs, and  
233 restitution, rendered in cases SC06-1279, SC09-195, SC09-2243,  
234 and SC02-247, CRCAB-90407CFANO, CRCAB-65835CFANO, CRC07-

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235 12964CFANO, CTC07-03965MMANO, CTC03-09855MMANO, CTC03-  
236 01885MMANO, and CTC03-01887MMANO, wherein Mr. Pitts is the  
237 respondent or defendant with any appellate reviews resulting  
238 therefrom, are null and void and are annulled by this act by  
239 virtue of the doctrine of separation of powers because the  
240 courts failed to recognize the Legislature's lawful and valid  
241 enactments and its own lawful and valid case precedent and rules  
242 or orders, authorizing lay representation as expressed in *The*  
243 *Florida Bar v. Moses*, 380 So. 2d 412, 416-418 (Fla. 1980); by  
244 virtue of inherent authority of this Legislature as expressed in  
245 *Florida House of Representatives v. Crist*, 999 So. 2d 601, 611  
246 (Fla. 2008), *Trianon Park Condo. Ass'n v. City of Hialeah*, 468  
247 So. 2d 912, 918, 919 (Fla. 1985); and by virtue of checks and  
248 balances exercised by this Legislature as expressed in *State Ex*  
249 *Rel. Young v. Duval County*, 79 So. 692, 697 (Fla. 1918), in  
250 which the court found, "A clear violation of the constitutional  
251 provisions dividing the powers of government into departments  
252 should be checked and remedied." As the court found in *State v.*  
253 *City of Stuart*, 120 So. 335, 346 (Fla. 1929), "[t]he general  
254 rule is that the Legislature is supreme in the legislative  
255 field, which is the most powerful branch of government, so long  
256 as it does not violate any of the provisions of the organic law.  
257 There is to our minds no justifiable exception of any class of  
258 legislation from this all-pervasive and fundamental principle."  
259 Also, by virtue of the cases involving Mr. Pitts, the courts  
260 failed to comply with the mandates of s. 20.02(1), Florida

261 Statutes, which states "[t]he judicial branch has the purpose of  
262 determining the constitutional propriety of the policies and  
263 programs and of adjudicating any conflicts arising from the  
264 interpretation or application of the laws."

265 (5) The clerk of the court for the Florida Supreme Court,  
266 as to cases SC06-1279, SC09-195, and SC09-2243, and the clerk of  
267 the court for the Sixth Judicial Circuit, as to cases CRCAB-  
268 90407CFANO, CRCAB-65835CFANO, CRC07-12964CFANO, CTC07-  
269 03965MMANO, CTC03-09855MMANO, CTC03-01885MMANO, and CTC03-  
270 01887MMANO, all pertaining to Mr. Pitts, are hereby directed to  
271 remove from public and private access all dockets, records,  
272 documents, and recorded orders or liens related to those cases  
273 and transmit them to the Department of Law Enforcement to  
274 fulfill the duties required under section 6 of this act. The  
275 Department of Law Enforcement is hereby directed to remove from  
276 public and private access all record history and information of  
277 a criminal nature concerning Mr. Pitts. This includes, but is  
278 not limited to, fingerprints, felon registration, and all other  
279 matters concerning the case numbers cited in this subsection.  
280 Said records, information, or documents may not be used by or  
281 accessed for any purpose by anyone unless access to those  
282 records is required by federal authorities or for investigations  
283 conducted under section 6 of this act.

284 (6) The Department of Law Enforcement is directed to  
285 ensure the compliance, execution, and enforcement of subsections  
286 (4), (5), and (6) of this section and shall provide protective

287 services to Mr. Pitts, ensuring his rights, privileges, and  
288 safety under sections 4, 5, and 6 of this act.

289 Section 4. In accordance with the Florida Supreme Court's  
290 final order in case number SC02-247 and the exception contained  
291 in clause (1) of that ruling, unless otherwise authorized by  
292 Florida Statutes, court rule, case law, administrative rule, or  
293 the rules regulating The Florida Bar, thereby authorizing Mr.  
294 Pitts to practice law in this state, the Legislature authorizes  
295 Mr. Pitts to practice law in this state under the following  
296 designations, titles, rules, decisions, or acts in the capacity  
297 as a lay counselor or lay representative:

298 (1) Chapter 120, Florida Statutes, relating to a qualified  
299 representative.

300 (2) Chapter 44, Florida Statutes, relating to a designated  
301 representative.

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

306 (4) Decisions or rules of the Florida Supreme Court  
307 relating to representation in real property management.

308 (5) Decisions or rules of the Florida Supreme Court  
309 relating to a non-lawyer using approved forms.

310 (6) Decisions or rules of the Florida Supreme Court  
311 relating to representation in county or small claims civil  
312 proceedings.

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

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

317 (9) Judicial discretion under the inherent authority  
318 doctrine.

319 (10) Issues of federal law or any other clearly expressed  
320 state or local rule, statute, or law, or court or administrative  
321 decision or order under other federal, state, or local law or  
322 authority.

323 Section 5. Any appearance or public testimony given by Mr.  
324 Pitts on bills or matters before the Legislature, wherever held  
325 or convened throughout this state, does not constitute the  
326 practice of law. In all circumstances Mr. Pitts retains the  
327 right to represent himself at any time he has valid standing  
328 supported by law, or, if he is the subject of civil,  
329 administrative, or criminal proceedings, Mr. Pitts retains the  
330 right to represent himself without a lawyer in court and in  
331 administrative actions or cases.

332 Section 6. The President of the Senate, the Speaker of the  
333 House of Representatives, or the Governor may sever in whole or  
334 in part any section of this act, excluding this section, which  
335 remaining parts shall be in full force and effect upon becoming  
336 law. Notwithstanding severance, Brian Pitts shall retain the  
337 right or privilege during future legislative sessions to request  
338 the relief severed in part or whole by virtue of this section

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339 | until fully remedied.

340 |       Section 7. This act shall take effect upon becoming a law.