

CHAPTER 98-431

Committee Substitute for House Bill No. 3035

An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing for a hearing to be conducted by the Division of Administrative Hearings; requiring the Department of Legal Affairs to represent the state; providing a contingent appropriation to compensate Freddie Lee Pitts and Wilbert Lee, if appropriate; providing a contingent appropriation for the payment of attorneys' fees; providing an effective date.

WHEREAS, in 1972 Freddie Lee Pitts and Wilbert Lee were convicted of first degree murder in the deaths of Grover Floyd and Jesse Burkett, and

WHEREAS, in 1975 Freddie Lee Pitts and Wilbert Lee were granted a full pardon for their convictions, and

WHEREAS, beginning in 1977 numerous relief bills have been filed on behalf of Freddie Lee Pitts and Wilbert Lee, and

WHEREAS, in 1979, 1989, and 1990 the Florida House of Representatives conducted hearings on relief bills for Freddie Lee Pitts and Wilbert Lee, but resolution of the issues relating to the fundamental fairness of the criminal proceedings which resulted in the claimant's convictions, and their entitlement to equitable relief, was not concluded, and

WHEREAS, the Florida Legislature seeks to provide an impartial forum for the resolution of these issues, NOW, THEREFORE,

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

Section 1. This act may be cited as the "Maurice Rosen Act."

Section 2. The Division of Administrative Hearings is directed to appoint an administrative law judge to conduct a hearing and determine whether a basis for equitable relief exists for the purpose of compensating claimants Freddie Lee Pitts and Wilbert Lee for any wrongful act or omission of the State of Florida, or officials thereof, which affected the fundamental fairness of the criminal proceedings against the claimants and resulted in their convictions. In conducting the hearing, the administrative law judge shall review the trial and appellate record of the criminal cases against the claimants, the record of the legislative proceedings, and the Cabinet pardon proceedings and shall report on the fundamental fairness thereof. The Department of Legal Affairs is directed to provide representation for the State of Florida.

Section 3. If the administrative law judge determines by a preponderance of the evidence that the State of Florida, or officials, thereof, committed a wrongful act and that a basis for equitable relief exists, the administrative law judge is authorized to award claimants Freddie Lee Pitts and Wilbert Lee the amount of \$500,000 each. The determination of the administrative

law judge shall be reported to the President of the Florida Senate and the Speaker of the Florida House of Representatives no later than July 1, 1998. The Comptroller is authorized to draw a warrant in satisfaction of the relief awarded by the administrative law judge as provided in this act, and the State Treasurer is directed to pay the same out of funds appropriated in section 4 of this act.

Section 4. The amount of \$1,250,000 is hereby appropriated from the General Revenue Fund in the State Treasury to fund any amounts awarded to Freddie Lee Pitts and Wilbert Lee pursuant to this act, including amounts awarded pursuant to section 5 of this act.

Section 5. In addition to any funds awarded to claimants, if the claimants are determined to be prevailing parties, the administrative law judge is authorized to award a reasonable attorney's fee including all costs to the claimants in an amount not to exceed 25 percent of the compensation awarded.

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

Approved by the Governor May 1, 1998.

Filed in Office Secretary of State May 1, 1998.