

By Senator Hill

1-172-06

1 A bill to be entitled

2 An act for the relief of the descendents of

3 Mrs. Johnnie Mae Chappell, Claimants; directing

4 the Division of Administrative Hearings to

5 appoint an administrative law judge to

6 determine whether a basis for equitable relief

7 exists for the purpose of compensating the

8 descendents of Mrs. Johnnie Mae Chappell for

9 any wrongful act or omission by the State of

10 Florida, or officials thereof; authorizing such

11 compensation upon a determination by the

12 administrative law judge; requiring a report to

13 the Legislature; authorizing an award of

14 attorney's fees; providing an appropriation;

15 providing an effective date.

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17 WHEREAS, on March 23, 1964, Mrs. Johnnie Mae Chappell,

18 a 35-year-old mother of 10 children was shot outside the

19 Banner Market on New Kings Road in Jacksonville, Florida, and

20 WHEREAS, Mrs. Chappell died in route to the hospital,

21 in an ambulance reserved for the Black residents of

22 Jacksonville and Duval County, even though an ambulance for

23 White residents was located closer to the area where Mrs.

24 Chappell was shot, and

25 WHEREAS, this incident occurred during a time when race

26 riots were occurring every day in the downtown area of

27 Jacksonville, stores were being looted and burned, and

28 peaceful marches were disbanded by violent means, and

29 WHEREAS, the State of Florida determined that Willie

30 Chappell, Mrs. Johnnie Mae Chappell's husband, was not capable

31 of taking proper care of his 10 children following their

1 mother's murder, and ordered that the children be sent to
2 relatives, foster homes, and juvenile shelters, and

3 WHEREAS, the Chappell siblings not only lost their
4 mother forever, they lost contact with each other for decades
5 and had only vague information concerning the murder of their
6 mother, and

7 WHEREAS, in 1996, Shelton Chappell, the youngest child
8 of Mrs. Johnnie Mae Chappell, met former Jacksonville
9 Sheriff's Office Detectives Lee Cody and Donald Coleman who
10 had obtained confessions from three men concerning the murder,
11 but the former detectives informed Shelton Chappell that they
12 thought that the investigation of the Chappell case had been
13 subverted because they had been prevented from further
14 investigating the case, and

15 WHEREAS, the four suspects in the case, J. W. Rich,
16 Elmer Cato, Wayne Chessman, and James Davis, were each
17 indicted by a grand jury on the charge of first-degree murder,
18 with J. W. Rich accused of pulling the trigger and the three
19 other men charged with aiding and encouraging the crime, and

20 WHEREAS, on November 30, 1964, after a 2-day trial, an
21 all-White male jury convicted J. W. Rich of the lesser charge
22 of manslaughter rather than first-degree murder, for which he
23 served 3 years in prison, and state prosecutors dropped
24 charges against the other three defendants, citing
25 insufficient evidence, and

26 WHEREAS, in the fall of 1965, Detectives Lee Cody and
27 Donald Coleman were fired from the Jacksonville Sheriff's
28 Office for insubordination after repeatedly trying to convince
29 outside authorities to investigate corruption within the
30 sheriff's office, including the Chappell murder, and

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1 WHEREAS, the State Attorney has refused to reopen the
2 case for prosecution and the Department of Law Enforcement has
3 failed to issue a report concerning the case as requested,
4 NOW, THEREFORE,

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

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8 Section 1. The facts stated in the preamble of this
9 act are found and declared to be true.

10 Section 2. The Division of Administrative Hearings
11 shall appoint an administrative law judge to conduct a hearing
12 and determine whether a basis for equitable relief exists for
13 the purpose of compensating the descendents of Mrs. Johnnie
14 Mae Chappell for any wrongful act or omission of the State of
15 Florida, or officials thereof, which occurred in the
16 investigation of the murder of Mrs. Johnnie Mae Chappell. The
17 Department of Legal Affairs shall provide representation for
18 the State of Florida.

19 Section 3. (1) If the administrative law judge
20 determines by a preponderance of the evidence that the State
21 of Florida, or officials thereof, committed a wrongful act or
22 omission and that a basis for equitable relief exists, the
23 administrative law judge may award the descendents of Mrs.
24 Johnnie Mae Chappell the amount of \$ each. The
25 administrative law judge shall report his or her determination
26 to the President of the Senate and the Speaker of the House of
27 Representatives by July 1, 2006. The Chief Financial Officer
28 is directed to draw a warrant in satisfaction of the relief
29 awarded by the administrative law judge, as provided in this
30 act, and the Chief Financial Officer shall pay the same out of
31 funds appropriated by this act.

1 (2) If the descendents of Mrs. Johnnie Mae Chappell
 2 are determined to be prevailing parties, the administrative
 3 law judge may award reasonable attorney's fees in an amount
 4 not to exceed 25 percent of the compensation awarded.

5 Section 4. The sum of \$ _____ is appropriated from
 6 the General Revenue Fund for the purpose of funding any
 7 amounts awarded under this act.

8 Section 5. This act shall take effect upon becoming a
 9 law.

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SENATE SUMMARY

Requires that the Division of Administrative Hearings appoint an administrative law judge to determine whether a basis for equitable relief exists for compensating the descendents of Mrs. Johnnie Mae Chappell for a wrongful act or omission by the State of Florida or an official thereof. Requires a report to the Legislature. Provides an appropriation.