

1 A bill to be entitled

2 An act relating to pardons; creating the "Rosa Parks Act";
3 creating s. 940.035, F.S.; authorizing the Board of
4 Executive Clemency to grant a full pardon to a person
5 convicted of protesting or challenging a state law or
6 municipal ordinance the purpose of which was to maintain
7 racial segregation or racial discrimination of
8 individuals; providing application procedures; requiring
9 the Parole Commission to notify the state attorney of the
10 circuit where the violation occurred within a specified
11 time; requiring that the pardon be granted unless the
12 state attorney files an objection with the commission on
13 the grounds that the conviction did not result from a
14 violation of a law or ordinance the purpose of which was
15 to maintain racial segregation or racial discrimination of
16 individuals; requiring a hearing if the state attorney
17 files an objection; providing that a person who receives a
18 full pardon under the act is not required to disclose the
19 fact of the conviction or any record or matter relating to
20 the conviction; amending s. 940.05, F.S.; providing that a
21 person convicted of protesting or challenging laws or
22 ordinances the purpose of which was to maintain racial
23 segregation or racial discrimination of individuals is
24 entitled to the restoration of all rights of citizenship
25 enjoyed by the person before the conviction if the person
26 has received a full pardon from the Board of Executive
27 Clemency; providing an effective date.

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

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31 Section 1. This act may be cited as the "Rosa Parks Act."

32 Section 2. Section 940.035, Florida Statutes, is created
33 to read:

34 940.035 Pardons for convictions under segregationist laws
35 or ordinances.--

36 (1)(a) Upon application to the Parole Commission, the
37 Board of Executive Clemency may grant a full pardon to any
38 person convicted of protesting or challenging a state law or
39 municipal ordinance the purpose of which was to maintain racial
40 segregation or racial discrimination of individuals. If the
41 convicted person is deceased, an application may be filed by a
42 person who can show legal authority to act on behalf of the
43 deceased person.

44 (b) The Parole Commission shall notify the state attorney
45 of the circuit where the violation occurred no later than 30
46 days after the date the application for a pardon is filed with
47 the commission. The Board of Executive Clemency shall grant the
48 pardon within 60 days after the application is filed unless the
49 state attorney files an objection with the commission on the
50 grounds that the conviction did not result from a violation of a
51 law or ordinance the purpose of which was to maintain racial
52 segregation or racial discrimination of individuals.

53 (c) If the state attorney objects, a hearing shall be
54 scheduled within 60 days after the filed objection. The state
55 attorney shall provide notice of the hearing to all interested
56 parties.

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57 (2) Notwithstanding subsection (1), the Board of Executive
58 Clemency shall grant a pardon to a convicted person who files a
59 sworn affidavit with the board stating that he or she was
60 convicted of protesting or challenging a state law or municipal
61 ordinance the purpose of which was to maintain racial
62 segregation or racial discrimination of individuals. If the
63 information in the affidavit is later found to be false, the
64 pardon is void.

65 (3) A person who has received a full pardon under this
66 section is not required to disclose the fact of the conviction
67 or any record or matter relating to the conviction.

68 Section 3. Section 940.05, Florida Statutes, is amended to
69 read:

70 940.05 Restoration of civil rights.--

71 (1) Any person who has been convicted of a felony may be
72 entitled to the restoration of all the rights of citizenship
73 enjoyed by him or her prior to conviction if the person has:

74 (a) ~~(1)~~ Received a full pardon from the board of pardons;

75 (b) ~~(2)~~ Served the maximum term of the sentence imposed
76 upon him or her; or

77 (c) ~~(3)~~ Been granted his or her final release by the Parole
78 Commission.

79 (2) Any person who has been convicted of protesting or
80 challenging a state law or municipal ordinance the purpose of
81 which was to maintain racial segregation or racial
82 discrimination of individuals is entitled to the restoration of
83 all rights of citizenship enjoyed by the person before the
84 conviction if the person has received a full pardon from the

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85 | Board of Executive Clemency.

86 | Section 4. This act shall take effect upon becoming a law.