

1 pardon from the Board of Executive Clemency;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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

8 Section 2. Section 940.035, Florida Statutes, is
9 created to read:

10 940.035 Pardons for convictions under segregationist
11 laws or ordinances.--

12 (1)(a) Upon application to the Parole Commission, the
13 Board of Executive Clemency should strongly consider granting
14 a full pardon to any person convicted of protesting or
15 challenging a state law or local government ordinance the
16 purpose of which was to maintain racial segregation of or
17 racial discrimination against individuals. If the convicted
18 person is deceased, an application may be filed by a person
19 who can show legal authority to act on behalf of the deceased
20 person.

21 (b) The Parole Commission shall notify the state
22 attorney of the circuit where the violation occurred after the
23 date the application for a pardon is filed with the
24 commission. The Board of Executive Clemency should strongly
25 consider granting a full pardon unless the state attorney
26 files an objection with the commission on the grounds that the
27 conviction did not result from a violation of a law or local
28 government ordinance the purpose of which was to maintain
29 racial segregation of or racial discrimination against
30 individuals.

1 (c) If the state attorney objects, a hearing shall be
2 held at the next scheduled meeting of the Board of Executive
3 Clemency after the objection is filed. The Parole Commission
4 shall provide notice of the hearing to all interested parties.

5 (2) Notwithstanding subsection (1), the Board of
6 Executive Clemency is strongly encouraged to grant a pardon to
7 a convicted person who files a sworn affidavit with the board
8 stating that he or she was convicted of protesting or
9 challenging a state law or local government ordinance the
10 purpose of which was to maintain racial segregation of or
11 racial discrimination against individuals. If the information
12 in the affidavit is later found to be false, or if the
13 violation of law by the applicant had no direct relationship
14 to or no purpose whatsoever in protesting or challenging a
15 state law or local government ordinance the purpose of which
16 was to maintain racial segregation of or racial discrimination
17 against individuals, the board may void the pardon.

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

21 Section 3. Section 940.05, Florida Statutes, is
22 amended to read:

23 940.05 Restoration of civil rights.--Any person who
24 has been convicted of a felony may be entitled to the
25 restoration of all the rights of citizenship enjoyed by him or
26 her prior to conviction if the person has:

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

28 (2) Served the maximum term of the sentence imposed
29 upon him or her; ~~or~~

30 (3) Been granted his or her final release by the
31 Parole Commission; ~~or~~

1 (4) Been convicted of protesting or challenging a
2 state law or local government ordinance the purpose of which
3 was to maintain racial segregation of or racial discrimination
4 against individuals. Such person is entitled to the
5 restoration of all rights of citizenship enjoyed by the person
6 before the conviction if the person has received a full pardon
7 from the Board of Executive Clemency.

8 Section 4. This act shall take effect upon becoming a
9 law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 474

- 14 - Avoids infringement on governor's constitutional pardon
15 authority by strongly encouraging, rather than requiring,
16 granting of pardons for persons convicted of protesting
or challenging a law or ordinance designed to maintain
racial segregation or discrimination.
- 17 - Provides for voiding of pardon if affidavit is found to
18 have included false information or if the conviction was
19 not related to protesting or challenging a law or
ordinance designed to maintain racial segregation or
discrimination.