

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

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

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

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

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

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

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

(c) If the state attorney objects, a hearing shall be held at the next scheduled meeting of the Board of Executive Clemency after the objection is filed. The Parole Commission shall

57 provide notice of the hearing to all interested parties.

58 (2) Notwithstanding subsection (1), the Board of Executive
 59 Clemency is strongly encouraged to grant a pardon to a convicted
 60 person who files a sworn affidavit with the board stating that
 61 he or she was convicted of protesting or challenging a state law
 62 or local government ordinance the purpose of which was to
 63 maintain racial segregation of or racial discrimination against
 64 individuals. If the information in the affidavit is later found
 65 to be false, or if the violation of law by the applicant had no
 66 direct relationship to or no purpose whatsoever in protesting or
 67 challenging a state law or local government ordinance the
 68 purpose of which was to maintain racial segregation of or racial
 69 discrimination against individuals, the board may void the
 70 pardon.

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

74 Section 3. Section 940.05, Florida Statutes, is amended to
 75 read:

76 940.05 Restoration of civil rights.--Any person who has
 77 been convicted of a felony may be entitled to the restoration of
 78 all the rights of citizenship enjoyed by him or her prior to
 79 conviction if the person has:

- 80 (1) Received a full pardon from the board of pardons;
- 81 (2) Served the maximum term of the sentence imposed upon
 82 him or her; ~~or~~
- 83 (3) Been granted his or her final release by the Parole
 84 Commission; or

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85 (4) Been convicted of protesting or challenging a state
86 law or local government ordinance the purpose of which was to
87 maintain racial segregation of or racial discrimination against
88 individuals. Such person is entitled to the restoration of all
89 rights of citizenship enjoyed by the person before the
90 conviction if the person has received a full pardon from the
91 Board of Executive Clemency.

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