

By Senator Hill

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

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30 effective date.

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

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

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

37 940.035 Pardons for convictions under segregationist laws
38 or ordinances.—

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

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

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

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59 provide notice of the hearing to all interested parties.

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

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

76 Section 3. Section 940.05, Florida Statutes, is amended to
77 read:

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

82 (1) Received a full pardon from the Board of Executive
83 Clemency;

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

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

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

95 Section 4. This act shall take effect July 1, 2010.