



425892

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2019	.	
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Appropriations Subcommittee on Criminal and Civil Justice
(Bracy) recommended the following:

Senate Amendment (with title amendment)

Delete lines 140 - 188

and insert:

Section 3. Paragraphs (d) and (f) of subsection (4) of
section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

(4)

(d) Notwithstanding the monthly maximum awards of incentive
gain-time under subparagraphs (b)1., 2., and 3., the education



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11 program manager shall recommend, and the Department of
12 Corrections may grant, a one-time award of 60 additional days of
13 incentive gain-time for each of the following to an inmate who
14 is otherwise eligible and who:

15 1. Successfully completes requirements for and is, or has
16 been during the current commitment, awarded a high school
17 equivalency diploma or vocational certificate; or

18 2. Has completed the Prison Entrepreneurship Program. ~~Under~~
19 ~~no circumstances may an inmate receive more than 60 days for~~
20 ~~educational attainment pursuant to this section.~~

21 (f) An inmate who is subject to subparagraph (b)3. is not
22 eligible to earn or receive gain-time under paragraph (a),
23 paragraph (b), paragraph (c), or paragraph (d) ~~or any other type~~
24 ~~of gain-time~~ in an amount that would cause a sentence to expire,
25 end, or terminate, or that would result in a prisoner's release,
26 prior to serving a minimum of 65 ~~85~~ percent of the sentence
27 imposed. An inmate who is currently serving a sentence for or
28 has been previously convicted of a dangerous crime as defined in
29 s. 907.041, or a violation specified as a predicate offense for
30 registration as a sexual predator under s. 775.21 or for
31 registration as a sexual offender under s. 943.0435, is not
32 eligible to earn or receive gain-time under paragraphs (a)
33 through (d), or any other type of gain-time in an amount that
34 would cause a sentence to expire, end, or terminate, or that
35 would result in a prisoner's release, before serving a minimum
36 of 65 percent of the sentence imposed. For purposes of this
37 paragraph, credits awarded by the court for time physically
38 incarcerated shall be credited toward satisfaction of 65 ~~85~~
39 percent of the sentence imposed. Except as provided by this



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40 section, a prisoner may not accumulate further gain-time awards
41 at any point when the tentative release date is the same as that
42 date at which the prisoner will have served 65 ~~85~~ percent of the
43 sentence imposed. State prisoners sentenced to life imprisonment
44 shall be incarcerated for the rest of their natural lives,
45 unless granted pardon or clemency.

46 Section 4. Paragraph (e) of subsection (1) of section
47 921.002, Florida Statutes, is amended to read:

48 921.002 The Criminal Punishment Code.—The Criminal
49 Punishment Code shall apply to all felony offenses, except
50 capital felonies, committed on or after October 1, 1998.

51 (1) The provision of criminal penalties and of limitations
52 upon the application of such penalties is a matter of
53 predominantly substantive law and, as such, is a matter properly
54 addressed by the Legislature. The Legislature, in the exercise
55 of its authority and responsibility to establish sentencing
56 criteria, to provide for the imposition of criminal penalties,
57 and to make the best use of state prisons so that violent
58 criminal offenders are appropriately incarcerated, has
59 determined that it is in the best interest of the state to
60 develop, implement, and revise a sentencing policy. The Criminal
61 Punishment Code embodies the principles that:

62 (e) The sentence imposed by the sentencing judge reflects
63 the length of actual time to be served, shortened only by the
64 application of incentive and meritorious gain-time as provided
65 by law, and may not be shortened if the defendant would
66 consequently serve less than 65 ~~85~~ percent of his or her term of
67 imprisonment as provided in s. 944.275(4). The provisions of
68 chapter 947, relating to parole, shall not apply to persons



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69 sentenced under the Criminal Punishment Code.

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete lines 14 - 18

74 and insert:

75 deleting a provision limiting the amount of additional
76 days of incentive gain-time an inmate may receive for
77 educational attainment; revising circumstances under
78 which certain inmates are not eligible for certain
79 types of gain-time in amounts that would cause a
80 sentence to end or require a release before serving a
81 minimum percentage of a sentence; amending s. 921.002,
82 F.S.; conforming a provision to changes made by the
83 act; amending s. 944.611, F.S.; providing