



588958

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/30/2019 04:38 PM

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Senator Book moved the following:

**Senate Amendment (with title amendment)**

Delete lines 4224 - 4285

and insert:

Section 60. Paragraphs (b), (e), and (f) of subsection (4)  
of section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

(4)

(b) For each month in which an inmate works diligently,  
participates in training, uses time constructively, or otherwise  
engages in positive activities, the department may grant



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12 incentive gain-time in accordance with this paragraph. The rate  
13 of incentive gain-time in effect on the date the inmate  
14 committed the offense that ~~which~~ resulted in his or her  
15 incarceration shall be the inmate's rate of eligibility to earn  
16 incentive gain-time throughout the period of incarceration and  
17 may ~~shall~~ not be altered by a subsequent change in the severity  
18 level of the offense for which the inmate was sentenced.

19 1. For sentences imposed for offenses committed before  
20 ~~prior to~~ January 1, 1994, up to 20 days of incentive gain-time  
21 may be granted. If granted, such gain-time shall be credited and  
22 applied monthly.

23 2. For sentences imposed for offenses committed on or after  
24 January 1, 1994, and before October 1, 1995:

25 a. For offenses ranked in offense severity levels 1 through  
26 7, under former s. 921.0012 or former s. 921.0013, up to 25 days  
27 of incentive gain-time may be granted. If granted, such gain-  
28 time shall be credited and applied monthly.

29 b. For offenses ranked in offense severity levels 8, 9, and  
30 10, under former s. 921.0012 or former s. 921.0013, up to 20  
31 days of incentive gain-time may be granted. If granted, such  
32 gain-time shall be credited and applied monthly.

33 3. For sentences imposed for offenses committed on or after  
34 October 1, 1995, and retroactive to October 1, 1995, the  
35 department may grant up to 20 ~~10~~ days per month of incentive  
36 gain-time except that:

37 a. If the offense is a nonviolent felony, as defined in s.  
38 948.08(6), excluding any offenses listed in s. 847.011, 787.06,  
39 787.02, and 827.071, the prisoner is not eligible to earn any  
40 type of gain-time in an amount that would cause a sentence to



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41 expire, end, or terminate, or that would result in a prisoner's  
42 release, before he or she serves a minimum of 65 percent of the  
43 sentence imposed. For purposes of this sub-subparagraph, credits  
44 awarded by the court for time physically incarcerated must be  
45 credited toward satisfaction of 65 percent of the sentence  
46 imposed. A prisoner who is granted incentive gain-time pursuant  
47 to this sub-subparagraph may not accumulate further gain-time  
48 awards at any point when the tentative release date is the same  
49 as that date at which the prisoner will have served 65 percent  
50 of the sentence imposed. State prisoners sentenced to life  
51 imprisonment must be incarcerated for the rest of their natural  
52 lives, unless granted pardon or clemency.

53 b. If the offense is not a nonviolent felony, as defined in  
54 s. 948.08(6), or is an offense listed in s. 847.011, 787.06,  
55 787.02, or 827.071, the prisoner is not eligible to earn any  
56 type of gain-time in an amount that would cause a sentence to  
57 expire, end, or terminate, or that would result in a prisoner's  
58 release, before he or she serves a minimum of 85 percent of the  
59 sentence imposed. For purposes of this sub-subparagraph, credits  
60 awarded by the court for time physically incarcerated must be  
61 credited toward satisfaction of 85 percent of the sentence  
62 imposed. A prisoner who is granted incentive gain-time pursuant  
63 to this sub-subparagraph may not accumulate further gain-time  
64 awards at any point when the tentative release date is the same  
65 as that date at which the prisoner will have served 85 percent  
66 of the sentence imposed. State prisoners sentenced to life  
67 imprisonment must be incarcerated for the rest of their natural  
68 lives, unless granted pardon or clemency.

69 (e) Notwithstanding subparagraph (b)3. for sentences



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70 imposed for offenses described in s. 943.0435 ~~committed on or~~  
71 ~~after October 1, 2014,~~ the department may not grant incentive  
72 gain-time if the offense is a violation of s. 782.04(1)(a)2.c.;  
73 s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,  
74 excluding s. 794.011(10); s. 800.04; s. 825.1025; or  
75 847.0135(5).

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

78 And the title is amended as follows:

79 Delete line 374

80 and insert:

81 after a specified date; prohibiting specified persons  
82 from eligibility for incentive gain time; amending s.  
83 944.47, F.S.;