

By Representative Trovillion

1 A bill to be entitled
 2 An act relating to county and municipal jails;
 3 amending s. 951.21, F.S.; providing that the
 4 gain-time awarded to county prisoners by the
 5 board of county commissioners is optional;
 6 deleting a provision requiring that the
 7 allowances awarded to county prisoners for good
 8 behavior be awarded according to the policy of
 9 the Department of Corrections for such awards
 10 for state prisoners; amending s. 951.23, F.S.;
 11 providing that it is a second degree
 12 misdemeanor for a prisoner to knowingly and
 13 willfully refuse to obey certain rules
 14 governing prisoner conduct; providing an
 15 effective date.

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

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 19 Section 1. Section 951.21, Florida Statutes, is
 20 amended to read:

21 951.21 Gain-time for good conduct for county
 22 prisoners.--

23 (1) Commutation of time for good conduct of county
 24 prisoners may ~~shall~~ be granted by the board of county
 25 commissioners, ~~and~~ The following deductions shall be made
 26 from the term of sentence when no charge of misconduct has
 27 been sustained against a county prisoner: 5 days per month off
 28 the first and second years of the sentence; 10 days per month
 29 off the third and fourth years of the sentence; 15 days per
 30 month off the fifth and all succeeding years of the sentence.
 31 Where no charge of misconduct is sustained against a county

1 prisoner, the deduction shall be deemed earned and the
2 prisoner shall be entitled to credit for a month as soon as
3 the prisoner has served such time as, when added to the
4 deduction allowable, will equal a month. A county prisoner
5 under two or more cumulative sentences shall be allowed
6 commutation as if they were all one sentence.

7 (2) For each sustained charge of escape or attempted
8 escape, mutinous conduct, or other serious misconduct, all the
9 commutation which shall have accrued in favor of a county
10 prisoner up to that day shall be forfeited, except that in
11 case of escape if the prisoner voluntarily returns without
12 expense to the state or county then such forfeiture may be set
13 aside by the board of county commissioners if in its judgment
14 the prisoner's subsequent conduct entitles him or her thereto.

15 (3) The board of county commissioners, upon
16 recommendation of the warden or sheriff, may adopt a policy to
17 allow for county prisoners, in addition to time credits, an
18 extra good-time allowance for meritorious conduct or
19 ~~exceptional industry, in accordance with the existing policy~~
20 ~~of the Department of Corrections for such awards for state~~
21 ~~prisoners.~~

22 (4) All or any part of the gain-time earned by a
23 county prisoner and any extra gain-time allowed him or her, if
24 any, shall be subject to forfeiture by the board of county
25 commissioners upon recommendation of the sheriff or warden for
26 violation of any law of the state or any rule or regulation of
27 the board or institution.

28 Section 2. Subsection (11) is added to section 951.23,
29 Florida Statutes, 1998 Supplement, to read:

30 951.23 County and municipal detention facilities;
31 definitions; administration; standards and requirements.--

1 (11) It is a misdemeanor of the second degree,
2 punishable as provided in s. 775.082 or s. 775.083, for any
3 prisoner in a county detention facility or municipal detention
4 facility to knowingly and willfully, on two or more occasions,
5 refuse to obey any rule governing the conduct of prisoners
6 adopted under subsection (4) and set forth in the model
7 standards for county and municipal detention facilities.
8 Punishment for a violation of this subsection shall be added
9 to the sentence the prisoner is serving at the time of the
10 offense.

11 Section 3. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Provides that the gain-time granted to county prisoners for good conduct is at the discretion of the board of county commissioners. Deletes a requirement that allowances awarded to county prisoners for good conduct comply with the policy of the Department of Corrections. Provides that it is a second degree misdemeanor for a county or municipal prisoner to knowingly and willfully, on two or more occasions, refuse to obey rules governing prisoner conduct.