



HB 1191

2003

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A bill to be entitled
 An act relating to gain-time awards for good conduct;
 amending s. 944.275, F.S.; increasing the amount of gain-
 time that the Department of Corrections may grant to
 certain prisoners; providing that such increase may not be
 granted to a prisoner convicted of committing a forcible
 felony; amending s. 921.002, F.S., relating to the
 Criminal Punishment Code; conforming provisions to changes
 made by the act; providing an effective date.

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

Section 1. Subsection (4) of section 944.275, Florida
 Statutes, is amended to read:

944.275 Gain-time.--

(4)(a) As a means of encouraging satisfactory behavior,
 the department shall grant basic gain-time at the rate of 10
 days for each month of each sentence imposed on a prisoner,
 subject to the following:

1. Portions of any sentences to be served concurrently
 shall be treated as a single sentence when determining basic
 gain-time.

2. Basic gain-time for a partial month shall be prorated
 on the basis of a 30-day month.

3. When a prisoner receives a new maximum sentence
 expiration date because of additional sentences imposed, basic
 gain-time shall be granted for the amount of time the maximum
 sentence expiration date was extended.

(b) For each month in which an inmate works diligently,
 participates in training, uses time constructively, or otherwise



HB 1191

2003

31 engages in positive activities, the department may grant
 32 incentive gain-time in accordance with this paragraph. The rate
 33 of incentive gain-time in effect on the date the inmate
 34 committed the offense which resulted in his or her incarceration
 35 shall be the inmate's rate of eligibility to earn incentive
 36 gain-time throughout the period of incarceration and shall not
 37 be altered by a subsequent change in the severity level of the
 38 offense for which the inmate was sentenced.

39 1. For sentences imposed for offenses committed prior to
 40 January 1, 1994, up to 20 days of incentive gain-time may be
 41 granted. If granted, such gain-time shall be credited and
 42 applied monthly.

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

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

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

53 3. For sentences imposed for offenses committed on or
 54 after October 1, 1995, the department may grant up to 10 days
 55 per month of incentive gain-time, except that:

56 a. A ~~no~~ prisoner is ineligible ~~eligible~~ to earn any type
 57 of gain-time in an amount that would cause a sentence to expire,
 58 end, or terminate, or that would result in the a prisoner's
 59 release, prior to serving a minimum of 65 ~~85~~ percent of the
 60 sentence imposed. For purposes of this sub-subparagraph



HB 1191

2003

61 ~~subparagraph~~, credits awarded by the court for time physically
 62 incarcerated shall be credited toward satisfaction of 65 ~~85~~
 63 percent of the sentence imposed. Except as provided by this
 64 section, a prisoner may ~~shall~~ not accumulate further gain-time
 65 awards at any point when the tentative release date is the same
 66 as that date at which the prisoner will have served 65 ~~85~~
 67 percent of the sentence imposed.

68 b. A prisoner who is serving a sentence for conviction of
 69 a forcible felony as defined in s. 776.08 is ineligible to earn
 70 any type of gain-time in an amount that would cause the sentence
 71 to expire, end, or terminate, or that would result in the
 72 prisoner's release, prior to serving a minimum of 85 percent of
 73 the sentence imposed. For purposes of this sub-subparagraph,
 74 credits awarded by the court for time physically incarcerated
 75 shall be credited toward satisfaction of 85 percent of the
 76 sentence imposed. Except as provided by this section, a prisoner
 77 who is serving a sentence for conviction of a forcible felony as
 78 defined in s. 776.08 may not accumulate additional gain-time
 79 awards at any point if the tentative release date is the same as
 80 that date at which the prisoner will have served 85 percent of
 81 the sentence imposed.

82 c. State prisoners sentenced to life imprisonment shall be
 83 incarcerated for the rest of their natural lives, unless granted
 84 pardon or clemency.

85 (c) An inmate who performs some outstanding deed, such as
 86 saving a life or assisting in recapturing an escaped inmate, or
 87 who in some manner performs an outstanding service that would
 88 merit the granting of additional deductions from the term of his
 89 or her sentence may be granted meritorious gain-time of from 1
 90 to 60 days.



HB 1191

2003

91 (d) Notwithstanding subparagraphs (b)1. and 2., the
92 education program manager shall recommend, and the Department of
93 Corrections may grant, a one-time award of 60 additional days of
94 incentive gain-time to an inmate who is otherwise eligible and
95 who successfully completes requirements for and is awarded a
96 general educational development certificate or vocational
97 certificate. Under no circumstances may an inmate receive more
98 than 60 days for educational attainment pursuant to this
99 section.

100 Section 2. Paragraph (e) of subsection (1) of section
101 921.002, Florida Statutes, is amended to read:

102 921.002 The Criminal Punishment Code.--The Criminal
103 Punishment Code shall apply to all felony offenses, except
104 capital felonies, committed on or after October 1, 1998.

105 (1) The provision of criminal penalties and of limitations
106 upon the application of such penalties is a matter of
107 predominantly substantive law and, as such, is a matter properly
108 addressed by the Legislature. The Legislature, in the exercise
109 of its authority and responsibility to establish sentencing
110 criteria, to provide for the imposition of criminal penalties,
111 and to make the best use of state prisons so that violent
112 criminal offenders are appropriately incarcerated, has
113 determined that it is in the best interest of the state to
114 develop, implement, and revise a sentencing policy. The Criminal
115 Punishment Code embodies the principles that:

116 (e) The sentence imposed by the sentencing judge reflects
117 the length of actual time to be served, shortened only by the
118 application of incentive and meritorious gain-time as provided
119 by law, and may not be shortened if the defendant would
120 consequently serve less than 65 percent or 85 percent, as



HB 1191

2003

121 applicable, of his or her term of imprisonment as provided in s.
122 944.275(4)(b)3. The provisions of chapter 947, relating to
123 parole, shall not apply to persons sentenced under the Criminal
124 Punishment Code.

125 Section 3. This act shall take effect October 1, 2003.