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604-02801A-10

Proposed Committee Substitute by the Committee on Criminal and
Civil Justice Appropriations

A bill to be entitled

An act relating to incentive gain-time; amending s.
944.275, F.S.; prohibiting an inmate from receiving
incentive gain-time credits for completing the
requirements for and receiving a general educational
development certificate or vocational certificate if
the inmate was convicted of a specified offense on or
after a specified date; 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.



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28 (b) For each month in which an inmate works diligently,
29 participates in training, uses time constructively, or otherwise
30 engages in positive activities, the department may grant
31 incentive gain-time in accordance with this paragraph. The rate
32 of incentive gain-time in effect on the date the inmate
33 committed the offense which resulted in his or her incarceration
34 shall be the inmate's rate of eligibility to earn incentive
35 gain-time throughout the period of incarceration and shall not
36 be altered by a subsequent change in the severity level of the
37 offense for which the inmate was sentenced.

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

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

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

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

52 3. For sentences imposed for offenses committed on or after
53 October 1, 1995, the department may grant up to 10 days per
54 month of incentive gain-time, except that no prisoner is
55 eligible to earn any type of gain-time in an amount that would
56 cause a sentence to expire, end, or terminate, or that would



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57 result in a prisoner's release, prior to serving a minimum of 85
58 percent of the sentence imposed. For purposes of this
59 subparagraph, credits awarded by the court for time physically
60 incarcerated shall be credited toward satisfaction of 85 percent
61 of the sentence imposed. Except as provided by this section, a
62 prisoner shall not accumulate further gain-time awards at any
63 point when the tentative release date is the same as that date
64 at which the prisoner will have served 85 percent of the
65 sentence imposed. State prisoners sentenced to life imprisonment
66 shall be incarcerated for the rest of their natural lives,
67 unless granted pardon or clemency.

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

74 (d) Notwithstanding subparagraphs (b)1., ~~and 2., and 3.,~~
75 the education program manager shall recommend, and the
76 Department of Corrections may grant, a one-time award of 60
77 additional days of incentive gain-time to an inmate who is
78 otherwise eligible and who successfully completes requirements
79 for and is awarded a general educational development certificate
80 or vocational certificate. This incentive gain-time award may
81 not be granted to reduce any sentence for an offense committed
82 on or after October 1, 1995, if the inmate was convicted of a
83 violation of s. 794.011, s. 794.05, s. 796.03, s. 796.035, s.
84 800.04, s. 825.1025, s. 827.03, s. 827.071, s. 847.0133, s.
85 847.0135, 847.0137, 847.0138, 847.0145, s. 985.701(1), or a



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86 forcible felony offense that is specifically set forth in s.
87 776.08, except burglary under s. 810.02(4). Under no
88 circumstances may an inmate receive more than 60 days for
89 educational attainment pursuant to this section.

90 Section 2. This act shall take effect July 1, 2010.