

By Senator Abruzzo

25-01299-15

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1                   A bill to be entitled  
2           An act relating to educational achievement gain-time;  
3           amending s. 921.002, F.S.; conforming provisions to  
4           changes made by the act; amending s. 944.275, F.S.;  
5           increasing the amount of incentive gain-time an inmate  
6           must be awarded for certain educational achievements;  
7           requiring that such an inmate must still serve a  
8           specified percentage of his or her term of  
9           imprisonment; providing an effective date.

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

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13           Section 1. Paragraph (e) of subsection (1) of section  
14           921.002, Florida Statutes, is amended to read:

15           921.002 The Criminal Punishment Code.—The Criminal  
16           Punishment Code shall apply to all felony offenses, except  
17           capital felonies, committed on or after October 1, 1998.

18           (1) The provision of criminal penalties and of limitations  
19           upon the application of such penalties is a matter of  
20           predominantly substantive law and, as such, is a matter properly  
21           addressed by the Legislature. The Legislature, in the exercise  
22           of its authority and responsibility to establish sentencing  
23           criteria, to provide for the imposition of criminal penalties,  
24           and to make the best use of state prisons so that violent  
25           criminal offenders are appropriately incarcerated, has  
26           determined that it is in the best interest of the state to  
27           develop, implement, and revise a sentencing policy. The Criminal  
28           Punishment Code embodies the principles that:

29           (e) The sentence imposed by the sentencing judge reflects

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30 the length of actual time to be served, shortened only by the  
31 application of incentive and meritorious gain-time as provided  
32 by law, and may not be shortened if the defendant would  
33 consequently serve less than 85 percent of his or her term of  
34 imprisonment as provided in s. 944.275(4)(b)3. or if the  
35 defendant would consequently serve less than 70 percent of his  
36 or her term of imprisonment as provided in s. 944.275(4)(d). The  
37 provisions of chapter 947, relating to parole, shall not apply  
38 to persons sentenced under the Criminal Punishment Code.

39 Section 2. Paragraph (d) of subsection (4) of section  
40 944.275, Florida Statutes, is amended to read:

41 944.275 Gain-time.—

42 (4)

43 (d) Notwithstanding subparagraphs (b)1., ~~and 2., and 3.,~~  
44 the education program manager shall recommend, and the  
45 department shall ~~of Corrections may~~ grant, a one-time award of  
46 120 ~~60~~ additional days of incentive gain-time to an inmate who  
47 is otherwise eligible and who successfully completes  
48 requirements for and is awarded a high school equivalency  
49 diploma or vocational certificate. If the application of the 120  
50 days of incentive gain-time under this paragraph would result in  
51 an inmate serving less than 70 percent of his or her term of  
52 imprisonment, the department must grant the inmate the amount of  
53 incentive gain-time that results in the inmate serving 70  
54 percent of his or her term of imprisonment. Under no  
55 circumstances may an inmate receive more than 120 ~~60~~ days for  
56 educational attainment pursuant to this section.

57 Section 3. This act shall take effect July 1, 2015.