

Amendment No. 2

17 committed the offense which resulted in his or her incarceration
18 shall be the inmate's rate of eligibility to earn incentive
19 gain-time throughout the period of incarceration and shall not
20 be altered by a subsequent change in the severity level of the
21 offense for which the inmate was sentenced.

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

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

28 a. For offenses ranked in offense severity levels 1 through
29 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
30 of incentive gain-time may be granted. If granted, such gain-
31 time shall be credited and applied monthly.

32 b. For offenses ranked in offense severity levels 8, 9, and
33 10, under former s. 921.0012 or former s. 921.0013, up to 20
34 days of incentive gain-time may be granted. If granted, such
35 gain-time shall be credited and applied monthly.

36 3. For sentences imposed for offenses committed on or after
37 October 1, 1995, the department may grant up to 10 days per
38 month of incentive gain-time, ~~except that no prisoner is~~
39 ~~eligible to earn any type of gain-time in an amount that would~~
40 ~~cause a sentence to expire, end, or terminate, or that would~~
41 ~~result in a prisoner's release, prior to serving a minimum of 85~~
42 ~~percent of the sentence imposed. For purposes of this~~

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43 ~~subparagraph, credits awarded by the court for time physically~~
44 ~~incarcerated shall be credited toward satisfaction of 85 percent~~
45 ~~of the sentence imposed. Except as provided by this section, a~~
46 ~~prisoner shall not accumulate further gain-time awards at any~~
47 ~~point when the tentative release date is the same as that date~~
48 ~~at which the prisoner will have served 85 percent of the~~
49 ~~sentence imposed. State prisoners sentenced to life imprisonment~~
50 ~~shall be incarcerated for the rest of their natural lives,~~
51 ~~unless granted pardon or clemency.~~

52 (d) Notwithstanding the monthly maximum awards of incentive
53 gain-time under subparagraphs (b)1., and 2., and 3., the
54 education program manager shall recommend, and the Department of
55 Corrections may grant, a one-time award of 60 additional days of
56 incentive gain-time to an inmate who is otherwise eligible and
57 who successfully completes requirements for and is, or has been
58 during the current commitment, awarded a high school equivalency
59 diploma or vocational certificate. Under no circumstances may an
60 inmate receive more than 60 days for educational attainment
61 pursuant to this section.

62 (f) An inmate who is subject to subparagraph (b)3., is not
63 eligible to earn or receive gain-time under paragraph (a), (b),
64 (c), or (d) or any other type of gain-time in an amount that
65 would cause a sentence to expire, end, or terminate, or that
66 would result in a prisoner's release, prior to serving a minimum
67 of 85 percent of the sentence imposed. For purposes of this
68 paragraph, credits awarded by the court for time physically

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69 incarcerated shall be credited toward satisfaction of 85 percent
70 of the sentence imposed. Except as provided by this section, a
71 prisoner shall not accumulate further gain-time awards at any
72 point when the tentative release date is the same as that date
73 at which the prisoner will have served 85 percent of the
74 sentence imposed. State prisoners sentenced to life imprisonment
75 shall be incarcerated for the rest of their natural lives,
76 unless granted pardon or clemency.
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79 **T I T L E A M E N D M E N T**

80 Remove line 31 and insert:

81 incentive gain-time by the department; clarifying when gain-time
82 can be earned; amending s.