

1                   A bill to be entitled  
2           An act relating to gain-time; amending s. 921.002,  
3           F.S.; revising a principle of the Criminal Punishment  
4           Code relating to a prisoner's required minimum term of  
5           imprisonment; amending s. 944.275, F.S.; revising the  
6           incentive gain-time that the Department of Corrections  
7           may grant a prisoner for offenses committed on or  
8           after a specified date; providing exceptions; revising  
9           the conditions under which an inmate may be granted a  
10          one-time award of 60 additional days of incentive  
11          gain-time by the department; providing an effective  
12          date.

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

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16           Section 1. Paragraph (e) of subsection (1) of section  
17   921.002, Florida Statutes, is amended to read:

18           921.002 The Criminal Punishment Code.—The Criminal  
19   Punishment Code shall apply to all felony offenses, except  
20   capital felonies, committed on or after October 1, 1998.

21           (1) The provision of criminal penalties and of limitations  
22   upon the application of such penalties is a matter of  
23   predominantly substantive law and, as such, is a matter properly  
24   addressed by the Legislature. The Legislature, in the exercise  
25   of its authority and responsibility to establish sentencing

26 criteria, to provide for the imposition of criminal penalties,  
 27 and to make the best use of state prisons so that violent  
 28 criminal offenders are appropriately incarcerated, has  
 29 determined that it is in the best interest of the state to  
 30 develop, implement, and revise a sentencing policy. The Criminal  
 31 Punishment Code embodies the principles that:

32 (e) The sentence imposed by the sentencing judge reflects  
 33 the length of actual time to be served, shortened only by the  
 34 application of incentive and meritorious gain-time as provided  
 35 by law, and may not be shortened if the defendant would  
 36 consequently serve less than 65 percent of his or her term of  
 37 imprisonment as provided in s. 944.275(4)(b)4.a. or 85 percent  
 38 of his or her term of imprisonment as provided in s. 944.275(4)  
 39 or s. 944.275(4)(b)4.b. The provisions of chapter 947, relating  
 40 to parole, shall not apply to persons sentenced under the  
 41 Criminal Punishment Code.

42 Section 2. Paragraphs (b), (d), and (f) of subsection (4)  
 43 of section 944.275, Florida Statutes, are amended to read:

44 944.275 Gain-time.—

45 (4)

46 (b) For each month in which an inmate works diligently,  
 47 participates in training, uses time constructively, or otherwise  
 48 engages in positive activities, the department may grant  
 49 incentive gain-time in accordance with this paragraph. The rate  
 50 of incentive gain-time in effect on the date the inmate

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51 committed the offense that ~~which~~ resulted in his or her  
52 incarceration shall be the inmate's rate of eligibility to earn  
53 incentive gain-time throughout the period of incarceration and  
54 may shall not be altered by a subsequent change in the severity  
55 level of the offense for which the inmate was sentenced.

56 1. For sentences imposed for offenses committed before  
57 ~~prior to~~ January 1, 1994, up to 20 days of incentive gain-time  
58 may be granted. If granted, such gain-time shall be credited and  
59 applied monthly.

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

62 a. For offenses ranked in offense severity levels 1  
63 through 7, under former s. 921.0012 or former s. 921.0013, up to  
64 25 days of incentive gain-time may be granted. If granted, such  
65 gain-time shall be credited and applied monthly.

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

70 3. For sentences imposed for offenses committed on or  
71 after October 1, 1995, and before July 1, 2019, the department  
72 may grant up to 10 days per month of incentive gain-time.

73 4. For sentences imposed for offenses committed on or  
74 after July 1, 2019, the department may grant up to 20 days per  
75 month of incentive gain-time, except that:

76        a. If the offense is a nonviolent felony, as defined in s.  
77 948.08(6), the prisoner is not eligible to earn any type of  
78 gain-time in an amount that would cause a sentence to expire,  
79 end, or terminate, or that would result in a prisoner's release,  
80 before he or she serves a minimum of 65 percent of the sentence  
81 imposed. For purposes of this sub-subparagraph, credits awarded  
82 by the court for time physically incarcerated must be credited  
83 toward satisfaction of 65 percent of the sentence imposed. A  
84 prisoner who is granted incentive gain-time pursuant to this  
85 sub-subparagraph may not accumulate further gain-time awards at  
86 any point when the tentative release date is the same as that  
87 date at which the prisoner will have served 65 percent of the  
88 sentence imposed. State prisoners sentenced to life imprisonment  
89 must be incarcerated for the rest of their natural lives, unless  
90 granted pardon or clemency.

91        b. If the offense is not a nonviolent felony, as defined  
92 in s. 948.08(6), the prisoner is not eligible to earn any type  
93 of gain-time in an amount that would cause a sentence to expire,  
94 end, or terminate, or that would result in a prisoner's release,  
95 before he or she serves a minimum of 85 percent of the sentence  
96 imposed. For purposes of this sub-subparagraph, credits awarded  
97 by the court for time physically incarcerated must be credited  
98 toward satisfaction of 85 percent of the sentence imposed. A  
99 prisoner who is granted incentive gain-time pursuant to this  
100 sub-subparagraph may not accumulate further gain-time awards at

101 any point when the tentative release date is the same as that  
102 date at which the prisoner will have served 85 percent of the  
103 sentence imposed. State prisoners sentenced to life imprisonment  
104 must be incarcerated for the rest of their natural lives, unless  
105 granted pardon or clemency.

106 (d) Notwithstanding the monthly maximum awards of  
107 incentive gain-time under subparagraphs (b)1.-4. ~~subparagraphs~~  
108 ~~(b)1., 2., and 3.,~~ the education program manager shall  
109 recommend, and the Department of Corrections may grant, a one-  
110 time award of 60 additional days of incentive gain-time to an  
111 inmate who is otherwise eligible and who successfully completes  
112 requirements for and is, or has been during the current  
113 commitment, awarded a high school equivalency diploma or  
114 vocational certificate. Under no circumstances may an inmate  
115 receive more than 60 days for educational attainment pursuant to  
116 this section.

117 (f) An inmate who is subject to subparagraph (b)3. is not  
118 eligible to earn or receive gain-time under paragraph (a),  
119 paragraph (b), paragraph (c), or paragraph (d) or any other type  
120 of gain-time in an amount that would cause a sentence to expire,  
121 end, or terminate, or that would result in a prisoner's release,  
122 before ~~prior to~~ serving a minimum of 85 percent of the sentence  
123 imposed. For purposes of this paragraph, credits awarded by the  
124 court for time physically incarcerated shall be credited toward  
125 satisfaction of 85 percent of the sentence imposed. Except as

126 | provided by this section, a prisoner may not accumulate further  
127 | gain-time awards at any point when the tentative release date is  
128 | the same as that date at which the prisoner will have served 85  
129 | percent of the sentence imposed. State prisoners sentenced to  
130 | life imprisonment shall be incarcerated for the rest of their  
131 | natural lives, unless granted pardon or clemency.

132 |       Section 3. This act shall take effect July 1, 2019.