

HB 1243

2021

1                   A bill to be entitled  
2           An act relating to the term of imprisonment served by  
3           inmates; amending s. 921.002, F.S.; conforming  
4           provisions to changes made by the act; amending s.  
5           944.275, F.S.; providing for additional incentive  
6           gain-time awards for inmates for certain actions;  
7           requiring periodic reviews of the records of certain  
8           inmates to determine eligibility for specified gain-  
9           time awards; reducing the minimum amount of time that  
10          must be served by certain inmates; providing an  
11          effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Paragraph (e) of subsection (1) of section  
16           921.002, Florida Statutes, is amended to read:

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

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

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

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

39 Section 2. Paragraphs (e) and (f) of subsection (4) of  
 40 section 944.275, Florida Statutes, are redesignated as  
 41 paragraphs (f) and (g), respectively, paragraph (d) and present  
 42 paragraph (f) of that subsection are amended, and a new  
 43 paragraph (e) is added to that subsection, to read:

44 944.275 Gain-time.—

45 (4)

46 (d) Notwithstanding the monthly maximum awards of  
 47 incentive gain-time under subparagraphs (b)1., 2., and 3., the  
 48 education program manager shall recommend, and the department ~~of~~  
 49 ~~Corrections~~ may grant, up to three awards ~~a one-time award~~ of  
 50 180 ~~60~~ additional days of incentive gain-time to an inmate who

51 is otherwise eligible and who successfully completes  
52 requirements for and is, or has been during the current  
53 commitment, awarded a high school equivalency diploma or  
54 vocational certificate or who completes any other education,  
55 career, or technical education program, including the prison  
56 entrepreneurship program and any character-based program. Under  
57 no circumstances may an inmate receive more than 180 ~~60~~ days for  
58 educational attainment pursuant to this section.

59 (e) Notwithstanding the monthly maximum awards of  
60 incentive gain-time under subparagraphs (b)1., 2., and 3., the  
61 department may grant up to three awards of 180 additional days  
62 of incentive gain-time to an inmate who is serving a sentence  
63 for a nonviolent felony as defined in s. 948.20 and who has used  
64 his or her time constructively considering the availability and  
65 accessibility of education, work assignments, and any other  
66 programming where the inmate has been incarcerated. The  
67 department shall review an inmate's record to determine  
68 eligibility for such an award at the time the inmate completes  
69 25 percent, 50 percent, and 75 percent of the sentence imposed.

70 (g) ~~(f)~~ An inmate who is subject to subparagraph (b)3. is  
71 not eligible to earn or receive gain-time under paragraph (a),  
72 paragraph (b), paragraph (c), ~~or~~ paragraph (d), or paragraph (e)  
73 or any other type of gain-time in an amount that would cause a  
74 sentence to expire, end, or terminate, or that would result in a  
75 prisoner's release, before ~~prior to~~ serving a minimum of 65

76 | percent of the sentence imposed for an inmate who is serving a  
77 | sentence for a nonviolent felony as defined in s. 948.20, or 85  
78 | percent of the sentence imposed for an inmate who is serving a  
79 | sentence for an offense other than a nonviolent felony as  
80 | defined in s. 948.20. For purposes of this paragraph, credits  
81 | awarded by the court for time physically incarcerated shall be  
82 | credited toward satisfaction of the minimum percentage ~~85~~  
83 | ~~percent~~ of the sentence imposed. Except as provided by this  
84 | section, a prisoner may not accumulate further gain-time awards  
85 | at any point when the tentative release date is the same as that  
86 | date at which the prisoner will have served the minimum  
87 | percentage ~~85 percent~~ of the sentence imposed. State prisoners  
88 | sentenced to life imprisonment shall be incarcerated for the  
89 | rest of their natural lives, unless granted pardon or clemency.

90 | Section 3. This act shall take effect July 1, 2021.