

By Senator Jones

35-01837-21

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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:

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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

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

44 944.275 Gain-time.—

45 (4)

46 (d) Notwithstanding the monthly maximum awards of incentive
47 gain-time under subparagraphs (b)1., 2., and 3., the education
48 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.

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59 (e) Notwithstanding the monthly maximum awards of incentive
60 gain-time under subparagraphs (b)1., 2., and 3., the department
61 may grant up to three awards of 180 additional days of incentive
62 gain-time to an inmate who is serving a sentence for a
63 nonviolent felony as defined in s. 948.20 and who has used his
64 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

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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.