

1 A bill to be entitled
2 An act relating to incentive gain-time; amending s.
3 921.002, F.S.; conforming provisions to changes made
4 by the act; amending s. 944.275, F.S.; authorizing the
5 award of incentive gain-time for inmates who attain
6 vocational certificates or complete educational or
7 rehabilitation programs, who participate in vocational
8 or workforce preparedness programs, or who use time
9 constructively and commit to rehabilitation; requiring
10 an inmate to serve a minimum of 65 percent of his or
11 her sentence for a nonviolent felony and 85 percent
12 for an offense other than a nonviolent felony;
13 providing an effective date.

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

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17 **Section 1. Paragraph (e) of subsection (1) of section**
18 **921.002, Florida Statutes, is amended to read:**

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

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

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

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

Section 2. Paragraphs (e) and (f) of subsection (4) of section 944.275, Florida Statutes, are redesignated as paragraphs (h) and (i), respectively, present paragraph (f) is amended, and new paragraphs (e), (f), and (g) are added to that subsection, to read:

944.275 Gain-time.—

(4)

(e) Notwithstanding the monthly maximum awards of incentive gain-time under subparagraphs (b)1., 2., and 3., the department may grant an award of 60 to 180 additional days of

51 vocational or workforce preparedness incentive gain-time to an
52 inmate who is otherwise eligible and who successfully completes
53 requirements for and is, or has been during the current
54 commitment, awarded a vocational certificate not resulting in
55 credit under paragraph (d), or who completes any other career or
56 workforce preparedness or technical education program, including
57 the prison entrepreneurship program. The department may also
58 grant an award of 30 to 90 days to an inmate who completes an
59 educational or rehabilitation program not resulting in credit
60 under paragraph (d) or this paragraph, including, but not
61 limited to, a drug, behavioral health, or mental health
62 treatment program, a life skills program, a reentry program, or
63 any character-based program.

64 (f) Notwithstanding the monthly maximum awards of
65 incentive gain-time under subparagraphs (b)1., 2., and 3., the
66 department may grant up to 5 days per month of vocational or
67 workforce preparedness incentive gain-time for each month in
68 which an inmate participates in a vocational or workforce
69 preparedness program as designated by the department. Under no
70 circumstances may an inmate receive vocational or workforce
71 preparedness incentive gain-time under this subsection of more
72 than 15 percent of the sentence imposed for that inmate.

73 (g) Notwithstanding the monthly maximum awards of
74 incentive gain-time under subparagraphs (b)1., 2., and 3., the
75 department may grant up to three additional incentive gain-time

awards of up to 60 days each to an inmate who has used his or her time constructively and demonstrated a diligent commitment to rehabilitation considering the availability and accessibility of education, work assignments, workforce preparation training, and other programming in the inmate's place, or places, of incarceration.

(i) ~~(f)~~ An inmate who is subject to subparagraph (b)3. is not eligible to earn or receive gain-time under paragraph (a), paragraph (b), paragraph (c), ~~or~~ paragraph (d), paragraph (e), paragraph (f), or paragraph (g) or any other type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, before ~~prior to~~ serving a minimum of 65 percent of the sentence imposed for a nonviolent felony as defined in s. 948.20(1), or 85 percent of the sentence imposed for an offense other than a nonviolent felony as defined in s. 948.20(1). For purposes of this paragraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of the applicable minimum percentage ~~85 percent~~ of the sentence imposed. Except as provided by this section, a prisoner may not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served the applicable minimum percentage ~~85 percent~~ of the sentence imposed. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their

101 natural lives, unless granted pardon or clemency.

102 **Section 3.** This act shall take effect July 1, 2026.