

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; providing exceptions; revising
8 the conditions under which an inmate may be granted a
9 one-time award of 60 additional days of incentive
10 gain-time by the department; providing an effective
11 date.

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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
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 65 percent of his or her term of
36 imprisonment as provided in s. 944.275(4)(b)3.a. or 85 percent
37 of his or her term of imprisonment as provided in s. 944.275(4)
38 or s. 944.275(4)(b)3.b. The provisions of chapter 947, relating
39 to parole, shall not apply to persons sentenced under the
40 Criminal Punishment Code.

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

43 944.275 Gain-time.—

44 (4)

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

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

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

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

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

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

69 3. For sentences imposed for offenses, regardless of the
70 date committed, the department may grant up to 20 days per month
71 of incentive gain-time, except that:

72 a. If the offense is a nonviolent felony, as defined in s.
73 948.08(6), the prisoner is not eligible to earn any type of
74 gain-time in an amount that would cause a sentence to expire,
75 end, or terminate, or that would result in a prisoner's release,

76 before he or she serves a minimum of 65 percent of the sentence
77 imposed. For purposes of this sub-subparagraph, credits awarded
78 by the court for time physically incarcerated must be credited
79 toward satisfaction of 65 percent of the sentence imposed. A
80 prisoner who is granted incentive gain-time pursuant to this
81 sub-subparagraph may not accumulate further gain-time awards at
82 any point when the tentative release date is the same as that
83 date at which the prisoner will have served 65 percent of the
84 sentence imposed. State prisoners sentenced to life imprisonment
85 must be incarcerated for the rest of their natural lives, unless
86 granted pardon or clemency.

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

101 granted pardon or clemency ~~For sentences imposed for offenses~~
102 ~~committed on or after October 1, 1995, the department may grant~~
103 ~~up to 10 days per month of incentive gain-time.~~

104 (f) An inmate who is subject to subparagraph (b)3. is not
105 eligible to earn or receive gain-time under paragraph (a),
106 paragraph (b), paragraph (c), or paragraph (d) or any other type
107 of gain-time in an amount that would cause a sentence to expire,
108 end, or terminate, or that would result in a prisoner's release,
109 before ~~prior to~~ serving a minimum of 85 percent of the sentence
110 imposed. For purposes of this paragraph, credits awarded by the
111 court for time physically incarcerated shall be credited toward
112 satisfaction of 85 percent of the sentence imposed. Except as
113 provided by this section, a prisoner may not accumulate further
114 gain-time awards at any point when the tentative release date is
115 the same as that date at which the prisoner will have served 85
116 percent of the sentence imposed. State prisoners sentenced to
117 life imprisonment shall be incarcerated for the rest of their
118 natural lives, unless granted pardon or clemency.

119 Section 3. This act shall take effect July 1, 2020.