

By the Committee on Criminal and Civil Justice Appropriations;
and Senator Crist

604-03287-10

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1 A bill to be entitled

2 An act relating to incentive gain-time; amending s.
3 944.275, F.S.; prohibiting an inmate from receiving
4 incentive gain-time credits for completing the
5 requirements for and receiving a general educational
6 development certificate or vocational certificate if
7 the inmate was convicted of a specified offense on or
8 after a specified date; providing an effective date.

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

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12 Section 1. Subsection (4) of section 944.275, Florida
13 Statutes, is amended to read:

14 944.275 Gain-time.—

15 (4) (a) As a means of encouraging satisfactory behavior, the
16 department shall grant basic gain-time at the rate of 10 days
17 for each month of each sentence imposed on a prisoner, subject
18 to the following:

19 1. Portions of any sentences to be served concurrently
20 shall be treated as a single sentence when determining basic
21 gain-time.

22 2. Basic gain-time for a partial month shall be prorated on
23 the basis of a 30-day month.

24 3. When a prisoner receives a new maximum sentence
25 expiration date because of additional sentences imposed, basic
26 gain-time shall be granted for the amount of time the maximum
27 sentence expiration date was extended.

28 (b) For each month in which an inmate works diligently,
29 participates in training, uses time constructively, or otherwise

604-03287-10

20101396c1

30 engages in positive activities, the department may grant
31 incentive gain-time in accordance with this paragraph. The rate
32 of incentive gain-time in effect on the date the inmate
33 committed the offense which resulted in his or her incarceration
34 shall be the inmate's rate of eligibility to earn incentive
35 gain-time throughout the period of incarceration and shall not
36 be altered by a subsequent change in the severity level of the
37 offense for which the inmate was sentenced.

38 1. For sentences imposed for offenses committed prior to
39 January 1, 1994, up to 20 days of incentive gain-time may be
40 granted. If granted, such gain-time shall be credited and
41 applied monthly.

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

44 a. For offenses ranked in offense severity levels 1 through
45 7, under s. 921.0012 or s. 921.0013, up to 25 days of incentive
46 gain-time may be granted. If granted, such gain-time shall be
47 credited and applied monthly.

48 b. For offenses ranked in offense severity levels 8, 9, and
49 10, under s. 921.0012 or s. 921.0013, up to 20 days of incentive
50 gain-time may be granted. If granted, such gain-time shall be
51 credited and applied monthly.

52 3. For sentences imposed for offenses committed on or after
53 October 1, 1995, the department may grant up to 10 days per
54 month of incentive gain-time, except that no prisoner is
55 eligible to earn any type of gain-time in an amount that would
56 cause a sentence to expire, end, or terminate, or that would
57 result in a prisoner's release, prior to serving a minimum of 85
58 percent of the sentence imposed. For purposes of this

604-03287-10

20101396c1

59 subparagraph, credits awarded by the court for time physically
60 incarcerated shall be credited toward satisfaction of 85 percent
61 of the sentence imposed. Except as provided by this section, a
62 prisoner shall not accumulate further gain-time awards at any
63 point when the tentative release date is the same as that date
64 at which the prisoner will have served 85 percent of the
65 sentence imposed. State prisoners sentenced to life imprisonment
66 shall be incarcerated for the rest of their natural lives,
67 unless granted pardon or clemency.

68 (c) An inmate who performs some outstanding deed, such as
69 saving a life or assisting in recapturing an escaped inmate, or
70 who in some manner performs an outstanding service that would
71 merit the granting of additional deductions from the term of his
72 or her sentence may be granted meritorious gain-time of from 1
73 to 60 days.

74 (d) Notwithstanding subparagraphs (b)1. and 2., the
75 education program manager shall recommend, and the Department of
76 Corrections may grant, a one-time award of 60 additional days of
77 incentive gain-time to an inmate who is otherwise eligible and
78 who successfully completes requirements for and is awarded a
79 general educational development certificate or vocational
80 certificate. This incentive gain-time award may be granted to
81 reduce any sentence for an offense committed on or after October
82 1, 1995. However, this gain-time may not be granted to reduce
83 any sentence for an offense committed on or after October 1,
84 1995, if the inmate is, or has previously been, convicted of a
85 violation of s. 794.011, s. 794.05, s. 796.03, s. 796.035, s.
86 800.04, s. 825.1025, s. 827.03, s. 827.071, s. 847.0133, s.
87 847.0135, s. 847.0137, s. 847.0138, s. 847.0145, s. 985.701(1),

604-03287-10

20101396c1

88 or a forcible felony offense that is specifically set forth in
89 s. 776.08, except burglary under s. 810.02(4). Under no
90 circumstances may an inmate receive more than 60 days for
91 educational attainment pursuant to this section.

92 Section 2. This act shall take effect July 1, 2010.