

By Senator Abruzzo

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1 A bill to be entitled
2 An act relating to educational achievement gain-time;
3 amending s. 921.002, F.S.; conforming provisions to
4 changes made by the act; amending s. 944.275, F.S.;
5 increasing the amount of incentive gain-time an inmate
6 must be awarded for certain educational achievements;
7 requiring that such an inmate must still serve a
8 specified percentage of his or her term of
9 imprisonment; providing an effective date.

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

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

15 921.002 The Criminal Punishment Code.—The Criminal
16 Punishment Code shall apply to all felony offenses, except
17 capital felonies, committed on or after October 1, 1998.

18 (1) The provision of criminal penalties and of limitations
19 upon the application of such penalties is a matter of
20 predominantly substantive law and, as such, is a matter properly
21 addressed by the Legislature. The Legislature, in the exercise
22 of its authority and responsibility to establish sentencing
23 criteria, to provide for the imposition of criminal penalties,
24 and to make the best use of state prisons so that violent
25 criminal offenders are appropriately incarcerated, has
26 determined that it is in the best interest of the state to
27 develop, implement, and revise a sentencing policy. The Criminal
28 Punishment Code embodies the principles that:

29 (e) The sentence imposed by the sentencing judge reflects

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30 the length of actual time to be served, shortened only by the
31 application of incentive and meritorious gain-time as provided
32 by law, and may not be shortened if the defendant would
33 consequently serve less than 85 percent of his or her term of
34 imprisonment as provided in s. 944.275(4)(b)3. or if the
35 defendant would consequently serve less than 70 percent of his
36 or her term of imprisonment as provided in s. 944.275(4)(d). The
37 provisions of chapter 947, relating to parole, shall not apply
38 to persons sentenced under the Criminal Punishment Code.

39 Section 2. Paragraph (d) of subsection (4) of section
40 944.275, Florida Statutes, is amended to read:

41 944.275 Gain-time.—

42 (4)

43 (d) Notwithstanding subparagraphs (b)1., ~~and 2., and 3.,~~
44 the education program manager shall recommend, and the
45 department shall ~~of Corrections may~~ grant, a one-time award of
46 120 ~~60~~ additional days of incentive gain-time to an inmate who
47 is otherwise eligible and who successfully completes
48 requirements for and is awarded a high school equivalency
49 diploma or vocational certificate. If the application of the 120
50 days of incentive gain-time under this paragraph would result in
51 an inmate serving less than 70 percent of his or her term of
52 imprisonment, the department must grant the inmate the amount of
53 incentive gain-time that results in the inmate serving 70
54 percent of his or her term of imprisonment. Under no
55 circumstances may an inmate receive more than 120 ~~60~~ days for
56 educational attainment pursuant to this section.

57 Section 3. This act shall take effect July 1, 2015.