



425892

LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Criminal and Civil Justice  
(Bracy) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 140 - 188

and insert:

Section 3. Paragraphs (d) and (f) of subsection (4) of  
section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

(4)

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



425892

11 program manager shall recommend, and the Department of  
12 Corrections may grant, a one-time award of 60 additional days of  
13 incentive gain-time for each of the following to an inmate who  
14 is otherwise eligible and who:

15 1. Successfully completes requirements for and is, or has  
16 been during the current commitment, awarded a high school  
17 equivalency diploma or vocational certificate; or

18 2. Has completed the Prison Entrepreneurship Program. ~~Under~~  
19 ~~no circumstances may an inmate receive more than 60 days for~~  
20 ~~educational attainment pursuant to this section.~~

21 (f) An inmate who is subject to subparagraph (b)3. is not  
22 eligible to earn or receive gain-time under paragraph (a),  
23 paragraph (b), paragraph (c), or paragraph (d) ~~or any other type~~  
24 ~~of gain-time~~ in an amount that would cause a sentence to expire,  
25 end, or terminate, or that would result in a prisoner's release,  
26 prior to serving a minimum of 65 ~~85~~ percent of the sentence  
27 imposed. An inmate who is currently serving a sentence for or  
28 has been previously convicted of a dangerous crime as defined in  
29 s. 907.041, or a violation specified as a predicate offense for  
30 registration as a sexual predator under s. 775.21 or for  
31 registration as a sexual offender under s. 943.0435, is not  
32 eligible to earn or receive gain-time under paragraphs (a)  
33 through (d), or any other type of gain-time in an amount that  
34 would cause a sentence to expire, end, or terminate, or that  
35 would result in a prisoner's release, before serving a minimum  
36 of 65 percent of the sentence imposed. For purposes of this  
37 paragraph, credits awarded by the court for time physically  
38 incarcerated shall be credited toward satisfaction of 65 ~~85~~  
39 percent of the sentence imposed. Except as provided by this



425892

40 section, a prisoner may not accumulate further gain-time awards  
41 at any point when the tentative release date is the same as that  
42 date at which the prisoner will have served 65 ~~85~~ percent of the  
43 sentence imposed. State prisoners sentenced to life imprisonment  
44 shall be incarcerated for the rest of their natural lives,  
45 unless granted pardon or clemency.

46 Section 4. Paragraph (e) of subsection (1) of section  
47 921.002, Florida Statutes, is amended to read:

48 921.002 The Criminal Punishment Code.—The Criminal  
49 Punishment Code shall apply to all felony offenses, except  
50 capital felonies, committed on or after October 1, 1998.

51 (1) The provision of criminal penalties and of limitations  
52 upon the application of such penalties is a matter of  
53 predominantly substantive law and, as such, is a matter properly  
54 addressed by the Legislature. The Legislature, in the exercise  
55 of its authority and responsibility to establish sentencing  
56 criteria, to provide for the imposition of criminal penalties,  
57 and to make the best use of state prisons so that violent  
58 criminal offenders are appropriately incarcerated, has  
59 determined that it is in the best interest of the state to  
60 develop, implement, and revise a sentencing policy. The Criminal  
61 Punishment Code embodies the principles that:

62 (e) The sentence imposed by the sentencing judge reflects  
63 the length of actual time to be served, shortened only by the  
64 application of incentive and meritorious gain-time as provided  
65 by law, and may not be shortened if the defendant would  
66 consequently serve less than 65 ~~85~~ percent of his or her term of  
67 imprisonment as provided in s. 944.275(4). The provisions of  
68 chapter 947, relating to parole, shall not apply to persons



425892

69 sentenced under the Criminal Punishment Code.

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete lines 14 - 18

74 and insert:

75 deleting a provision limiting the amount of additional  
76 days of incentive gain-time an inmate may receive for  
77 educational attainment; revising circumstances under  
78 which certain inmates are not eligible for certain  
79 types of gain-time in amounts that would cause a  
80 sentence to end or require a release before serving a  
81 minimum percentage of a sentence; amending s. 921.002,  
82 F.S.; conforming a provision to changes made by the  
83 act; amending s. 944.611, F.S.; providing