

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hart offered the following:

2
3 **Substitute Amendment for Amendment (887615) (with title**
4 **amendment)**

5 Between lines 4304 and 4305, insert:

6 Section 55. Effective July 1, 2019, paragraphs (b) and (f)
7 of subsection (4) of section 944.275, Florida Statutes, are
8 amended to read:

9 944.275 Gain-time.—

10 (4)

11 (b) For each month in which an inmate works diligently,
12 participates in training, uses time constructively, or otherwise
13 engages in positive activities, the department may grant

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14 incentive gain-time in accordance with this paragraph. The rate
15 of incentive gain-time in effect on the date the inmate
16 committed the offense that ~~which~~ resulted in his or her
17 incarceration shall be the inmate's rate of eligibility to earn
18 incentive gain-time throughout the period of incarceration and
19 may ~~shall~~ not be altered by a subsequent change in the severity
20 level of the offense for which the inmate was sentenced.

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

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

27 a. For offenses ranked in offense severity levels 1
28 through 7, under former s. 921.0012 or former s. 921.0013, up to
29 25 days of incentive gain-time may be granted. If granted, such
30 gain-time shall be credited and applied monthly.

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

35 3. For sentences imposed for offenses committed on or
36 after October 1, 1995, the department may grant up to 10 days
37 per month of incentive gain-time except that:

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38 a. If the offense is a nonviolent felony, as defined in s.
39 948.08(6), the prisoner is not eligible to earn any type of
40 gain-time in an amount that would cause a sentence to expire,
41 end, or terminate, or that would result in a prisoner's release,
42 before he or she serves a minimum of 65 percent of the sentence
43 imposed. For purposes of this sub-subparagraph, credits awarded
44 by the court for time physically incarcerated must be credited
45 toward satisfaction of 65 percent of the sentence imposed. A
46 prisoner who is granted incentive gain-time pursuant to this
47 sub-subparagraph may not accumulate further gain-time awards at
48 any point when the tentative release date is the same as that
49 date at which the prisoner will have served 65 percent of the
50 sentence imposed. State prisoners sentenced to life imprisonment
51 must be incarcerated for the rest of their natural lives, unless
52 granted pardon or clemency.

53 b. If the offense is not a nonviolent felony, as defined
54 in s. 948.08(6), the prisoner is not eligible to earn any type
55 of gain-time in an amount that would cause a sentence to expire,
56 end, or terminate, or that would result in a prisoner's release,
57 before he or she serves a minimum of 85 percent of the sentence
58 imposed. For purposes of this sub-subparagraph, credits awarded
59 by the court for time physically incarcerated must be credited
60 toward satisfaction of 85 percent of the sentence imposed. A
61 prisoner who is granted incentive gain-time pursuant to this
62 sub-subparagraph may not accumulate further gain-time awards at

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63 any point when the tentative release date is the same as that
64 date at which the prisoner will have served 85 percent of the
65 sentence imposed. State prisoners sentenced to life imprisonment
66 must be incarcerated for the rest of their natural lives, unless
67 granted pardon or clemency.

68 ~~(f) An inmate who is subject to subparagraph (b)3. is not~~
69 ~~eligible to earn or receive gain-time under paragraph (a),~~
70 ~~paragraph (b), paragraph (c), or paragraph (d) or any other type~~
71 ~~of gain-time in an amount that would cause a sentence to expire,~~
72 ~~end, or terminate, or that would result in a prisoner's release,~~
73 ~~prior to serving a minimum of 85 percent of the sentence~~
74 ~~imposed. For purposes of this paragraph, credits awarded by the~~
75 ~~court for time physically incarcerated shall be credited toward~~
76 ~~satisfaction of 85 percent of the sentence imposed. Except as~~
77 ~~provided by this section, a prisoner may not accumulate further~~
78 ~~gain-time awards at any point when the tentative release date is~~
79 ~~the same as that date at which the prisoner will have served 85~~
80 ~~percent of the sentence imposed. State prisoners sentenced to~~
81 ~~life imprisonment shall be incarcerated for the rest of their~~
82 ~~natural lives, unless granted pardon or clemency.~~

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

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88 Between lines 302 and 303, insert:
89 amending s. 944.275, F.S.; revising the incentive gain-time that
90 the Department of Corrections may grant a prisoner for offenses
91 committed on or after a specified date;

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