

FILED
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DEPARTMENT OF STATE
TALLAHASSEE FLORIDA

ORDINANCE NO.: 2010 - 19

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE ADOPTING A GAIN-TIME PROCEDURES FOR PRISONERS AT THE HERNANDO COUNTY JAIL; PROVIDING FOR PROSPECTIVE APPLICATION ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners implemented a gain-time policy for county prisoners, in accordance with Fla. Stat. § 951.21, when it enacted Resolution 2001-211 on September 11, 2001; and

WHEREAS, Resolution 2001-211 creates gain-time procedures for the Corrections Corporation of America, the former contracted operator of the Hernando County Jail; and

WHEREAS, the Board of County Commissioners appointed the Hernando County Sheriff to be Hernando County's Chief Correctional Officer when the Board enacted Ordinance 2010-14 on May 25, 2010; and

WHEREAS, the Board of County Commissioners recognizes that Resolution 2001-211 has been rendered moot as a result of the Hernando County Sheriff's takeover of the Hernando County Jail; and

WHEREAS, the Hernando County Sheriff's Office has recommended that the trusty gain-time policy must be amended to provide an incentive for prisoners to work, while still providing for the closest compliance of the initial sentence imposed by the courts.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

1 **Section 1. Commutation of Time for Good Conduct (Gain-Time).** A new section of the
2 Hernando County Code is created to read as follows:

3 The Board of County Commissioners authorizes and grants commutation of sentence
4 times of county prisoners for good conduct. Where no charge of misconduct is
5 sustained against a county prisoner, the commutation will be deemed earned. The
6 following deductions shall be made from the terms of sentence where no charge of
7 misconduct has been sustained against a county prisoner:

8 Five (5) days per month off the first and second years of the sentence;

9 and

10 Ten (10) days per month off the third and fourth years of the sentence; and

11 Fifteen (15) days per month off the fifth and all succeeding years of the sentence.

12 **Section 2. Commutation of Time for Meritorious Conduct or Exceptional Industry**
13 **(Extra Gain-Time).** A new section of the Hernando County Code is created to read as follows:

14 Contingent upon the favorable recommendations of the Hernando County Sheriff, the
15 Board of County Commissioners adopts a policy of allowing to county prisoners to
16 earn an extra deduction of up to six (6) days per month off the term of sentence
17 because of meritorious conduct or exceptional industry, as provided by state law.

18 The Board of County Commissioners delegates to the Hernando County Sheriff the
19 authority to allow this extra gain-time for meritorious conduct or exceptional
20 industry.

1 **Section 3. Trusty Gain-Time.** A new section of the Hernando County Code is created to
2 read as follows:

3 County prisoners on trusty status will earn trusty gain-time of 1.5 (one and one-half)
4 days for each forty-hour (40) block of work performed by the inmate. Upon the
5 release of any prisoner from custody whether before or after sentencing, all trusty
6 gain-time accrued is forfeited. Upon the return of that individual for violation of
7 probation, etc., no previous trusty time earned will be credited to that individual.

8 **Section 4. Discretionary Forfeiture of Gain-Time, Extra Gain-Time, and Trusty Gain-**
9 **Time.** A new section of the Hernando County Code is created to read as follows:

10 All or some gain-time, extra gain-time and trusty gain-time that has been earned by
11 a county prisoner shall be subject to forfeiture for violation of laws of the state or a
12 rule or regulation of a county detention facility. The Board of County
13 Commissioners delegates to the Hernando County Sheriff the discretion to declare
14 forfeiture of all or some of earned gain-time and extra gain-time.

15 **Section 5. Mandatory Forfeiture of Gain-Time, Extra Gain-Time, and Trusty Gain-**
16 **Time.** A new section of the Hernando County Code is created to read as follows:

17 All gain-time, extra gain-time, and trusty gain-time that has been earned by a county
18 prisoner shall be forfeited upon a sustained charge of escape, attempted escape,
19 mutinous conduct, or other serious misconduct. For an escape, if the prisoner returns
20 voluntarily without expense to the state or county, the forfeiture may be set aside.

1 The Board of County Commissioners delegates to the Hernando County Sheriff the
2 authority to set aside the forfeiture of all earned gain-time and all extra gain-time for
3 escapees who return voluntarily.

4 **Section 6. Computation of Gain-Time Awards and Discharge Dates.** A new section of
5 the Hernando County Code is created to read as follows:

6 The Hernando County Sheriff or his designee, shall be responsible for, and shall
7 compute, inmate gain-time awards and discharge dates.

8 **Section 7. Ineligibility to Gain-Time Awards.** A new section of the Hernando County
9 Code is created to read as follows:

10 Any persons being housed in the jail pursuant to a civil order of contempt, or any
11 other civil order, shall not be eligible for gain-time.

12 **Section 8. Prospective Application Only.** This Ordinance shall apply only to gain-time,
13 extra gain-time, and trusty gain-time earned after the date that the Ordinance becomes effective.

14 **Section 9. Severability.** It is declared to be the intent of the Board of County
15 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
16 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
17 validity of the remaining portions of this ordinance.

18 **Section 10. Inclusion in the Code.** It is the intention of the Board of County
19 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
20 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida.

To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

Section 11. Repeal of Ordinances and Resolutions in Conflict. Any ordinances and resolutions that are in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. Effective date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 28 day of Sept. 2010.



Attest: Karen Nicolai
The Hon. Karen Nicolai
Clerk

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By: John Druzbeck
The Hon. John Druzbeck
Chairman

Approved for Form and Legal Sufficiency
[Signature]
Assistant County Attorney