

ORDINANCE NO. 2018- 08

**AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, GRANTING A COMMUTATION OF TIME FOR GOOD CONDUCT OF COUNTY PRISONERS AND AN EXTRA GOOD TIME ALLOWANCE FOR MERITORIOUS CONDUCT OR EXCEPTIONAL INDUSTRY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, FLORIDA:**

**SECTION 1: AUTHORITY.**

The authority for the enactment of this Ordinance is Chapter 125, *Florida Statutes*, Franklin County's Home Rule powers and §951.21, *Florida Statutes*.

**SECTION 2: FINDINGS OF FACTS.**

WHEREAS, the County Commission of Franklin County, Florida ("County Commission"), is required to protect the public health, safety, and welfare; and

WHEREAS, §951.21, *Florida Statutes*, provides that commutation of time for good conduct of county prisoners shall be granted by the board of county commissioners unless, by a majority vote of the board of county commissioners; and

WHEREAS, the Franklin County Sheriff has recommended that Franklin County repeal Franklin County Ordinance 1989-17, which created the current policy regulating county prisoner gain time allowances, and adopt a new gain time policy; and,

WHEREAS, Franklin County intends to repeal ordinance 1989-17 and create a new policy regulating county prisoner gain time by the adoption of this ordinance,

NOW, THEREFORE, BE IT ORDAINED by the County Commission of Franklin County, Florida, that the County hereby ordains that:

1. All of the preamble and findings are incorporated into this Ordinance.
2. The following deductions shall be made from the term of sentence when no charge of misconduct has been sustained against a county prisoner: up to 5 days per month off the first and second years of the sentence; up to 10 days per month off the third and fourth years of the sentence; up to 15 days per month off the fifth and all

succeeding years of the sentence. Where no charge of misconduct is sustained against a county prisoner, the deduction shall be deemed earned and the prisoner shall be entitled to credit for a month as soon as the prisoner has served such time as, when added to the deduction allowable, will equal a month. A county prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence.

3. For each sustained charge of escape or attempted escape, mutinous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of a county prisoner up to that day shall be forfeited, except that in case of escape if the prisoner voluntarily returns without expense to the state or county then such forfeiture may be set aside by the board of county commissioners if in its judgment the prisoner's subsequent conduct entitles him or her thereto.
4. Furthermore, the board of county commissioners hereby adopts a policy to allow for county prisoners, in addition to time credits provided in paragraph 1, an extra good-time allowance for meritorious conduct or exceptional industry not to exceed 5 days per month.
5. All or any part of the gain-time earned by a county prisoner and any extra gain-time allowed him or her, if any, shall be subject to forfeiture by the board of county commissioners upon recommendation of the sheriff or warden for violation of any law of the state or any rule or regulation of the board or institution.

### **SECTION 3: REPEAL.**

All ordinances in conflict with this ordinance are repealed.

### **SECTION 4: SEVERABILITY.**


If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

### **SECTION 5: EFFECTIVE DATE.**

This Ordinance shall take effect as provided by law.


PASSED and ADOPTED, in regular session, with a quorum present and voting, by the County Commission on this 17th day of July, 2018.

FRANKLIN COUNTY, a political  
subdivision of the State of Florida

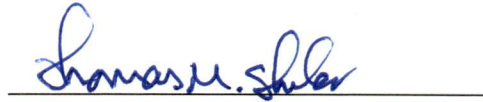
  
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Joseph A. Parrish, Chairman



ATTEST:

  
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Marcia M. Johnson, Clerk

APPROVED AS TO FORM

  
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Thomas M. Shuler, County Attorney