

ORDINANCE NO.: 2026 - _____

AN ORDINANCE CORRECTING SCRIVENER'S ERROR IN THE HERNANDO COUNTY CODE ADOPTING EXTRA GAIN-TIME PROCEDURES FOR PRISONERS AT THE HERNANDO COUNTY JAIL; PROVIDING FOR THE INCORPORATION OF RECITALS; AMENDING HERNANDO COUNTY CODE SECTION 21-124; PROVIDING FOR PROSPECTIVE APPLICATION ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") 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, upon the recommendation of then-Sheriff Richard Nugent, the Board implemented a gain-time policy for county prisoners, in accordance with Fla. Stat. § 951.21, when it enacted Ordinance No. 2010-19 on September 28, 2010; and,

WHEREAS, Section 2 of Ordinance, now codified as Hernando County Code § 21-124, provides for the commutation of time for meritorious conduct or exceptional industry (i.e., extra gain-time); and,

WHEREAS, the Hernando County Sheriff's Office has identified a scrivener's error that needs to be corrected in Hernando County Code § 21-124, to wit: Fla. Stat. § 951.21 authorizes counties to award county prisoners up to five (5) days per month of extra gain-time, while the ordinance provides for extra gain-time awards not to exceed six (6) days per month.

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

3 **Section 1. Incorporation of Recitals.**

4 The foregoing recitals constitute essential findings of fact by the Board, and accordingly are
5 fully incorporated into this Ordinance by reference.

6 **Section 2. Commutation of Time for Meritorious Conduct or Exceptional Industry**
7 **(Extra Gain-Time).** Hernando County Code § 21-124, “Commutation of Time for Meritorious
8 Conduct or Exceptional Industry (Extra Gain-Time),” is amended to read as follows:

9 Contingent upon the favorable recommendations of the Hernando County Sheriff, the
10 Board of County Commissioners adopts a policy of allowing ~~to~~ county prisoners to
11 earn an extra deduction of up to ~~six (6)~~ five (5) days per month off the term of
12 sentence because of meritorious conduct or exceptional industry, as provided by state
13 law. The Board of County Commissioners delegates to the Hernando County Sheriff
14 the authority to allow this extra gain-time for meritorious conduct or exceptional
15 industry.

16 **Section 3. Prospective Application Only.** This Ordinance shall apply prospectively.

17 **Section 4. Severability.** It is declared to be the intent of the Board of County
18 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
19 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
20 validity of the remaining portions of this ordinance.

