

Legislation Would Add Millions in Additional Costs for the DOC and Likely Increase Incarceration

Overview

The Florida Department of Corrections (DOC) budget has grown by 56 percent over the 19-year period from FY 2000-01 to FY 2019-2020. From FY 2009-10 to FY 2019-20, DOC's budget increased by 7 percent, while the incarcerated population decreased by 17 percent.

Regarding incarceration costs:

- From FY 2012-13 to FY 2019-20, the average annual cost of incarceration per person has increased by \$990 every year. The median increase is \$790 annually.
- Based on current trends, it is estimated to cost the state \$29,005 in FY 2025-26 to incarcerate one person, a 20 percent increase from FY 2019-20.
- In FY 2035-36, it is projected to cost the state \$36,905 per person, a 52 percent increase from FY 2019-20.

HB1/SB 484 would create new felonies and enhance the sentences for existing crimes. The legislation would thus increase the likelihood of more incarceration and higher costs for the DOC.

How HB 1/SB 484, “Combating Public Disorder,” would create new fiscal challenges for the DOC: A case study of the Miami protests in 2020

During the protest in Miami following the killing of George Floyd in the summer of 2020, a total of 108 people were arrested and three were charged with burglary.¹ Of the 108 arrests, 107 were non-violent. HB 1/SB 484 would significantly change how these arrests and charges would be handled.

The cost of incarcerating the three people charged with burglary would almost quadruple under HB 1/SB 484

Under current law, the burglary charges would be qualified as a third-degree felony, but under HB1/SB484, those charges would be enhanced and classified as a second-degree felony. The three alleged offenders would face up to 15 years in prison, compared to five years under current law. Looking at just these three arrests, Florida Policy Institute (FPI) has estimated the cost of incarceration under current law and under the changes proposed by H1/SB484.

Incarcerating all three of these individuals under current law would have cost the state an estimated \$399,500 if they served all five years. If all three served 85 percent of their sentences, the total cost to the state would have been \$336,000. However, the increased sentence under HB 1/SB 484 would significantly increase the state's cost of incarcerating these individuals:

- It would cost up to \$433,700 to incarcerate one person for the full sentence of 15 years, or \$378,700 if the person served 85 percent of their sentence.

- It would cost up to \$867,400 to incarcerate two people for their full sentences, or \$757,000 if they served 85 percent of their sentences.
- It would cost up to \$1.3 million to incarcerate all three people for their full sentences, or \$1.1 million if they served 85 percent of their sentences.

In summary, HB 1/SB 484 would:

- Increase state costs by an estimated \$901,600 for incarcerating three people for the full 15-year sentence.
- Increase state costs by an estimated \$800,000 for incarcerating three people for 85 percent of their sentences.

The additional cost of \$901,600 could be better spent addressing some of the challenges that DOC has been facing in recruiting and retaining staff. These funds could, for example, be used to pay the basic annual salary of at least 14 DOC trainee officers for two years. This would go a long way toward addressing the severe personnel shortages and the department's inability to sufficiently fund all authorized positions. In FY 2019-20, DOC could only pay 88 percent of positions.

The 108 arrests would lead to significant new costs for the county and the state

HB 1/SB 484 would create significant new costs, as the 108 people who were arrested would have been subjected to up to two days in jail while waiting for bail hearings. Under current law, those who were arrested were released on their own recognizance.

In FY 2020-21, the daily cost to hold one person in Miami-Dade County jail was \$293.22. Holding all 108 individuals who were arrested would have led to the city spending up to \$63,336.

The additional dollars spent on holding people in jail under HB 1/SB 484 could instead be used to bolster local budgets and staffing at county jails. In 2018, the minimum salary for a Miami-Dade County correctional officer was \$37,643 (\$38,798 after adjusting for inflation); these funds could cover the annual salary of one county jail officer and more.

Additionally, out of the 108 arrests, 107 of them were for nonviolent offenses. Under HB 1/SB 484, individuals would not have to be agitators in order to be subjected to a felony charge. Therefore, those 107 people could have potentially faced up to five years in prison.

Under HB 1/SB 484, the state's cost to incarcerate these individuals would be up to \$14.2 million for the total sentence of 5 years, or \$11.9 million if these individuals served 85 percent of their sentence.

While under current law, the state did not spend any money on incarceration, HB 1/SB 484 would cost the state up to \$14.2 million, which is more than DOC's total budget allocation for its re-entry (transition and rehabilitation) programs. In FY 2020-21, re-entry programs received \$12.6 million in funding.

For more info:

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Methodology notes

- Due to the potential long-term impact of HB 1 on the prison population, FPI used a snapshot of DOC's budget over the past 20 years and the relationship between annual budgets and population for the past 10 years. This helped FPI in its budget projections for the department in the next five to 15 years.
- FPI used the per diem cost per person in the past seven years. FPI calculated the percent change from year to year to find the average and the median. Those are shown in dollar amounts. FPI's projections used the annual median increase instead of the average annual increase to account for other external factors that often impact the department's budget in a given year.
- Miami was selected as a case study due to the availability of more detailed information on the arrests and charges that happened during the 2020 protests. FPI looked at the potential economic impact of the proposed law using a breakdown per person for the full sentence and gave the estimated cost with Florida's 85 percent rule.
- FPI calculated the economic impact of the 108 arrests in Miami-Dade County by using the daily cost of incarceration per person for FY 2020-21. The data on Miami's jail budget was provided to FPI by researchers at Vera Institute for Justice, an organization that leads a project looking at the price of jails nationally.
- The latest annual salary information for the officer trainee positions from the DOC was used, as well as the latest data available on salaries for Miami-Dade County correctional officers, which from was 2018. To give a more accurate estimate, FPI adjusted the 2018 salary for inflation.

¹ David Ovalle and Charles Rabin, "Dozens were arrested and jailed during Miami protests. Here's why convictions aren't likely," Miami Herald, June 3, 2020, <https://www.miamiherald.com/news/local/crime/article243198676.html>