

HB 1133 – Criminal Justice (Identical SB 1446)

This bill amends multiple statutes. First, it amends s. 775.082, F.S., diverting from prison specific offenders convicted of possession of a controlled substance. If sentencing points are 60 or fewer, the court must sentence the offender to a nonstate prison sanction unless the court makes written findings that a nonstate prison sanction could present a danger to the public. The fiscal handout assumes that 50% of eligible inmates will be diverted.

See “Diverting from Prison Drug Possession Offenders” Handout for a subset of the effect.

CONFERENCE ADOPTED ESTIMATE: Bed Impact

The bill further amends s. 775.082, F.S., to permit a defendant to request that the sentencing court depart from a mandatory term of imprisonment. The state attorney may file an objection to the motion. The court may grant the motion to depart if the court finds by a preponderance of the evidence that the defendant has not previously received a departure and does not have a previous conviction for the same offense, and the offense is not a forcible felony, did not involve physical injury, and did not involve a victim who is a minor. This departure mechanism is excluded for designated repeat, habitual, and career criminals.

Per DOC, in FY 17-18, 1,580 inmates were admitted to prison who received mandatory minimum sentences that could be impacted by this bill language. However, there is no data available to determine what type of sentences offenders with mandatory minimums might receive once they are no longer subject to a required sentencing option.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

This bill also amends s. 944.275, F.S., permitting up to 20 days per month of incentive gain-time for sentences imposed for offenses committed on or after October 1, 2019, with those in prison for nonviolent felonies permitted to earn enough gain-time to serve 65% of their total sentence, while violent offenders still remain at the 85% minimum.

See “Changing Percent of Sentence that Must Be Served by Nonviolent Offenders” Handout for a subset of the effect.

CONFERENCE ADOPTED ESTIMATE: Bed Impact

This bill also amends s. 947.1405, F.S., mandating the conditional release of any inmate serving a life sentence for a non-capital crime after 20 years without a disciplinary violation.

See “Conditional Release of Inmates Serving Life Sentences” Handout for a subset of the effect.

CONFERENCE ADOPTED ESTIMATE: Bed Impact

CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL: Bed Impact equal to at least as many as the component parts.

Requested by: Senate

HB 1133 (Identical SB 1446)

Diverting from Prison Drug Possession Offenders

October 1, 2019 Effective Date

The Criminal Justice Estimating Conference met on 4/8/2019 and estimated the following net impact on the inmate population over the next five years:

a	b	c	d
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED
			Annual Operating Costs
2019-2020	-167	-167	(\$610,769)
2020-2021	-653	-486	(\$2,998,986)
2021-2022	-907	-254	(\$8,749,488)
2022-2023	-1,025	-118	(\$10,110,004)
2023-2024	-1,080	-55	(\$13,790,474)
Total	-1,080	-1,080	(\$36,259,721)

Prepared by Florida Legislature, Office of Economic and Demographic Research, March 12, 2019

FY 2017-18 full operating costs per inmate were obtained from DOC. The \$56.96 per diem (\$20,790 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$4.31 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2017-18 dorm/work camp operating costs per inmate were obtained from DOC. The \$36.72 per diem (\$13,403 annual cost) includes costs such as health care, inmate personal care items, and officers assigned to dorms.

FY 2017-18 variable operating costs per inmate were obtained from DOC. The \$20.04 per diem (\$7,315 annual cost) includes costs such as health care and inmate personal care items.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insight, Inc.

Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.

HB 1133 (Identical SB 1446)

Changing Percent of Sentence that Must Be Served by Nonviolent Offenders

October 1, 2019 Effective Date

The Criminal Justice Estimating Conference met on 4/8/2019 and estimated the following net impact on the inmate population over the next five years:

a	b	c	d
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED
			Annual Operating Costs
2019-2020	-597	-597	(\$2,183,408)
2020-2021	-2,917	-2,320	(\$35,071,852)
2021-2022	-5,104	-2,187	(\$81,460,261)
2022-2023	-6,429	-1,325	(\$119,769,298)
2023-2024	-7,178	-749	(\$151,485,038)
Total	-7,178	-7,178	(\$389,969,858)

Prepared by Florida Legislature, Office of Economic and Demographic Research, March 13, 2019

FY 2017-18 full operating costs per inmate were obtained from DOC. The \$56.96 per diem (\$20,790 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$4.31 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2017-18 dorm/work camp operating costs per inmate were obtained from DOC. The \$36.72 per diem (\$13,403 annual cost) includes costs such as health care, inmate personal care items, and officers assigned to dorms.

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Conditional Release of Inmates Serving Life Sentences

October 1, 2019 Effective Date

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a	b	c	d
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED
			Annual Operating Costs
2019-2020	-132	-132	(\$482,764)
2020-2021	-147	-15	(\$1,020,387)
2021-2022	-162	-15	(\$1,130,106)
2022-2023	-177	-15	(\$1,239,825)
2023-2024	-192	-15	(\$1,349,544)
Total	-192	-192	(\$5,222,624)

Prepared by Florida Legislature, Office of Economic and Demographic Research, March 14, 2019

FY 2017-18 full operating costs per inmate were obtained from DOC. The \$56.96 per diem (\$20,790 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$4.31 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

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