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Mandatory Minimums and Private Prisons in Florida -- Part 1

Earlier this year, Florida barely escaped a dangerous push to privatize 29 prisons in the state. The legislation aimed at privatizing prisons was introduced, in part, to address the serious overcrowding in Florida's prisons. This significantly dangerous overcrowding can partially be attributed to Florida's severe mandatory minimum sentencing laws.

The number of prisoners incarcerated in Florida categorizes Florida as having the third highest state incarceration rate in the country. Florida's prison population has grown significantly over the last few decades. In 1980 there were 20,000 individuals incarcerated in Florida. Today, there are approximately 101,000 prisoners housed in the state.

One explanation for the swift increase in the number of Florida prisoners is the mandatory minimum sentencing laws implemented in Florida in recent years. A study conducted by the Pew Research Center found that Florida now averages the longest prison terms of any state in the country. Further, over the past 19 years, Pew reports that there has been a "whopping 166 percent increase in the estimated average time that prisoners spent behind bars."

These extremely lengthy prison sentences have greatly increased operation costs for the prison system. In 2009 alone, the Pew study determined that Florida spent an additional \$1.4 billion on its prisons because of the exceptionally long prison terms being implemented there.

One piece of legislation that has been particularly burdensome to the prison system is the so-called 10-20-Life law. Originally passed in 1999, the law requires sentences between 10 years and life for certain crimes involving guns. For example, a [crime](#) in which a firearm is discharged, but where no injuries occur, mandates a minimum sentence of 20 years under the law.

Numerous cases have been cited in which the 10-20-Life law resulted in sentences that were severely disproportionate to the crime. In one instance, following a domestic disturbance in which a husband threatened to kill his wife, the wife fired a warning shot into a wall. She did not intend to harm her husband, but merely wanted to prevent her husband from approaching her while she retrieved her car keys to flee the scene. The woman was convicted of aggravated [assault](#) and sentenced to 20 years in prison, despite her reasons for discharging the weapon.

Mandatory minimum sentences have led to a significant hike in the number of prisoners in Florida, pushing legislators to consider private prisons as an alternative to deal with the current overcrowding in the state system. However, the push to privatize prisons has been met with significant controversy. In fact, civil-rights advocates and members of the public alike have raised serious objections to the implementation of private prisons.

In our next post, we will delve into the problems Florida will face in the future, if mandatory minimums are not reformed and the private prison industry is successful in its bid for greater privatization.

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