

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 782

INTRODUCER: Senators Thrasher and Gaetz

SUBJECT: Pretrial Detention and Release

DATE: March 22, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 782 creates a new subsection in s. 907.041, F.S., the pretrial detention and release statute.

The bill sets forth limitations on the eligibility of candidates for the local pretrial release programs. The bill also provides for requirements of the pretrial release programs themselves. It also prohibits the programs from collecting any fees other than those authorized by state law.

The bill, however, does not attempt to restrict the court’s ability to determine whether, or on what other conditions, a defendant should be released from custody pending the outcome of the criminal charges; it simply eliminates one of the options – supervision by a local pretrial program – under the conditions set forth in the bill.

This bill substantially amends the following section of the Florida Statutes: 907.041.

II. Present Situation:

Article I, section 14 of the Florida Constitution provides that unless a person is charged with a capital offense or one punishable by life and “the proof of guilt is evident or the presumption great,” every person *shall be entitled* to pretrial release on reasonable conditions. If, however, no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.¹

¹ Art. I, section 14, Constitution of Florida.

Section 907.041(3), F.S., sets forth the Legislature’s intention that there be a presumption in favor of nonmonetary release for any person who is granted release *unless* such person is charged with a dangerous crime. Subsection (4) of the same section of law defines the term “dangerous crime” for purposes of pretrial release.²

When a person is arrested and appears before the court at First Appearance, the court must determine whether the defendant should remain in custody or grant the defendant’s release pending the outcome of the charges. The decision is, practically-speaking, based upon consideration of the nature of the charges (and whether the court finds probable cause for the arrest), the defendant’s criminal history, his or her ties to the community, whether he or she presents a flight risk, and the safety of the victim and community at large.

Pretrial release is less costly than incarceration and eases jail overcrowding³. The court has certain options available with regard to a person’s release at first appearance. These are:

- Release on own Recognizance (ROR) allows defendants to be released from jail based on their promise to return for mandatory court appearances. Defendants released on recognizance are not required to post a bond and are not supervised.
- Posting bond is a monetary requirement to ensure that defendants appear in court when required. A defendant whom the court approves for this release must post a cash bond to the court or arrange for a surety bond through a private bondsman. Defendants typically pay a nonrefundable fee to the bondsman of 10 percent of the bond required by the court for release. If the defendant does not appear, the bondsman is responsible for paying the entire amount. As such, bondsmen have a vested interest in ensuring that their clients attend their court dates and do not abscond. Bondsmen are not required to supervise a defendant.
- Pretrial release programs⁴ actively supervise approved defendants. The programs do so through phone contacts, visits, and/or electronic monitoring until the defendant’s case is disposed or until the defendant’s supervision is revoked. Defendants generally are released into a pretrial release program without paying a bond. Defendants may be assigned to the program by a judge or selected for participation by the program. There are no pretrial release program eligibility criteria in the Florida Statutes – each county develops its own criteria for determining who is eligible for its pretrial release program.

² Section 907.041(4), F.S., defines the term “dangerous crime” to include arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking or aggravated stalking; act of domestic violence; home invasion robbery; act of terrorism; manufacturing any substances in violation of ch. 893; and attempting or conspiring to commit any of the aforementioned crimes.

³ OPPAGA Report No. 08-75, *Pretrial Release Programs Vary Across the State; New Reporting Requirements Pose Challenges*, December 2008.

⁴ Section 907.043(2)(b), F.S., defines the term “pretrial release program” as an entity, public or private, that conducts investigations of pretrial detainees, makes pretrial release recommendations to a court, and electronically monitors and supervises pretrial defendants.

Currently there are 28 local pretrial release programs in Florida. They are primarily administered on a county level by sheriffs, jails, or county government divisions.⁵ Although most of the 28 programs are funded solely by local funds, according to the Office of Program Policy Analysis and Government Accountability (OPPAGA) annual study released in January 2010, some programs are also funded by fees charged to participating defendants.⁶

Prior to a defendant being released to a pretrial release program, the program must certify to the court that it has investigated or otherwise verified:

- The circumstances of the accused’s family, employment, financial resources, character, mental condition, and length of residence in the community;
- The accused’s record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and
- Other facts necessary to assist the court in its determination of the indigency of the accused and whether the accused should be released under the supervision of the program.⁷

The January 2010 OPPAGA study reported that some programs did not provide data on all of the program outcomes while others did not submit any data at all. This failure to report hampered OPPAGA’s ability to accurately and fully determine certain outcomes.⁸

For example, one measure is “how many defendants served by pretrial release programs missed court appearances, were rearrested, or had warrants issued for their arrest?” Only 16 of the 28 programs provided this data and among them there are differences such as how they classified failure to appear rates. The data reported showed that relatively few defendants violated the conditions of pretrial release by missing court appearances, being rearrested, or having arrest warrants issued for failing to appear. This table from the OPPAGA study shows the data collected on this measure of outcomes.⁹

County	Granted Nonsecured Release After Program Recommended Nonsecured Release	Granted Nonsecured Release Who Failed to Attend a Scheduled Court Appearance	Granted Nonsecured Release Who Were Issued a Warrant for Failing to Appear in Court	Granted Nonsecured Release Who Were Arrested for Any Offense While in the Program
Alachua	133	14	14	10
Brevard	1,674	107	107	132
Broward	1,269	211	185	354
Charlotte	84	1	1	5
Duval	N/A	3	3	1
Escambia	N/A	50	50	25
Hillsborough	115	10	10	23
Lee	924	54	54	59
Leon	348	28	27	13

⁵ OPPAGA Report No. 10-08, *Pretrial Release Programs Compliance With New Reporting Requirements is Mixed*, January 2010.

⁶ *Id.*

⁷ s. 907.041(3)(b), F.S.

⁸ Study required by s. 907.044, F.S.

⁹ OPPAGA Report No 10-08.

County	Granted Nonsecured Release After Program Recommended Nonsecured Release	Granted Nonsecured Release Who Failed to Attend a Scheduled Court Appearance	Granted Nonsecured Release Who Were Issued a Warrant for Failing to Appear in Court	Granted Nonsecured Release Who Were Arrested for Any Offense While in the Program
Miami-Dade	6,213	983	983	71
Okaloosa	271	20	20	17
Osceola	N/A	86	86	36
Palm Beach	5,247	147	147	397
Pinellas	DNR	85	85	126
Santa Rosa	199	4	4	125
Sarasota	N/A	73	73	61
St. Lucie	N/A	0	0	0
Volusia	466	26	26	60

Miami-Dade County tracks the failure to appear rates for the pretrial release methods; although this data is not collected statewide. The Miami-Dade data for 2008 is as follows:

Release Type	Court Appearances	Percentage by All Release Types	Failure to Appear	Percentage Failure to Appear
Pretrial release program	39,583	16.2%	2,106	5.3%
Surety bond	185,003	75.8%	7,954	4.3%
Cash bond	4,345	1.8%	216	5.0%
Release on recognizance	15,008	6.2%	329	2.2%
Total	243,939	100%	10,605	4.3%

The data indicates that, in Miami-Dade in 2008 defendants released into the pretrial release program were only slightly less likely to appear for court than those who paid a bond.¹⁰

III. Effect of Proposed Changes:

Senate Bill 782 creates s. 907.041(5), F.S., to establish pretrial release program eligibility criteria that will apply to each county’s pretrial release programs. The bill specifies that a defendant is only eligible to participate in a pretrial release program if the defendant is charged with a misdemeanor or with a felony that is not a dangerous crime and:

- Has no history of failing to appear at any court proceeding;
- Is not, at the time of the arrest, subject to or on probation for another charge and is not facing charges for another crime anywhere in this state;
- Has no prior convictions involving violence;
- Satisfies any other limitation upon eligibility for release which is in addition to those above, whether established by the board of county commissioners or the court; and
- Is indigent as defined in Rule 3.111, Florida Rules of Criminal Procedure.¹¹

¹⁰ *Id.*

¹¹ Rule 3.111, Fla. R. Crim. Proc., defines the term “indigent” as a person who is unable to pay for the services of an attorney, including costs of investigation, without substantial hardship to the person or the person’s family; “partially indigent” shall mean a person unable to pay more than a portion of the fee charged by an attorney, including costs of investigation, without substantial hardship to the person or the person’s family.

The bill requires the court to determine whether a defendant is eligible to participate in a pretrial release program and requires pretrial release programs to certify in writing to the court that the defendant satisfies each of the above requirements before a determination is made concerning the defendant's eligibility for placement in the program. Judges would still be permitted to release defendants on their own recognizance.

The bill requires pretrial release programs to notify every defendant released to the program of the times and places at which the defendant is required to appear before the court.

The bill also specifies that if a defendant seeks to post a surety bond, the defendant must do so without any interaction with, or restriction by, a pretrial release program.

The bill prohibits pretrial release programs from charging defendants any fee or charge other than those authorized by state law. Florida Statutes do not currently contain any provisions authorizing pretrial release programs to charge defendants any fees nor does the bill authorize any. As such, the pretrial release programs will no longer be able to charge defendants who participate in the program any fees.

The bill specifies that all pretrial release programs established by ordinance of the county commission, by administrative order of the court, or by any other means, enacted or established to facilitate the release of defendants from pretrial custody, are subject to the above provisions.

The bill has a July 1, 2010 effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The estimated costs that may be incurred at the county level appear to be significant if the bill passes. It may be argued this amounts to "a general law requiring such county or municipality to spend funds,"¹² however the provisions of the bill that restrict an arrestee's eligibility for release to a local pretrial services program (and therefore may cause the counties additional expense) arguably could fall under the criminal law exemption from the application of the "unfunded mandates" provisions in Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹² Article VII, Section 18(a), Florida Constitution.

D. Other Constitutional Issues:

There is a delicate balance between the power of the courts and the power of the Legislature in matters such as pretrial detention and release, as evidenced by the 2000 Legislature's amendments to s. 907.041, F.S., and the events that followed.

In 2000, the Legislature amended s. 907.041, F.S., to insert the following pertinent paragraphs:

(3)(b) No person shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the court that it has investigated or otherwise verified:

1. The circumstances of the accused's family, employment, financial resources, character, mental condition, and length of residence in the community;
2. The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and
3. Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service. ...

(4)(b) No person charged with a dangerous crime shall be granted nonmonetary pretrial release *at a first appearance hearing*; however, the court shall retain the discretion to release an accused on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release. (emphasis added)¹³

As previously mentioned, the Legislature also repealed certain inconsistent Rules of Procedure.

In *State v. Raymond*, the defendant qualified for nonmonetary release to pretrial services because she had no prior offenses, but because she was charged with domestic violence the court could not release her under s. 907.041(4)(b), F.S., (2000) *at first appearance*. The Supreme Court found that by enacting s. 907.041(4)(b), F.S., "which is a *rule of procedure* affecting the *timing* of a defendant's eligibility for pretrial release," the Legislature had encroached upon the court's power, by "imposing a new procedural rule."¹⁴ The Court then temporarily readopted the Rules and then stated: "We are particularly concerned that we be fully informed as to the policy concerns of the Florida Legislature before we take any final action on these rules. For that reason, we expressly invite the Legislature to file comments particularly addressing the policy concerns that the Legislature was attempting to address by enacting section 907.041(4)(b)."¹⁵

¹³ Ch. 2000-178, Laws of Florida.

¹⁴ *State v. Raymond*, 906 So.2d 1045 (Fla. 2005).

¹⁵ *Id.* at 1051.

Subsequently, during the Court's rulemaking process to fill the void left by the rules that had been repealed, the House of Representatives issued an official comment indicating the reasoning behind the Legislature's passage of 2000-178, Laws of Florida. The stated purpose was to *delay the release* of persons (on nonmonetary conditions) to pretrial release programs until the certification process required in s. 907.041(3)(b), F.S., could be completed.¹⁶

The court took the House's comment and the plain language of the statute, and amended the Rule regarding pretrial release to read:

No person charged with a dangerous crime as defined in section 907.041(4)(a), Florida Statutes, shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the court that it has investigated or otherwise verified the conditions set forth in section 907.041(3)(b), Florida Statutes.¹⁷

Although it does not appear that Senate Bill 782 encroaches upon the rulemaking authority of the court, as was the case in the 2000 amendments to this section of law, it is not that clear that requiring a person to be indigent in order to qualify for a local pretrial release program will necessarily escape constitutional scrutiny. A person who is unable to be released from jail to a pretrial release program because he is not indigent (although otherwise qualifying under the statute) may raise an Equal Protection challenge.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill could lead to more people who are arrested being unable to secure pretrial release to a local pretrial release program than had been able to do so prior to the bill's effective date. If this is the case, and defendants can afford it, they will likely post a cash or surety bond. If a defendant cannot afford it, he or she may reach out to family and friends to help them raise the necessary funds. If the funds are not raised, the defendant would remain incarcerated in the local jail.

Bail bond agents are likely to see an increase in revenues if the bill becomes law.

¹⁶ *In re Florida Rules of Criminal Procedure 3.131 and 3.132*, 948 So.2d 731, 733 (Fla. 2007).

¹⁷ *Id.* and Florida Rule of Criminal Procedure 3.131(b)(4).

C. Government Sector Impact:

There is no fiscal impact expected from this bill that would be to the detriment of the State of Florida. However, county governments have reported negative fiscal impacts if this bill becomes law.

The impact is mainly the result of more defendants remaining incarcerated due to being unable to post a bond. The counties reporting statistics to back up the negative fiscal impact they predict will occur clearly indicate that the cost of incarcerating defendants in the local jail is much greater than the cost for he or she to be supervised by the local pretrial release program. Some counties speculate, based on statistics provided, that they could be forced to begin construction of jail facilities or expansion projects in order to house the jail population.

Below is a fiscal analysis based upon information supplied by the counties.

Osceola County

Pretrial Release Program Budget = \$584,245

Almost 64 percent of pre-trial clients (6,029) would be ineligible per year based on the bill's requirements. These clients would remain in jail until disposition or would remain in jail until bonded out.

Jail per diem = \$73.18

Average case takes 45 days to get resolved

- If 5 percent of the 6,029 clients remain in jail until disposition, the jail would need an additional 302 beds. If an additional 302 clients remained in jail for 45 days at \$73.18 per day = **\$994,516.**
- If 15 percent of the 6,029 clients remain in jail until disposition, the jail would need an additional 905 beds. If an additional 905 clients remained in jail for 45 days at \$73.18 per day = **\$2,980,255.**
- If 25 percent of the 6,029 clients remain in jail until disposition, the jail would need an additional 1,508 beds. If an additional 1,508 clients remained in jail for 45 days at \$73.18 per day = **\$4,965,995.**
- If 50 percent of the 6,029 clients remain in jail until disposition, the jail would need an additional 3,015 beds. If an additional 3,015 clients remained in jail for 45 days at \$73.18 per day = **\$9,928,697.**

These figures do not include the cost of *constructing* any new jail beds. The Osceola County Jail is currently operating 23 percent over capacity (has a capacity of 873 beds and currently houses 1,072 inmates). Osceola County Corrections Department reports that a new correctional facility will need to be constructed in order to increase the operational capacity of the jail.

Monroe County

Almost 50 percent of pre-trial clients (432) would be ineligible based on the bill's requirements. These clients would remain in jail until disposition or would remain in jail until bonded out.

Jail per diem = \$82.00

Assume an average case takes 2 months to get resolved

- If 5 percent of the 432 clients remain in jail until disposition, the jail would need an additional 22 beds. If an additional 22 clients remained in jail for 60 days at \$82.00 per day = **\$108,240.**
- If 15 percent of the 432 clients remain in jail until disposition, the jail would need an additional 65 beds. If an additional 65 clients remained in jail for 60 days at \$82.00 per day = **\$319,800.**
- If 25 percent of the 432 clients remain in jail until disposition, the jail would need an additional 108 beds. If an additional 108 clients remained in jail for 60 days at \$82.00 per day = **\$531,360.**
- If 50 percent of the 432 clients remain in jail until disposition, the jail would need an additional 216 beds. If an additional 216 clients remained in jail for 60 days at \$82.00 per day = **\$1,062,720.**

Palm Beach County

Pretrial Release Program Budget = \$1,500,676

Approximately 67 percent of pre-trial clients (3,408) would be ineligible based on the bill's requirements. These clients would remain in jail until disposition or would remain in jail until bonded out.

Jail per diem = \$125.00

Assume an average case takes 2 months to get resolved.

- If 5 percent of the 3,408 clients remain in jail until disposition, the jail would need an additional 171 beds. If an additional 171 clients remained in jail for 60 days at \$125.00 per day = **\$1,282,500.**
- If 15 percent of the 3,408 clients remain in jail until disposition, the jail would need an additional 512 beds. If an additional 512 clients remained in jail for 60 days at \$125.00 per day = **\$3,840,000.**
- If 25 percent of the 3,408 clients remain in jail until disposition, the jail would need an additional 852 beds. If an additional 852 clients remained in jail for 60 days at \$125.00 per day = **\$6,390,000.**
- If 50 percent of the 3,408 clients remain in jail until disposition, the jail would need an additional 1,704 beds. If an additional 1,704 clients remained in jail for 60 days at \$125.00 per day = **\$12,780,000.**

St. Lucie County

Pretrial Release Program Budget = \$1,146,978

Approximately 75 percent of pre-trial clients (291) would be ineligible based on the bill's requirements. These clients would remain in jail until disposition or would remain in jail until bonded out.

Jail per diem = \$60.00

Assume an average case takes 2 months to get resolved

- If 5 percent of the 291 clients remain in jail until disposition, the jail would need an additional 15 beds. If an additional 15 clients remained in jail for 60 days at \$60.00 per day = **\$54,000.**
- If 15 percent of the 291 clients remain in jail until disposition, the jail would need an additional 44 beds. If an additional 44 clients remained in jail for 60 days at \$60.00 per day = **\$158,400.**
- If 25 percent of the 291 clients remain in jail until disposition, the jail would need an additional 73 beds. If an additional 73 clients remained in jail for 60 days at \$60.00 per day = **\$262,800.**
- If 50 percent of the 291 clients remain in jail until disposition, the jail would need an additional 146 beds. If an additional 146 clients remained in jail for 60 days at \$60.00 per day = **\$525,600.**

Sarasota County

Pretrial Release Program Budget = \$1,406,259

Approximately 2,112 pre-trial clients would no longer be eligible based on the bill's requirements. These clients would remain in jail until disposition or would remain in jail until bonded out.

Jail per diem = \$75.00

An average case takes 28 days to get resolved

- If 5 percent of the 2,112 clients remain in jail until disposition, the jail would need an additional 106 beds. If an additional 106 clients remained in jail for 28 days at \$75.00 per day = **\$222,600.**
- If 15 percent of the 2,112 clients remain in jail until disposition, the jail would need an additional 317 beds. If an additional 317 clients remained in jail for 28 days at \$75.00 per day = **\$665,700.**
- If 25 percent of the 2,112 clients remain in jail until disposition, the jail would need an additional 528 beds. If an additional 528 clients remained in jail for 28 days at \$75.00 per day = **\$1,108,800.**

- If 50 percent of the 2,112 clients remain in jail until disposition, the jail would need an additional 1,056 beds. If an additional 1,056 clients remained in jail for 28 days at \$75.00 per day = **\$2,217,600.**

Miami – Dade

Pretrial Release Program Budget = \$4,826,119

Approximately 55 percent of pre-trial clients (7,282) would be ineligible based on the bill's requirements. These clients would remain in jail until disposition or would remain in jail until bonded out.

Jail per diem = \$134.27

An average case takes 21 days to get resolved

- If 5 percent of the 7,282 clients remain in jail until disposition, the jail would need an additional 365 beds. If an additional 365 clients remained in jail for 21 days at \$134.27 per day = **\$1,029,180.**
- If 15 percent of the 7,282 clients remain in jail until disposition, the jail would need an additional 1,093 beds. If an additional 1,093 clients remained in jail for 21 days at \$134.27 per day = **\$3,081,889.**
- If 25 percent of the 7,282 clients remain in jail until disposition, the jail would need an additional 1,821 beds. If an additional 1,821 clients remained in jail for 21 days at \$134.27 per day = **\$5,134,619.**
- If 50 percent of the 7,282 clients remain in jail until disposition, the jail would need an additional 3,641 beds. If an additional 3,641 clients remained in jail for 21 days at \$134.27 per day = **\$10,266,418.**

Volusia County

Approximately 55 percent of pre-trial clients (2695) would not be eligible per year based on the bill's requirements. These clients would remain in jail until the disposition or would remain in jail until bonded out.

Jail per diem= \$70.09

Assume an average case takes 45 days to get resolved

- If 5 percent of the 2695 clients remain in jail until disposition, the jail would need an additional 135 beds. If an additional 135 clients remained in jail for 45 days at \$70.09 per day= **\$425,797.**
- If 15 percent of the 2695 clients remain in jail until disposition, the jail would need an additional 404 beds. If an additional 404 clients remained in jail for 45 days at \$70.09 per day= **\$1,274,236.**
- If 25 percent of the 2695 clients remain in jail until disposition, the jail would need an additional 674 beds. If an additional 674 clients remained in jail for 45 days at \$70.09 per day= **\$2,125,830.**

- If 50 percent of the 2695 clients remain in jail until disposition, the jail would need an additional 1348 beds. If an additional 1348 clients remained in jail for 45 days at \$70.09 per day= **\$4,251,659**.

Duval County

The average annual budget for the Pretrial Services Program is \$557,262.

The current population of the Pretrial Services Program is 316.

The current number of defendants affected by the proposed legislation is 159.

The current per diem rate to incarcerate a defendant in Duval County is \$60.13

- If 5 percent of the 159 affected clients remained incarcerated, the daily costs would be \$481.04 and the estimated yearly costs would be **\$175,579.60**.
- If 15 percent of the 159 affected clients remained incarcerated, the daily costs would be \$1,443.12 and the estimated yearly costs would be **\$527,738.80**.
- If 25 percent of the 159 affected clients remained incarcerated, the daily costs to would be \$2,405.20 and the estimated yearly costs to would be **\$877,898.00**.
- If 50 percent of the 159 affected clients remained incarcerated, the daily costs would be \$4810.40 and the estimated yearly costs would be **\$1,755,796.00**.

Okaloosa County

The Okaloosa County Pretrial Services (PTS) had a client census of 382 as of January 31, 2010. Approximately 69 percent of the current PTS census would be ineligible for pretrial services under the proposed eligibility criteria in SB 782.

Based upon the 2009 population, a rate of 25 percent ineligibility would result in a 96 inmate population increase. This would cause the population to be 626 or 105 percent of maximum design capacity (594).

A 50 percent pretrial services ineligibility would cause a population increase of 191 with an overall population of 721 or 121 percent of maximum design capacity (594).

A 75 percent pretrial services would cause a population increase of 287 with an overall population of 817 or 137 percent of maximum design capacity (594).

Cost to house an inmate is (based on the FY09 figures) \$64.55 per inmate per day.

Based upon 2009 population, estimation of **increased cost (per inmate)** to Okaloosa County is as follows:

- with 25 percent PTS census ineligible, 30.49 days stay = **\$1,968.13** (118% increase)
- with 50 percent PTS census ineligible, 34.84 days stay = **\$2,248.92** (135% increase)
- with 75 percent PTS census ineligible, 39.19 days stay = **\$2,529.72** (152% increase)

* These figures do not include the cost of *constructing* new jail beds although some counties indicate that the bill's passage will most likely necessitate that.

* Unless otherwise provided by a county, staff assumed that the average time a defendant would spend in jail awaiting disposition of his or her case was 60 days.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.