In a previous post, we discussed the idea that reforming mandatory minimums, rather than privatizing the prison system, is likely the best solution for over-incarceration and prison overcrowding in Florida. First, we noted that mandatory minimum sentences provide unnecessarily harsh consequences for crimes that do not always warrant prison time. Additionally, we discussed the significant financial costs and general damage done to Florida's justice system as a result of those harsh sentences. With that overview, we can now further examine the widespread problems caused by mandatory minimums, and the resultant push for increased privatization of the prison system.

As we noted previously, despite significant efforts by the private prison industry, attempts to pass legislation to privatize 29 Florida prisons have so-far been unsuccessful. Mandatory minimum sentences for crimes in Florida have left the prisons remarkably overcapacity, creating the opportunity for private prison companies to capitalize on the problem.

These private companies claim that incarcerating prisoners in private prisons will be cost-effective, saving the state money on an ever-increasing prison population.

The legislation was halted, though, due to concerns about that very allegation. A court in Florida found that "the rush to meet certain deadlines has resulted in many shortcomings in the evaluation of whether privatization is in the best public interest as it relates to cost savings and effective services." In other words, no evidence was submitted to demonstrate that increasing the number of private prisons would save money for the state.

In addition to the lack of any statistical information regarding cost savings, data shows that the number of those incarcerated in private prisons actually rose 37 percent from 2002 to 2009. This data suggests that the goal of reducing the number of prisoners within Florida's criminal justice system will not be met through privatization. Rather, reforming the mandatory minimum sentencing laws which inspire overcrowding should be seriously considered.

Opponents of privatizing the prison system argue that the structure of the system itself is an inherent problem. As a lawyer for the ACLU recently noted, "Florida's prison system needs reform, but private prisons aren't reform - they deform the process by linking corporate profit to incarceration. The bottom line is that private prisons make money by keeping people in prison when we should be looking for ways to keep them out in the first place."

While Florida has narrowly escaped prison privatization for the time being, it is likely the issue will arise again, considering the sheer strength of the private prison industry. While reform of the justice system is necessary, it is critical that Florida continues to prevent further privatization of its prisons and pursue mandatory minimum reform instead.