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Cost Benefit Analysis of a Clean Slate Act in Florida

Executive Summary

This project is intended to estimate a cost-benefit analysis of enacting a Clean Slate law in Florida over a five year period. According to the Clean Slate Initiative, in order for a law to be considered a Clean Slate law, it must include: the automatic clearance of non-violent arrest records, misdemeanor records, and a strong recommendation for felony records.

| Our Approach |

For our analysis, we analyzed two scenarios for a Clean Slate law in Florida. Scenario A includes only misdemeanor convictions, while Scenario B also includes some low-level felony convictions. We examine what would happen if those non-violent convictions were automatically cleared. For each scenario, we estimate the net benefits of enacting a Clean Slate law in Florida over the next five years.

| Costs |

To find the estimated cost of Clean Slate laws in Florida over the next five years, we found the per-capita fixed and the net present value (NPV) of per-capita recurring costs provided by the fiscal analyses from states that have already passed a Clean Slate law and multiplied that by Florida’s population. To determine what the total cost of the program, we combined the fixed costs, recurring costs, and foregone fees for five years under Scenarios A and B.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Fixed Costs</th>
<th>Recurring Costs</th>
<th>Foregone Fees</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$ 4.7 M</td>
<td>$ 12.7 M</td>
<td>$ 34.6 M</td>
<td>$ 52.0 M</td>
</tr>
<tr>
<td>B</td>
<td>$ 4.7 M</td>
<td>$ 12.7 M</td>
<td>$ 40.1 M</td>
<td>$ 57.5 M</td>
</tr>
</tbody>
</table>

Dankner | Greer | Thompson
Benefits

A major component of the benefits of passing a Clean Slate law in Florida comes in the form of expanded employment eligibility. Record clearing can open up employment opportunities that were previously unattainable due to a criminal record. In order to quantify the benefit of enacting a Clean Slate law, we estimated the NPV of the sales tax revenue generated from newly employed individuals over the next five years.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Newly Employed</th>
<th>Taxable Spending</th>
<th>State Average Sales Tax Rate</th>
<th>Total Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>24 K / Year</td>
<td>$15,900 / Year</td>
<td>6.0%</td>
<td>$108.2 M</td>
</tr>
<tr>
<td>B</td>
<td>35 K / Year</td>
<td>$15,900 / Year</td>
<td>6.0%</td>
<td>$152.8 M</td>
</tr>
</tbody>
</table>

To calculate NPV, we used the educational attainment levels of eligible individuals to estimate an average annual salary for each scenario. Using the average salary, we estimated the average annual spending on taxable goods and multiplied that by the state sales tax associated with it for each scenario for the next five years.

Findings

![Scenario A](image1.png) ![Scenario B](image2.png)

Our findings indicated that the benefits of Clean Slate laws significantly exceed the costs. After implementation, it is not costly to maintain due to the automatic nature of the program. The bulk of the benefits stem from new employment opportunities to individuals after record clearing.

Some counties in Florida will experience a larger impact due to higher crime rates, as can be seen by the map above. In aggregate, our analysis found that between 188K to 221K people in Florida could get their record cleared annually.
Introduction

This project is intended to estimate a cost-benefit analysis of passing a Clean Slate law in Florida over a period of five years. Known as the “Second Chance Laws”, this legislation allows for certain criminal records to be automatically cleared. According to The Clean Slate Initiative, in order for a law to be considered a Clean Slate law, it must include both the automatic clearance of misdemeanor and associated arrests records. Furthermore, The Clean Slate Initiative also recommends including “at least one felony record.”

Each year in Florida, there are over 315,000 people with non-violent misdemeanor convictions, and there are over 50,000 people with non-violent 3rd-degree felony convictions (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”). Included in these numbers are individuals who have been arrested for marijuana possession, under-aged drinking, petty larceny, and other nonviolent offenses. These “Second Chance Laws” would allow for those individuals who have been convicted of these non-violent crimes, paid their debt to society, and refrained from other criminal activity to have their records cleared.

A Clean Slate law in Florida would potentially clear the records of these individuals. For our analysis, we estimated two possible scenarios for passing such legislation in Florida. The first of which, Scenario A, is the more restrictive of the two scenarios. Scenario A would only allow for nonviolent 1st- and 2nd-degree misdemeanors. Scenario B, however, expands on Scenario A by also including nonviolent 3rd-degree felonies.

Under Florida Statute 943.0585, to be granted expungement individuals must be ultimately found not guilty, been acquitted, or had charges against them dropped before trial. Irrespective of the crime’s severity, arrest records resulting in conviction are ineligible for expungement. Clean Slate legislation would serve as Floridia’s first opportunity to have their record cleared of convictions.

The costs of passing a Clean Slate law in Florida comes in the form of costs to the government. There are three types of costs the government would face: implementation of the automatic expungement process, hiring of new personnel to facilitate the process, and foregone fees that would have been collected otherwise. The costs can be incurred annually or an initial
one-time cost. To estimate the total cost of Clean Slate we combined the one-time costs, the net present value (NPV) of the annual costs, and the NPV of the foregone fees for each scenario over a period of five years. Over the next five years, the costs of Clean Slate are $52.0 million for Scenario A (roughly $55 per eligible person per year), and $57.5 million for Scenario B (roughly $52 per eligible person per year).

The benefits of passing a Clean Slate law in Florida include the expanded employment opportunities that would present themselves after a record is cleared. Having a record can reduce the chances for individuals to get new employment and increase the sales tax revenue generated. Under Scenario A, about 24,000 people annually who previously had record convictions could find jobs that they would not have had otherwise. For Scenario B, this number expands to almost 35,000 people annually. Using the NPV of the sales tax generated from the new employment for these individuals, the total benefit of Clean Slate is $108.2 million for Scenario A and $152.8 million for Scenario B over the next five years. This is about $115 and $138 per eligible person per year for Scenario A and B respectively.

In all, enacting a Clean Slate law in Florida would generate differing costs and benefits depending on the scenario. The scenarios are dependent on whether or not to include non-violent 3rd-degree misdemeanors for record clearing. Over a period of five years, Scenario A would cost $52.0 million to the state and generate $108.2 million in sales tax revenue. Scenario B would cost $57.5 million to the state and generate $152.8 million in sales tax revenue. In total, the net benefit of Clean Slate ranges from $56.2 million to $95.3 million over a five year period. This is about $56 and $86 per eligible person per year for Scenario A and B respectively.

Current Process for Expungement

Expungement is defined in Florida Statute 943.0585 as a court order for a record to be "physically destroyed or obliterated by any criminal justice agency having custody of such records.(Florida Statutes and Constitution)"

In Florida, the expungement process requires individuals to petition the court for relief by means of expunction. To be eligible for petitioning, a certificate of eligibility to expunge must be granted by the Florida Department of Law Enforcement (FDLE). These certificates are contingent upon all arrests associated with the alleged criminal activity resulting in
non-conviction, the period of appeals expiring and the individual not having received expungement in his/her lifetime. Once the court hears a petition, it is up to the judge’s discretion whether relief is given through means of court-expungement (Florida Statutes and Constitution).

Regardless of the arrest ultimately resulting in conviction, within the current legislative framework, individuals convicted of certain misdemeanors or any felony are ineligible to petition the court for expunction. Disqualifying misdemeanors include assault, illegal carrying of concealed weapons, arson, theft, and indecent exposure (Florida Statutes and Constitution).

Following the passage of State Bill 7125 in May 2019, individuals with qualifying charges are now automatically granted a certificate of eligibility to expunge. After obtaining the certification, an individual is still required to petition the court for expunction (Florida House of Representatives).

### Background

#### Variation in Clean Slate Among States

A Clean Slate law is a legislation such that nonviolent criminal records are automatically eligible to be either expunged or sealed. Specific eligibility requirements may vary.

As of May 2023, ten states have already passed a Clean Slate law: Pennsylvania (2018), Utah (2019), New Jersey (2019), Michigan (2020), Connecticut (2020), Delaware (2021), Virginia (2021), Oklahoma (2022), Colorado (2022), and California (2023). The numbers in parenthesis are the years that the state passed the Clean Slate law; however, the years of enactment may vary by state, and some states have not enacted their Clean Slate laws yet.

The Clean Slate laws are bipartisan legislation. Using the information provided by LegiScan on the bills, we found that the Clean Slate bills passed both their state’s House and Senate with a median pass rate of 88.2% and 97%, respectively. The pass rate is the percentage of “yay” votes out of the total number of people who voted. The lowest House pass rate was 60.6% in Virginia with 60 yays and 39 nays. The lowest Senate pass rate was 56.4% in New Jersey with 22 yeas and 17 nays. The highest pass rate was 100% in both the House and the Senate.
<table>
<thead>
<tr>
<th>State</th>
<th>Length of Time Crime Free (Years)</th>
<th>Type of Crime</th>
<th>Sealing or Expungement</th>
<th>House Pass Rate</th>
<th>Senate Pass Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>10</td>
<td>Misdemeanor</td>
<td>Sealing</td>
<td>98.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Utah</td>
<td>5-7</td>
<td>Misdemeanor</td>
<td>Expungement</td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>New Jersey</td>
<td>5</td>
<td>Misdemeanor</td>
<td>Expungement</td>
<td>69.5%</td>
<td>56.4%</td>
</tr>
<tr>
<td>Michigan</td>
<td>10</td>
<td>Misdemeanor and Felony</td>
<td>Sealing</td>
<td>88.6%</td>
<td>78.4%</td>
</tr>
<tr>
<td>Connecticut</td>
<td>7 (Misdemeanor)</td>
<td>Misdemeanor and Felony</td>
<td>Expungement</td>
<td>61.9%</td>
<td>65.7%</td>
</tr>
<tr>
<td>Delaware</td>
<td>5 (Misdemeanor)</td>
<td>Misdemeanor and Felony</td>
<td>Expungement</td>
<td>87.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Virginia</td>
<td>7 (Misdemeanor) 10 (Felony)</td>
<td>Misdemeanor and Felony</td>
<td>Sealing</td>
<td>60.6%</td>
<td>100%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>5 (Misdemeanor) 7-10 (Felony)</td>
<td>Misdemeanor and Felony</td>
<td>Expungement</td>
<td>96.0%</td>
<td>97.7%</td>
</tr>
<tr>
<td>Colorado</td>
<td>4-7 (Misdemeanor) 10 (Felony)</td>
<td>Misdemeanor and Felony</td>
<td>Sealing</td>
<td>93.8%</td>
<td>97.0%</td>
</tr>
<tr>
<td>California</td>
<td>5</td>
<td>Misdemeanor</td>
<td>Sealing</td>
<td>67.6%</td>
<td>73.7%</td>
</tr>
</tbody>
</table>

Eligibility for Clean Slate varies by state. By examining each state’s respective Clean Slate bills, we found that six states allow for misdemeanors and felonies, and the other four only allow misdemeanors. The six states which allow for misdemeanors and felonies are Michigan, Connecticut, Delaware, Virginia, Oklahoma, and Colorado (“Michigan Legislature - House Bill 4980 (2019)”; “CT SB01019 | 2021 | General Assembly”; “Bill Detail”; “LIS > Bill Tracking > HB2113 > 2021 session”; “Bill Information for HB 3116”; “Sealing Criminal Records | Colorado General Assembly”). Additionally, each state has different levels of what constitutes an eligible misdemeanor or felony. For example, in Connecticut, an eligible felony is “a class D or E felony, or an unclassified felony offense carrying a term of imprisonment of not more than five years” (“CT SB01019 | 2021 | General Assembly”). Whereas, in Michigan, an eligible felony is one with less than ten years of a conviction (“Michigan Legislature - House Bill 4980 (2019)”). Nine of the states require 5-7 years to pass in order for a misdemeanor to be eligible. Colorado is the only state that requires four years to pass for misdemeanors (“Sealing Criminal Records | Colorado General Assembly”). All six of the states that allow felonies require ten years to pass before eligibility.

The extent to which the records are cleaned also varies by state. For instance, some states allow records to be expunged; meanwhile, some restrict it to only the sealing of records. The states are split evenly in regards to that decision. 5 states allow records to be expunged, and 5 states allow records to be sealed. In Florida, a sealed record can still be accessed by certain government employees (Florida Senate). Specifically, a sealed record can still be accessed by law enforcement agencies and courts under certain circumstances (Florida Department of Law Enforcement, “Seal and Expunge FAQ’’). However, expungement implies that these agencies would only be able to see that an individual has had a record expunged, not any details relating to the arrest or court’s decisions.

Related Legislation

Ban the Box

A similar piece of legislation which has popped up across the United States is known as the “Ban the Box” (BTB) legislation. BTB first appeared in Hawaii in 1998 (Maurer). While
BTB is not Clean Slate, it can be viewed as Clean Slate’s grandfather. The legislation’s purpose is to assist people with criminal records to reintegrate into the economy. In the spirit of understanding recent legislation with a purpose similar to that of Clean Slate, we review BTB.

BTB prevents employers from asking if potential applicants have a criminal record. While the legislation can be intended to increase employment among persons with criminal records, the legislation has shown to have mixed effects across races (Agan and Starr 195). Agan and Starr (195) found that when comparing white and black men, white men with and without a record received more callbacks after passing BTB. Furthermore, black men with a record also received more callbacks (Agan and Starr 223). Additionally, they found that black men without records received fewer callbacks following passing BTB (Agan and Starr 223). The authors believed this difference was due to stereotyping by potential employers (Agan and Starr 227).

Societal perceptions of different crimes impact hiring decisions as well. Uggen, et. al (646) found that when managers were able to meet candidates with a misdemeanor in person, managers stated they were more comfortable with the prospect of hiring a person with a record. Managers liked getting a sense of who the applicant is as a person (Uggen et al. 646). Thus, managers can sometimes deal with an applicant having a misdemeanor. However, they sometimes outright refuse to hire felons because employers are concerned about hiring felons (Uggen et al. 647-648). Clean Slate, meanwhile, could expunge some 3rd-degree felonies from criminal records after a specified time. This would literally “unmake” felons, allowing these people to be rehired.

Herring and Smith’s work on BTB sheds light on how people with criminal records experience searching for employment. While passing BTB encouraged more people with records to apply for jobs, individuals who were convicted of a crime reported higher levels of discrimination in the job search, even if they voluntarily disclosed their conviction (Herring and Smith 4). Some workers still experienced frustration with the entire searching process. Employers are forbidden from asking about having a criminal record, but they are permitted to run a criminal background check prior to hiring. Thus, people with records find themselves frustrated after spending their time and scarce resources on a job that would have turned them down sooner (Herring and Smith 7).
Unfortunately, all of the potential benefits from BTB may be pointless with two of Herring and Smith’s key findings. Firstly, criminal background checks report arrests, not convictions (Herring and Smith 6). Therefore, if someone is arrested for one charge but convicted of another lesser charge, the individual’s criminal record will appear to show a worse crime than the one with which they were charged. Secondly and more importantly, they also find that some employers outright ignore the law surrounding BTB and still ask applicants about their criminal records in applications or during the interviewing process (Herring and Smith 5). With Clean Slate, both arrest and conviction records become cleared, and job applicants could have the opportunity to have an unbiased interviewing process.

**Clemency Act**

To accurately assess potential implications of Clean Slate legislation in the state of Florida, it is important to understand what current legislation entails. Specifically, Amendment 4, also known as the “Voting Rights Restoration Act” is relevant to our cost-benefit analysis. Passed into law in March of 2018, Amendment 4 automatically grants felons clemency following both the completion of an individual’s court-ordered sentence, parole and/or probation (Leon County Supervisor of Elections). Clemency refers “to the power of a governor or president to pardon a person convicted of a criminal offense or have their sentence commuted” (Black's Law Dictionary). Amendment 4 does not apply to felons convicted of sexual crimes or murder and these individuals would have to follow the current guidelines of The Office of Executive Clemency to have their rights restored (“Restoration of Civil Rights in Florida”).

In March of 2021, subsequent amendments were passed which expanded the rights restored under Amendment 4. Specifically, those receiving clemency, in addition to being granted the right to vote, were granted the right to serve on a jury as well as run for public office. Additionally, the amendment stipulates that the completion of court-ordered sentence includes the paying of all court ordered fees (“Restoration of Civil Rights in Florida”). The changes follow suit with the 2018 bill in that felons must not be convicted of murder or sexual crimes.

According to the Florida Department of Law Enforcement “Neither a full pardon, nor any other type of executive clemency, will automatically expunge or facilitate the expungement of your criminal history record” (Florida Department of Law Enforcement, “Seal and Expunge
FAQ”). Given that there is no existing legislation in Florida allowing for an automatic expungement process, a Clean Slate bill would be the first of its kind.

House Bill 7125

House Bill 7125 was passed in May of 2019 (Florida House of Representatives) and brought with it two notable changes to long-standing expungement framework in Florida. The bill is the first to establish an “automated administrative sealing process for alleged criminal activity for which charges were rendered not guilty by a judge or jury, dismissed before trial, declined to be filed by the state attorney or statewide prosecutor or rendered a judgment of acquittal by a judge” (Florida House of Representatives).

The other major change brought by this bill has to do with expungement eligibility. Prior to 2019, Floridians were only permitted to receive relief by means of administrative sealing, and subsequently court-ordered expungement, if they were to have suffered an unconstitutional arrest or the alleged criminal charges never resulted in a trial. However, as previously mentioned, House Bill 7125 expands expungement eligibility to include both the absolution of guilt by a judge or jury or the judgment of acquittal by the judge alone (Florida House of Representatives).

It is important to note that House Bill 7125 stipulates that an administrative-sealing or a criminal record “shall have the same effect… as a record sealed under [Florida Statute 943.059; Court-Ordered Sealing]”. This expedites the expungement process as a citizen now circumvents the need to have their record sealed for 10 years prior to being eligible to petition a court for expungement (Florida House of Representatives).

House Bill 7125 offers expanded eligibility and an expedited expungement process for charges that don’t result in criminal convictions. However, the legislation does not provide Floridians convicted of criminal offenses a pathway for having their record expunged (Florida House of Representatives). This implies that Clean Slate legislation would be the first of its kind in the state of Florida.
Senate Bill 118

In June of 2017, State Bill 118 (Florida Senate) was passed and in July of the same year was signed into law by the governor. The legislation provides Floridians with additional privacy measures related to their arrest record, regardless of whether the charge results in conviction.

Following written request for removal from the arrestee or their legal representation, any person or entity that knowingly publishes or otherwise disseminates images or information related to alleged criminal acts may be subject to civil repercussions and even if the individual does not press charges. The bill states that those responsible have 10 days, following receipt of a certified copy of the court’s decision, to remove any information or images related to the arrest record in question. If action is not taken within 10 days, every subsequent day that the information or images are public, the person or entity is subject to a $1,000 fine (Florida Senate).

There are additional provisions that, following failure to adhere to this requirement, cause grounds for the person or entity to be charged with misdemeanor noncompliance. On top of that, the bill allows for a judge to suspend the IP address carrying this information to be suspended for at least one year from the date of the misdemeanor’s conviction date (Florida Senate).

Senate Bill 376

With the passing of Florida Senate Bill 376 in June of 2023, the automatic sealing process was codified, and eligibility requirements were reorganized. Namely, for an alleged incident of criminal activity the dismissal of charges and rendering of a not guilty verdict was broadened to encompass charges dismissed Nolle Prosequi (Florida Senate). Nolle Prosequi orders are entered by the judge to effectively drop charges due a variety of factors such as new evidence, a lack of evidence or by a victim’s request (Merriam-Webster).

Additionally, Florida Senate Bill 376 strengthens the notion that, to have an arrest record sealed, ultimately all counts rising from the incident of alleged criminal activity results in a non-conviction. In doing so, the legislation also provides the automated administrative-seal the same privacy provisions which court-ordered sealing receives (Florida Senate).

Essentially, the most recent legislation codifies the automatic administrative-sealing process and expands upon the eligible criteria. A key change lies in the treatment of automated sealing of arrest records. The Clerk of Court, upon receipt of the related court records, is to
maintain a copy of the related documents and subsequently keep the record confidential, or out of public access (Florida Senate).

While there has been extensive legislation in preceding years related to dealing with criminal records, there has yet to be any provision introduced which enables any level of conviction, felony or misdemeanor, to be expunged or sealed from an individual’s record (Florida Senate).

**Methodological Overview**

**Clean Slate In Florida**

In order to estimate potential costs and benefits of Clean Slate laws to the State of Florida, it is important to estimate what a possible Clean Slate law would look like if it were to pass. For our analysis, we analyzed two scenarios for a Clean Slate law in Florida. The motivation for having two separate scenarios stems from the fact that previous Clean Slate states are split between allowing only misdemeanors to be eligible or expanding that to allow some felonies as well.

**Scenario A: The Restrictive Approach**

Scenario A is the minimum eligibility for a possible Clean Slate law in Florida and will include only non-violent misdemeanor crimes. In Florida, an individual can be convicted of either one of two types of misdemeanors: a 1st-degree misdemeanor or a 2nd-degree misdemeanor. The 2nd-degree misdemeanor is the lowest level misdemeanor, and if convicted, an individual
could face up to a $500 fine and 60 days in jail (“Statutes & Constitution : View Statutes”). The 1st-degree is the most serious misdemeanor, and if convicted, an individual could face up to a $1,000 fine and up to one year in jail (“Statutes & Constitution : View Statutes”). The misdemeanors included in this analysis and some examples of which are given by the figure on the right.

Scenario B: The Inclusive Approach

Scenario B expands on the previous scenario by also including some felonies. Scenario B is going to include the same misdemeanors as Scenario A; however, it will also allow non-violent and non-sexual 3rd-degree felonies to be eligible for record clearing as well. In Florida, a 3rd-degree felony is the lowest level an individual can be convicted of. If convicted, an
individual could face up to a $5,000 fine and up to five years in jail. The 3\textsuperscript{rd}-degree felonies and some examples of which are given by the figure above.

**Annual Eligible People**

To estimate the number of eligible people annually under each scenario, we use the number of convictions in 2021 under each arrest type. The distribution of the number of eligible convictions is not available by type; however, the number of arrests in 2021 are available by type. This can be used to find the number of annual eligible convictions by using the following formula:

\[
Number\ of\ Arrests \times Conviction\ Rate \times (1 - Recidivism\ Rate) = Eligible\ Convictions
\]

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Number of Arrests</th>
<th>Conviction Rate</th>
<th>1 - Recidivism Rate</th>
<th>Eligible Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>315 K</td>
<td>75.0%</td>
<td>79.6%</td>
<td>188 K</td>
</tr>
<tr>
<td>B</td>
<td>369 K</td>
<td>75.4%</td>
<td>79.6%</td>
<td>221 K</td>
</tr>
</tbody>
</table>


**Arrest Distribution**

Arrest data is available; however, the distribution does not get more specific than simply providing the crime for which the individual got arrested. This presents a problem due to the fact that some crimes have different tiers that result in different levels of convictions. For example, a larceny arrest for $749 would be tried as a 1\textsuperscript{st}-degree misdemeanor charge; whereas a larceney arrest for $751 would be tried as a 3\textsuperscript{rd}-degree felony charge (“Attorney for the Larceny Warrant in Florida and Hillsborough County, FL”). In order to accurately know the number of arrests
under each scenario, we used the following methods to determine the share of arrest level by type:

**Miscellaneous**

Miscellaneous arrests make up the largest component of all arrest categories. According to the Florida Department of Law Enforcement Uniform Crime Report Guide Manual from 2018, includes “all criminal violations of Florida Statutes that do not fall under the defined arrest categories.” The miscellaneous category includes, but is not limited to, arrests for criminal traffic violations, failure to appear, and violation of probation. In 2021, there were 211,806 adult arrests that were considered miscellaneous (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”). Since 2008, miscellaneous arrests have been declining, with the lowest number of arrests in 2020 with 198,707 arrests, 145,000 of which were adult males and 43,000 were adult females. In 2020, 65.22% of miscellaneous arrests were white individuals and 34.09% of arrests were black individuals (“Crimes Against Property”).

We assumed that all miscellaneous arrests would be considered either a 1st- or 2nd-degree misdemeanor and included in both Scenario A and Scenario B.

**Liquor Law Violations**

In Florida, liquor law violations are “the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of intoxicating alcoholic beverages” (Florida Department of Law Enforcement, UCR Summary Guide Manual). Examples of which include, but are not limited to, underage possession of alcohol or the selling of alcohol to an underage individual.

Since 2001, liquor law violation arrests have been mostly declining. In 2001, there were 41,486 liquor law violation arrests and in 2020 there were 5,993 arrests. It is important to note that the 2020 number may be artificially low because of COVID-19. During COVID-19, most individuals were more likely to stay at home and less likely to frequent places that would serve alcohol. Out of the arrests in 2020, 4,500 of which were adult males and 1,200 were adult females. Additionally, 81.91% of liquor law violation arrests were white individuals and 17.15% were black individuals (“Crimes Against Property”). In 2021, there were 7,645 adult liquor law
violation arrests (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”).

The first offense of possession of alcohol under 21 years of age is a 2nd-degree misdemeanor and the second offense is a 1st-degree misdemeanor. For our analysis, we assumed that all liquor law violation arrests would be considered either a 1st- or 2nd-degree misdemeanor and included in both Scenario A and Scenario B.

Driving Under the Influence (DUI)

In Florida, a DUI is “driving or operating a motor vehicle or common carrier while impaired by alcoholic liquor or a drug/narcotic” (Florida Department of Law Enforcement, UCR Summary Guide Manual). DUI arrests have been declining on average since 2008. In 2008, DUI arrests were at the highest with 61,852 and in 2020, there were 29,114 arrests. 21,200 of which were adult males and 7,800 were adult females. In 2020, 83.22% of DUI arrests were white individuals, and 15.3% were black individuals (“Crimes Against Property”). In 2021, there were 33,642 adult DUI arrests (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”). A first offense DUI is a 2nd-degree misdemeanor and a second offense DUI is a 1st-degree misdemeanor. For our analysis, we assumed that all DUI arrests would be considered either a 1st- or 2nd-degree misdemeanor and included in both Scenario A and Scenario B.

Prostitution

In Florida, prostitution is “to unlawfully engage in or promote sexual activities for profit, either by males or females” (Florida Department of Law Enforcement, UCR Summary Guide Manual). Prostitution arrests have been declining since 1999. In 1999, there were 14,548 prostitution arrests, and in 2020, there were 940. 305 of which were adult males and 634 were adult females. Additionally, in 2020, 65.21% of prostitution arrests were white individuals, 3.09% were asian individuals, and 31.6% were black individuals (“Crimes Against Property”). In 2021, there were 1,076 adult prostitution arrests (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”). First offense prostitution is a 2nd-degree misdemeanor and a second offense prostitution is a 1st-degree
misdemeanor. For our analysis, we assumed that all prostitution arrests would be considered either a 1st- or 2nd-degree misdemeanor and included in both Scenario A and Scenario B.

Forgery

In Florida, forgery is “the altering, copying, or imitation of something without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud” (Florida Department of Law Enforcement, UCR Summary Guide Manual). In 2021, there were 1,082 adult forgery arrests (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”). Forgery is considered a 3rd-degree felony in Florida. For our analysis, we assumed that all forgery arrests would be considered a 3rd-degree felony and therefore included in only Scenario B.

Forgery trends are going down over time. In the year 1998, there were 6,734 forgery arrests in Florida, and in 2020, there were 1,211 forgery arrests. Of the 2020 forgery arrests, 812 were adult males and 375 were adult females. Additionally, 62.68% were white individuals, and 36.5% were black individuals (“Crimes Against Property”).

Fraud

In Florida, fraud includes “the intentional misrepresentation of an existing fact or condition, or the use of some other deceptive scheme or device, to obtain another person’s money, goods, or other things of value” (Florida Department of Law Enforcement, UCR Summary Guide Manual). Other examples of fraud include, the unlawful use of a credit/debit card, identity theft, unlawfully obtaining welfare benefits, or using electronics to intentionally further fraudulent activity.

In 2021, there were 7,985 adult fraud arrests (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”). Fraud can range from a 2nd-degree misdemeanor up to a 3rd-degree felony in Florida. We assumed that those who have been arrested for fraud are likely being charged with a 3rd-degree felony offense; therefore, fraud will only be included in Scenario B.
In 1998, there were 10,261 arrests and in 2020, there were 8,234 fraud arrests. Over the past 20 years, fraud arrests reached a peak in 2008 with 17,336 arrests. Since 2008, there has been a steep decline in fraud arrests (“Crimes Against Property”). This peak makes intuitive sense, as 2008 was the start of one of the most impactful financial crises in the United States. Of the 2020 fraud arrests, 5,100 were adult males and 2,800 were adult females. Additionally, 63.68% of the arrests were white individuals and 35.55% of the arrests were black individuals (“Crimes Against Property”).

Drug Arrests

In Florida, drug arrests are considered “the unlawful cultivation, manufacture, distribution, sale, purchase, possession, transportation, or importation of any controlled drug or narcotic” (Florida Department of Law Enforcement, UCR Summary Guide Manual) This definition includes drug paraphernalia as well.

Over the period 1998-2021, drug arrests have been steady with a decline starting in 2018. In 2018, Florida expanded the definition of qualifying medical conditions for a medical marijuana card to include patients diagnosed with conditions such as cancer, epilepsy, and post-traumatic stress disorder (“Senate Bill 8A (2017A)”). This could explain the sudden decline in drug arrests starting 2018. In 2018, there were 134,396 drug arrests and in 2020 drug arrests were at its lowest with 68,564. 50,000 of which were adult males and 17,000 were adult females. 65.04% of drug arrests were white individuals and 34.27% were black individuals (“Crimes Against Property”).

<table>
<thead>
<tr>
<th>Type of Substance</th>
<th>Possession</th>
<th>Intent to Distribute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana</td>
<td>1st-Degree Misdemeanor</td>
<td>3rd-Degree Felony</td>
</tr>
<tr>
<td>Heroin/Cocaine</td>
<td>3rd-Degree Felony</td>
<td>2nd-Degree Felony</td>
</tr>
<tr>
<td>Other Substance (Pills, etc)</td>
<td>3rd-Degree Felony</td>
<td>2nd-Degree Felony</td>
</tr>
</tbody>
</table>

Source: “Drug Charges In Florida 2023: A Guide”
Drug arrests have variation in the levels of charges. In 2021, there were 76,604 adult drug arrests (Florida Department of Law Enforcement, “Arrest Totals by Age and Sex State of Florida January - December 2021”), and it would be incorrect to assume that they either all fall under misdemeanor or all fall under 3rd-degree felony. In Florida, the charge level for drug arrests are shown in Table 3.

According to the National Center for Drug Abuse Statistics, in 2020, there were 642,965 drug arrests. 317,793 (49.43%) were arrests for possession of marijuana, 32,357 (5.03%) were arrests for possession of marijuana with intent to distribute, 268,101 (41.70%) were arrests for possession of controlled substance other than marijuana, and 24,714 (3.84%) were arrests for possession of controlled substance other than marijuana with intent to distribute.

In order to find how many drug arrests in Florida fell under each category, we extrapolated these national statistics and applied them to Florida’s arrest numbers. For 2021:

<table>
<thead>
<tr>
<th>Table 4: Drug Arrest Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>76,604 Drug Arrests</td>
</tr>
<tr>
<td>41,717 Marijuana Arrests</td>
</tr>
<tr>
<td>37,862 Possession</td>
</tr>
<tr>
<td>31,942 Possession</td>
</tr>
</tbody>
</table>

Larceny Arrests

In Florida, larceny, or theft, is considered “the unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person” (Florida Department of Law Enforcement, UCR Summary Guide Manual). Examples of larceny include, but are not limited to: pocket picking, purse snatching, shoplifting, and theft from motor vehicles or buildings.
Table 5: Amount of Theft and Respective Degree of Crime, Florida

<table>
<thead>
<tr>
<th>Value Amount of Stolen Goods</th>
<th>Degree of Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $100</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;-Degree Misdemeanor</td>
</tr>
<tr>
<td>$100-$750</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;-Degree Misdemeanor</td>
</tr>
<tr>
<td>$750-$20,000</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt;-Degree Felony</td>
</tr>
<tr>
<td>Greater than $20,000</td>
<td>Other Felony than 3&lt;sup&gt;rd&lt;/sup&gt;-Degree</td>
</tr>
</tbody>
</table>

Source: “Larceny & Its Penalties in Florida.”

In 2021, there were 76,604 adult larceny arrests (Florida Department of Law Enforcement “Arrest Totals by Age and Sex State of Florida January - December 2021”). This number is a significant jump from the previous year. In 2020, there were 46,529 larceny arrests. This number may have been affected by the fear of and related lockdowns for COVID-19 since in 2019, there were 64,088 larceny arrests (“Crimes Against Property”, Florida Department of Law Enforcement). Of the 2020 larceny arrests, 27,000 were adult males and 15,000 were adult females. Additionally, 63.65% of the 2020 arrests were white individuals and 35.68% of arrests were black individuals (“Crimes Against Property”, Florida Department of Law Enforcement).

In Florida, there are different tiers for larceny charges, and they are dependent on the value of the amount stolen. In Florida, the relevant distribution of larceny charges are given in Table 5.

Table 6: Statistics of Values of Stolen Goods, National

<table>
<thead>
<tr>
<th>Value of Stolen Goods</th>
<th>Percent of Total</th>
<th>Avg. Value of Stolen Goods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $50</td>
<td>31.4%</td>
<td>$14</td>
</tr>
<tr>
<td>$50-$200</td>
<td>21.2%</td>
<td>$107</td>
</tr>
<tr>
<td>Greater than $200</td>
<td>47.3%</td>
<td>$2,395</td>
</tr>
</tbody>
</table>

Source: “FBI — Table 23”, Crime/Law Enforcement Stats
The FBI’s 2019 Universal Crime Report Table 23 provides a distribution on the percent on larceny charges that fell under various amounts and the average theft amount was for each category. That information can be found in Table 6.

To determine the percent distribution of larceny arrests in Florida, we used the following methods:

2nd-Degree Misdemeanor

\[
31.4\% + (21.2\%) \times (43.0\%) = 40.6\%
\]

We assumed that all of the “Less than $50” category would be considered a 2nd-degree misdemeanor because of the less than $100 requirement. From there, we assumed that 43% of the “$50-$200” category was a 2nd-degree misdemeanor. The reasoning behind this was due to the fact that we found the average value of stolen goods for this category was $107. We assumed that because of this, 43% would be under $100. This resulted in the conclusion that 40.6% of larceny arrests were for less than $100.

1st-Degree Misdemeanor

\[
(21.2\%) \times (53.0\%) + (47.3\%) \times (25.0\%) = 24.0\%
\]

We assumed that 53% or, the rest, of the “$50-$200” category would be a 1st-degree misdemeanor because they range up to $750. The last category, “Greater than $200” is equally divided up into fourths. We assumed that 25% of that section would have a value less than $750. This resulted in assuming that 24% of larceny arrests were for 1st-degree felonies.

3rd-Degree Felony

\[
(47.3\%) \times (50.0\%) = 23.65\%
\]

It was assumed that half, or 50%, of the “Greater than 200” category had a value greater than $750 and less than $20,000 and therefore, would be considered a 3rd-degree felony. This resulted in assuming that 23.65% of larceny arrests were for 3rd-degree felonies.

Other Felonies

\[
(47.3\%) \times (25.0\%) = 11.83\%
\]
Table 7: Larceny Arrests by Arrest Level

<table>
<thead>
<tr>
<th></th>
<th>2nd-Degree Misdemeanor</th>
<th>1st-Degree Misdemeanor</th>
<th>3rd-Degree Felony</th>
<th>Other Felony</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;$100</td>
<td>31.4%</td>
<td>9.2%</td>
<td>12.2%</td>
<td>11.8%</td>
</tr>
<tr>
<td>$50-$200</td>
<td>14,569</td>
<td>8,599</td>
<td>8,524</td>
<td>4,253</td>
</tr>
<tr>
<td>$750-$20K</td>
<td></td>
<td></td>
<td>23.6%</td>
<td>11.8%</td>
</tr>
<tr>
<td>&gt;$20K</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

It was assumed that a quarter, or 25%, of the “Greater than 200” category had a value greater than $20,000 and therefore, would be considered a level of felony outside the scope of our analysis. As mentioned previously, if Florida were to pass a Clean Slate law including felonies, it is most likely that a 3rd-degree felony would be the highest level, and no further distribution of larceny arrests would be required above that level. This resulted in the assumption that 11.83% of larceny arrests are for a felony level higher than a 3rd-degree felony.

To visually reference how this distribution looks, Table 7 has been provided above with such detail. In all, we concluded that of the 35,955 larceny arrests in Florida in 2021, 14,569 were for a 2nd-degree misdemeanor, 8,599 were for a 1st-degree misdemeanor, 8,524 were for a 3rd degree felony, and 4,253 were outside the scope of this analysis.

See Appendix D and E for the gender and race of arrests by type. Additionally, see Appendix C for arrests over time by type.

Arrest to Conviction Rates

In order to calculate the number of convictions from the number of arrests, a crucial piece of information is the arrest to conviction rate. The arrest to conviction rate is the percent of arrests that lead to convictions.

It is important to note that the arrest to conviction numbers are not completely exhaustive and there will be errors in our conviction number estimates. This is the case because in some instances an individual is arrested for one type of crime (for example, marijuana drug possession
with intent to distribute), but will be convicted of a different crime (for example, convicted of marijuana possession, which is a lesser sentence than the former). In these cases, we do not have a way to track what the individuals are convicted of after arrests, if they are convicted of anything at all. Therefore, we use the average conviction rates from 2009-2013 for these types of crimes.

Table 8: Non-Violent Offenses and Conviction Rates

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>Average Arrest to Conviction Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Violent Misdemeanors</td>
<td>75%</td>
</tr>
<tr>
<td>Non-Violent Felonies</td>
<td>78%</td>
</tr>
</tbody>
</table>

Source: Measures for Justice

Recidivism Rate

Part of the requirements for being eligible for Clean Slate clearing of a record includes remaining crime free for a period of time. It would be incorrect to assume that all convictions of eligible crimes will get their record cleared because some individuals will likely commit crimes again. To address this issue, we multiplied the eligible convictions by one minus their respective recidivism rate. The recidivism rate is the percent of convicted individuals that commit another offense after release. According to the Florida Department of Corrections Recidivism Report for the 2018 cohort, the recidivism rate by category is given in Table 9 below.

Table 9: Recidivism Rate by Type of Offense

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>Recidivism Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Theft</td>
<td>21.0%</td>
</tr>
<tr>
<td>Drugs</td>
<td>16.7%</td>
</tr>
<tr>
<td>Other</td>
<td>23.6%</td>
</tr>
</tbody>
</table>

The other category includes but is not limited to other non-violent crimes such as DUI and driving with a suspended license (“Florida Prison Recidivism Report: Releases from 2008 to 2020”). For our analysis, we took the average of these three categories as the recidivism rate of the eligible convictions for Clean Slate in Florida. The average is 20.43% and one minus that is 79.57%.

**Conviction Distribution**

**Scenario A**

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>Level of Offense</th>
<th>Number of Arrests</th>
<th>Conviction Rate</th>
<th>(1-Recidivism Rate)</th>
<th>Number of Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law</td>
<td>Misdemeanor</td>
<td>7,645</td>
<td>75%</td>
<td>79.57%</td>
<td>4,563</td>
</tr>
<tr>
<td>DUI</td>
<td>Misdemeanor</td>
<td>33,642</td>
<td>75%</td>
<td>79.57%</td>
<td>20,077</td>
</tr>
<tr>
<td>Prostitution</td>
<td>Misdemeanor</td>
<td>1,076</td>
<td>75%</td>
<td>79.57%</td>
<td>642</td>
</tr>
<tr>
<td>Drug</td>
<td>Misdemeanor</td>
<td>37,862</td>
<td>75%</td>
<td>79.57%</td>
<td>22,595</td>
</tr>
<tr>
<td>Larceny</td>
<td>Misdemeanor</td>
<td>23,168</td>
<td>75%</td>
<td>79.57%</td>
<td>11,439</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>Misdemeanor</td>
<td>211,806</td>
<td>75%</td>
<td>79.57%</td>
<td>126,401</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>Misdemeanor</strong></td>
<td><strong>315,199</strong></td>
<td><strong>75%</strong></td>
<td><strong>79.57%</strong></td>
<td><strong>188,102</strong></td>
</tr>
</tbody>
</table>

**NOTE:** Some columns may not add up to the exact total given due to rounding.

Our analysis results in 188,102 eligible people under Scenario A. Scenario A only includes non-violent misdemeanors. To estimate the number of people in 2021 that were convicted of a crime under Scenario A, we will use the following formula:
\[(Non - Violent\ Misdemeanor\ Arrests) \times (Non - Violent\ Misdemeanor\ Conviction\ Rate)\]
\[\times (1 - Recidivism\ Rate)\]
\[= Scenario\ A\ Eligible\ Convictions\ in\ 2021\]

Table 10 displays the distribution of convictions under Scenario A. The total number of people who have been convicted of a non-violent misdemeanor in 2021 is roughly 236,400 individuals.

Scenario B

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>Level of Offense</th>
<th>Number of Arrests</th>
<th>Conviction Rate</th>
<th>(1-Recidivism Rate)</th>
<th>Number of Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law</td>
<td>Misdemeanor</td>
<td>7,645</td>
<td>75%</td>
<td>79.57%</td>
<td>4,563</td>
</tr>
<tr>
<td>DUI</td>
<td>Misdemeanor</td>
<td>33,642</td>
<td>75%</td>
<td>79.57%</td>
<td>20,077</td>
</tr>
<tr>
<td>Prostitution</td>
<td>Misdemeanor</td>
<td>1,076</td>
<td>75%</td>
<td>79.57%</td>
<td>642</td>
</tr>
<tr>
<td>Drug</td>
<td>Misdemeanor</td>
<td>37,862</td>
<td>75%</td>
<td>79.57%</td>
<td>22,595</td>
</tr>
<tr>
<td>Drug</td>
<td>Felony</td>
<td>35,797</td>
<td>78%</td>
<td>79.57%</td>
<td>22,217</td>
</tr>
<tr>
<td>Larceny</td>
<td>Misdemeanor</td>
<td>23,168</td>
<td>75%</td>
<td>79.57%</td>
<td>11,439</td>
</tr>
<tr>
<td>Larceny</td>
<td>Felony</td>
<td>8,524</td>
<td>78%</td>
<td>79.57%</td>
<td>5,290</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>Misdemeanor</td>
<td>211,806</td>
<td>75%</td>
<td>79.57%</td>
<td>126,401</td>
</tr>
<tr>
<td>Forgery</td>
<td>Felony</td>
<td>1,082</td>
<td>78%</td>
<td>79.57%</td>
<td>672</td>
</tr>
<tr>
<td>Fraud</td>
<td>Felony</td>
<td>7,985</td>
<td>78%</td>
<td>79.57%</td>
<td>4,956</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>Felony and Misdemeanor</strong></td>
<td>368,587</td>
<td>75.43%</td>
<td>79.57%</td>
<td><strong>221,238</strong></td>
</tr>
</tbody>
</table>

NOTE: Some columns may not add up to the exact total given due to rounding.
Scenario B includes the same non-violent misdemeanors as Scenario A, but also allows for non-violent 3rd-degree felonies as well. To estimate the number of people in 2021 that were convicted of a crime under Scenario B, we will use the following formula:

\[
Non - Violent Misdemeanor Convictions in 2021 \\
+ (Non - Violent 3rd - Degree Felony Arrests) \\
x (Non - Violent Felony Conviction Rate) x (1 - Recidivism Rate)
\]

\[= Scenario B Eligible Convictions in 2021\]

Table 11 displays the distribution of eligible convictions under Scenario B. Our analysis results in 221,238 eligible people under Scenario B. See Appendix A for the distribution of convictions by scenario, and see Appendix B for the conviction distribution by county in Florida.

**Costs**

![Figure 1: Visualization of Costs](image)
We explore the costs of Clean Slate over a five year period. Clean Slate programs across the various states can be broken down into annual and one-time costs. These types of costs include things like employment and buying an office’s computers for the first time. The total costs also include foregone fees. Florida has a $75 fee to process a request to expunge an arrest record (Florida Department of Law Enforcement, “Certificate of Eligibility Instructions”). For Scenario A (misdemeanors only), we find a total cost over the five years of $52,016,597.79. Scenario B (including 3rd-degree felonies) has a total cost of $57,526,909.86.

Fiscal Analyses by Clean Slate States
A fiscal analysis is a study in which some government or non-governmental body estimates how a potential policy will impact a governmental body’s revenues and expenditures. Since Clean Slate laws impact state budgets, many states opted to perform a fiscal analysis. All states in our study besides Oklahoma performed one, though neither New Jersey and Michigan could achieve clear results in their respective studies (“Bill S4154”; “Michigan Legislature - House Bill 4980 (2019)”). Each state’s fiscal analysis generated different amounts and types of costs. These costs included implementation costs, hiring state employees, and foregone fees. Table 13 gives a brief description of each type.

Implementation Costs

The first type of cost associated with Clean Slate is the implementation cost. These types of costs are the equipment a state needs to keep a program running in general, as well as program-specific costs. One of the most important program-specific costs is the implementation of the automated expungement process. This is one of the defining features of a Clean Slate program. General implementation costs include things like training state employees in different state agencies on how Clean Slate will work. They also include things like leasing offices, as some state governments may not have spare space to place a new office.

One-Time Implementation Costs

One-time implementation costs are costs that the state will have to incur once, or those costs which a state has prorated for an annual, ongoing cost for the first year. Some states had implementation costs associated with technological needs. Connecticut, for example, predicted it would need to spend $500,000 on IT consultants to set up the technology required to automatically expunge records (“CT SB01019 | 2021 | General Assembly”). Additionally, costs included the retraining of existing employees in departments. For instance, Pennsylvania estimates it will spend almost $200,000 on retraining the Pennsylvania State Police (Pennsylvania General Assembly).

Implementation costs can be incredibly expensive. Delaware estimated it would need over $1.7 million for its State Bureau of Investigations just for technology (“Bill Detail”). California estimates it will spend $3,000,000 on processing arrests as of January 1st, 2021 (“Bill Text: CA SB731 | 2021-2022 | Regular Session | Chaptered”). New Jersey’s fiscal analysis, while
inconclusive, predicted the state would need to appropriate $15 million to the Department of Law and Public Safety (“Bill S4154”).

Annual Implementation Costs

Annual implementation costs are the non-employment, non-fee related ongoing costs states incur yearly. Utah estimates that ongoing technology costs like software or hardware updates would cost $3,800 (“HB0431”). Connecticut estimates that training staff would cost $5,000 (“CT SB01019 | 2021 | General Assembly”).

Utah estimates it would need $100,000 per year for maintenance on its expungement systems (“HB0431”). Delaware believes it would spend about $70,000 for “rent and facilities” for new employees at the Delaware Criminal Justice Information System, also known as DELJIS (“Bill Detail”). An anomaly within the annual implementation costs can be found in California which believes a decrease in the federal discount rate would leave a gap of around $25 million where federal funding used to cover the state (“Bill Text: CA SB731 | 2021-2022 | Regular Session | Chaptered”).

It may be fair to say that implementation costs are mostly a one-time, front-end expense. Barring California, all annual implementation costs are $100,000 or less. Next, we explore the costs of employment.

Employment Costs

One-Time Employment Costs

One-time employment costs are mostly annual costs that were prorated to the first year of a Clean Slate program. Connecticut expects to spend over $125,000 for a prorated amount in fiscal year 2023 for hiring to the Judicial Department and associated benefits. Their Commission on Human Rights and Opportunity expects to spend in excess of $52,000 on benefits, also prorated for fiscal year 2023 (“CT SB01019 | 2021 | General Assembly”).

Utah is an interesting point of discussion and for future use when discussing Florida. Utah expects the prorated cost for fiscal year 2020 for hiring a new full-time equivalent (FTE) to be $56,300. However, it expects to be able to cut two FTE and prorate those savings to be
$22,400. Thus, Utah’s next employment costs for fiscal year 2020 is actually $33,900 (“HB0431”).

While most states had low prorated employment costs, Virginia’s estimate was significantly higher. Virginia predicts that if 15 percent of individuals who could potentially receive a clean slate do in fact receive a clean slate, they will spend over $2.3 million for the first year. As a slightly more restrictive prediction, Virginia assumes that if the number of approvals was 10 percent, it would cost the state a hair over $1.9 million (“LIS > Bill Tracking > HB2113 > 2021 session”).

Annual Employment

To begin the discussion of annual employment costs, we begin with Connecticut and California. Connecticut expects to spend over $300,000 per year on employment costs for their Justice Department and the Commission on Human Rights and Opportunities (“CT SB01019 | 2021 | General Assembly”). California expects to spend $189,000 to add employees to their In-Home Supportive Services, a service of the California Department of Social Services. In California’s case, they expect to have this cost federally reimbursed (“Bill Text: CA SB731 | 2021-2022 | Regular Session | Chaptered”).

To touch on Utah’s change in employees, they estimate that releasing two FTEs will save $134,000 per year but they also expect to spend another $337,500 on employment. This comes out to a result of spending $203,500 annually. Utah also expects to spend $57,000 for one FTE in the Division of Wildlife Resources to automatically process expungements. Thus, Utah’s total cost is $260,500 (“HB0431”).

Delaware expects to hire across a variety of state agencies including their state police, Family Court, Superior Court, DELJIS, and State Bureau of Investigations. They plan on hiring 24 employees for a grand total of almost $1.3 million (“Bill Detail”). However, Virginia had the largest costs associated with new employment. If 15 percent of potential expungements were approved, they would hire 38 FTE and it would cost almost $2.8 million annually (“LIS > Bill Tracking > HB2113 > 2021 session”).

Table 14 explains each state’s potential hiring needs, as well as an annual cost by state.
## Table 14: Visualization of Number of Potential Employees and Annual Cost by State

<table>
<thead>
<tr>
<th>State</th>
<th>Employees (in FTE)</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Not Specified</td>
<td>Not Specified</td>
</tr>
<tr>
<td>Colorado</td>
<td>6.7*</td>
<td>Not Specified</td>
</tr>
<tr>
<td>Connecticut</td>
<td>7</td>
<td>$305,430</td>
</tr>
<tr>
<td>Delaware</td>
<td>24</td>
<td>$1,270,952</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Not Specified</td>
<td>Not Specified</td>
</tr>
<tr>
<td>Utah</td>
<td>5</td>
<td>$260,500</td>
</tr>
<tr>
<td>Virginia</td>
<td>38**</td>
<td>$2,791,870</td>
</tr>
</tbody>
</table>


*Colorado’s fiscal analysis projects for three fiscal years and gives different amounts per year. Their analysis is not clear on how much they intend to spend on any specific employee, nor does it give an average number.

** Virginia’s fiscal analysis notes they would potentially need to hire in each County Clerk’s office. The figure given does not reflect this amount.

### Foregone Fees

The final cost to note is the foregone fee. These are costs the state incurs in lost revenue from not receiving various fees associated with Clean Slate. Examples of such fees include processing fees, fingerprint fees, and unpaid court fees.

Most fiscal analyses do not consider foregone fees. Nonetheless, a few states were clear on what they expected to lose in foregone fees. Virginia estimates it would lose around $26,000 annually in unpaid court fees and that it would have a one-time cost of $286,000 in foregone fees if 10 percent of potential expungements are accepted (“LIS > Bill Tracking > HB2113 > 2021 session”). Colorado expects to lose about $227,000 annually in foregone fees (“Sealing Criminal Records | Colorado General Assembly”), while California estimates it would miss out on a
one-time cost of $946,000 in fingerprint fees (“Bill Text: CA SB731 | 2021-2022 | Regular Session | Chaptered”).

To further show context, Table 15 shows per capita costs for each state. We divide the “Total Cost” column by the “Population” column to achieve per capita cost. We find that no state’s Clean Slate law would cost a citizen more than $3.21.

![Table 15: Fiscal Analysis Per Capita by State (with foregone fees included in annual or one-time costs)](image)

<table>
<thead>
<tr>
<th>State</th>
<th>Annual</th>
<th>One-Time</th>
<th>Total Cost</th>
<th>Population</th>
<th>Per Capita Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>$25,189,000</td>
<td>$3,946,000</td>
<td>$29,135,000</td>
<td>39,029,342</td>
<td>$0.75</td>
</tr>
<tr>
<td>Colorado</td>
<td>$227,290</td>
<td>$2,585,736</td>
<td>$2,813,026</td>
<td>5,839,926</td>
<td>$0.48</td>
</tr>
<tr>
<td>Connecticut</td>
<td>$310,430</td>
<td>$1,348,437</td>
<td>$1,658,867</td>
<td>3,626,205</td>
<td>$0.46</td>
</tr>
<tr>
<td>Delaware</td>
<td>$1,341,792</td>
<td>$1,927,325</td>
<td>$3,269,117</td>
<td>1,018,396</td>
<td>$3.21</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Not Specified</td>
<td>$245,000</td>
<td>$245,000</td>
<td>12,972,008</td>
<td>$0.02</td>
</tr>
<tr>
<td>Utah</td>
<td>$441,100</td>
<td>$1,343,200</td>
<td>$1,784,300</td>
<td>3,380,800</td>
<td>$0.53</td>
</tr>
<tr>
<td>Virginia</td>
<td>$2,916,435</td>
<td>$2,941,728</td>
<td>$5,858,163</td>
<td>8,683,619</td>
<td>$0.67</td>
</tr>
</tbody>
</table>


Calculation

Before explaining each cost, we will first go over how we calculated the different types of costs. To estimate annual and one-time costs, we assumed that they would not change based on the scenario. Due to the automatic nature of the program, we do not expect that the addition of 33 thousand 3rd-degree felony convictions would warrant any additional annual or one-time costs. For annual costs, we summed the annual costs across the states, then divided it by their
combined population. We did the same for one-time costs. Then we combined these costs together. From there, we multiplied each number by Florida’s population. Then we added those two numbers together, giving us our total annual per person costs.

As for foregone fees, we took the Florida Department of Law Enforcement’s $75 processing fee and multiplied it by the number of people who were arrested but never convicted for each scenario. We expect that the foregone fees would be affected by the addition of 3rd-degree felonies in Scenario B. We use the individuals with arrest records and not conviction records because the fee is only applicable to the expungement of arrest records. Finally, we combined the one-time costs in the first year, the NPV of the annual costs, and the NPV of the foregone fees for each scenario to estimate the total cost of Clean Slate over a period of five years.

Importantly, we must note that we chose not to include California in our calculations. We chose to do this because California’s costs are outliers and because they believe their costs will change due to federal policy (“Bill Text: CA SB731 | 2021-2022 | Regular Session | Chaptered”).

One-Time

To understand the total one-time costs, we use the total one-time costs, divide it by the population of the states that have passed Clean Slate laws to achieve a per capita amount, then multiply that number by Florida’s population to estimate the one-time costs in Florida. Thus, we perform the following equation:

\[
(One – Time Costs ÷ Total States’ Populations) \times 22,224,823 = Total One – Time Costs
\]

Annual

To find the annual costs of Clean Slate, we calculated the total annual costs for the states that have fiscal analyses and divided that by the total population of those states. From there, we multiplied it by Florida’s population. The calculations are as follows:

\[
(One Year of Annual Costs ÷ Total States Population) \times Florida’s Population = First Year’s Annual Costs
\]
To find the net present value (NPV) over the five years, we used the 5-Year U.S. Treasury discount rate of 4% (“United States Rates & Bonds”), and generating the equation:

\[2.6 \times M + \frac{2.6 \times M}{(1+0.04)} + \frac{2.6 \times M}{(1+0.04)^2} + \frac{2.6 \times M}{(1+0.04)^3} + \frac{2.6 \times M}{(1+0.04)^4} = 12,703,512.84\]

In total, the annual costs over the five years are $12,703,512.84.

Foregone Fees

As explained, foregone fees are calculated by taking the $75 processing fee and multiplying it by the number of people in each scenario who were arrested, but never convicted. We use this number because under current law, a conviction cannot be expunged, but an arrest can. The total forgone fees for the first year is $9,526,890.00 for Scenario A and $11,044,928.00 for Scenario B. From there, we apply the NPV formula for five years:

Scenario A

\[9.5 \times M + \frac{9.5 \times M}{(1+0.04)} + \frac{9.5 \times M}{(1+0.04)^2} + \frac{9.5 \times M}{(1+0.04)^3} + \frac{9.5 \times M}{(1+0.04)^4} = 34,581,612.51\]

Scenario B

\[11.0 \times M + \frac{11.0 \times M}{(1+0.04)} + \frac{11.0 \times M}{(1+0.04)^2} + \frac{11.0 \times M}{(1+0.04)^3} + \frac{11.0 \times M}{(1+0.04)^4} = 40,091,929.58\]

The NPV of foregone fees For Scenario A comes out to $34,581,612.51. Scenario B comes out to $40,091,929.58.

It is important to note that while the costs of foregone fees are annual in nature, we do not include them in the annual costs because they are a large category that can stand on their own and are larger than all other annual costs in both scenarios. Indeed, since foregone fees would cause annual costs to skyrocket, we chose to separate them.

Total Scenario Costs

To get the total costs we add the total one-time costs, the NPV of the annual costs, and the NPV of the foregone fees together for each scenario.
Scenario A’s total cost calculation is:

\[
\begin{align*}
&4,731,467.44 \text{ (One Time)} + 12,703,512.84 \text{ (Annual)} \\
&\quad + 34,581,612.51 \text{ (Foregone Fees)} \\
&= 52,016,592.79
\end{align*}
\]

Scenario B’s total cost calculation is:

\[
\begin{align*}
4,731,467.44 \text{ (One Time)} + 12,703,512.84 \text{ (Annual)} \\
\quad + 40,091,926,58 \text{ (Foregone Fees)} \\
&= 57,526,909.86
\end{align*}
\]

On an annual basis, Scenario A comes out to $55.29 per eligible person, while Scenario B comes out slightly lower at $51.98.

Benefits

A major component of the benefits of passing a Clean Slate law in Florida comes in the form of expanded employment eligibility. By getting a record cleared, it can open up opportunities for work that was previously unattainable due to the criminal record. According to the Sterline “Background Screening Trends & Best Practices Report 2017-2018,” in 2018, 89% of employers conduct a background check and 93% of those conduct criminal records searches. In order to quantify this benefit for our analysis for a five year period, we will find the NPV of the Florida sales tax generated from new employment and their average personal consumption expenditures (PCE) of these eligible individuals after getting their record cleared. The total sales taxes generated over a period of five years by Scenario A is $108,244,715.74 and for Scenario B is $152,775,692.47.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Newly Employed</th>
<th>Taxable Spending</th>
<th>State Average Sales Tax Rate</th>
<th>Total Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>24 K / Year</td>
<td>$15,900 / Year</td>
<td>6.0%</td>
<td>$108.2 M</td>
</tr>
<tr>
<td>B</td>
<td>35 K / Year</td>
<td>$15,900 / Year</td>
<td>6.0%</td>
<td>$152.8 M</td>
</tr>
</tbody>
</table>
Current Employment

<table>
<thead>
<tr>
<th>Incarceration Level</th>
<th>Percent Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never Arrested nor Incarcerated</td>
<td>87%</td>
</tr>
<tr>
<td>Arrested, not Incarcerated</td>
<td>75.1%</td>
</tr>
<tr>
<td>Incarcerated Less than Six Months</td>
<td>74.0%</td>
</tr>
<tr>
<td>Incarcerated More than Six Months</td>
<td>55.8%</td>
</tr>
</tbody>
</table>


It is important to have an understanding on what employment rates for potentially Clean Slate eligible people looks like currently in order to have a base comparison. According to the Bureau of Labor Statistics, the employment rates for these groups are in Table 17 above.

For our analysis, we will assume that those incarcerated less than six months would be the Clean Slate eligible misdemeanor individuals and those incarcerated more than six months would be the Clean Slate eligible 3rd-degree felony individuals. We would assume that after a Clean Slate law, the percent employed for these groups would potentially increase to the level of the percent employed of the “Never Arrested nor Incarcerated” group.

Scenario A

As mentioned previously, we have assumed that the incarcerated for less than six months has the same employment rate as the Clean Slate eligible misdemeanor individuals. For this reason we would assume that 13%, (87.0% - 74.0%), of the eligible individuals each year under Scenario A would be able to find new jobs that were otherwise not available before a Clean Slate law. In this case, that would be 24,453 individuals annually and over five years results in 122,265 people with new employment.
Scenario B

Scenario B includes both misdemeanor and 3rd-degree felony convictions, so in order to determine a current employment rate for this group, we took a weighted average of the individuals who were incarcerated for less than six months and who were incarcerated for more than six months. The formula for the weighted average can be seen below:

\[
(\text{Share of Individuals with Misdemeanors}) \times (< 6 \text{ Months Employment Rate})
+ (\text{Share of Individuals with 3 Degree Felonies}) \times (> 6 \text{ Months Employment Rate})
= \text{Employment Rate for Scenario B}
\]

The share of individuals with misdemeanors can be found by dividing the number of convicted people in Scenario B with misdemeanors by the total number of convicted people in Scenario B. This results in \((315,199) \div (368,587) \times 100\% = 85.5\%\). The method for finding the share of individuals with a 3rd-degree felony is analogous to the previous share. This results in \((53,388) \div (368,587) \times 100\% = 14.5\%\). Using these numbers in the formula described above:

\[
(85.5\%) \times (74.0\%) + (14.5\%) \times (55.8\%)
= 71.4\%
\]

We will assume that 15.6\%, \((87.0\% - 71.4\%)\), of the eligible individuals each year under Scenario B would be able to find new jobs that were otherwise not available before a Clean Slate law. In this case, that would be 34,513 individuals and over five years this results in 172,565 people with new employment.

Educational Attainment

In order to get an accurate estimate for the average annual salary of individuals in each scenario, we used educational attainment associated with the eligible individuals. Using the information provided by the US Department of Justice Bureau of Justice Statistics, the educational attainment by scenario is given in Figure 2 below.
Figure 2: Educational Distribution of Incarcerated Persons, Source: US Department of Justice

For our analysis, we included local jail inmates and probationers in Scenario A, and local jail inmates, probationers, and state prisoners in Scenario B.

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Less than HS</th>
<th>HS Graduate</th>
<th>Some College</th>
<th>College Grad</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekly, National</td>
<td>$626</td>
<td>$809</td>
<td>$899</td>
<td>$1,148.50</td>
</tr>
<tr>
<td>Annually, National</td>
<td>$32,552</td>
<td>$42,068</td>
<td>$46,748</td>
<td>$59,722</td>
</tr>
<tr>
<td>Annually, Florida</td>
<td>$28,410</td>
<td>$36,715</td>
<td>$40,799</td>
<td>$52,122.50</td>
</tr>
</tbody>
</table>

Sources: “Education pays : US.”; “Median Household Income - FL Health CHARTS - Florida Department of Health | CHARTS”; Semega and Kollar.

Due to the fact that the educational attainment of Clean Slate eligible individuals is different from Florida’s population, it would be incorrect to assume that the income distribution would be the same as the rest of Florida’s population as well. To account for this, we used the income by education level in 2021 given by the Bureau of Labor Statistics. We have only
included Associate’s degrees and Bachelor’s degrees in the “College Grad” category. Additionally, in order to turn the annual national median salary into annual Florida median salary, we multiplied the national salary by the proportion (87.28%) of Florida’s median income in 2021 of $61,777 (“Median Household Income - FL Health CHARTS - Florida Department of Health | CHARTS”) of the national median income in 2021 of $70,784 (Semega and Kollar).

Annual Salary

Using the educational attainment and their associated incomes, we were able to estimate a weighted average salary for each scenario. For Scenario A, the weighted average salary is given by the following formula:

\[
\begin{align*}
(38.6\% \times \$28,4010) &+ (42.9\% \times \$36,715) + (14.6\% \times \$40,799) + (4.0\% \times \$52,122.50) \\
&= \$34,723.98
\end{align*}
\]

For Scenario B, the weighted average salary is given by the following formula:

\[
\begin{align*}
(38.9\% \times \$28,410) &+ (44.9\% \times \$36,715) + (12.7\% \times \$40,799) + (3.5\% \times \$52,122.50) \\
&= \$34,546.64
\end{align*}
\]

Sales Tax

To get the total benefit over a period of five years of Clean Slate being enacted in the state of Florida, we used the average salary and number of newly employed individuals of each scenario to estimate the NPV of the sales tax generated by the new employment.

To do this, we estimated how much the newly employed individuals are spending on taxable goods. We used the 2013 Consumer Expenditure Survey from the U.S. Bureau of Labor Statistics. The estimated average salary of the individuals in our analysis is $34,723.98 and $34,546.64 for Scenario A and B. Adjusting for inflation, in 2013, this is $29,842.87 and $29,690.46 respectively (“CPI Inflation Calculator”). We used the expenditure information on the individuals whose income had an average income of $26,379 before taxes. The individuals with an average income of $26,379 are the closest group to the income of the eligible people in
our analysis. Table 19 shows on average how much the individuals in this salary range spend on taxable goods annually in 2013 dollars.

<table>
<thead>
<tr>
<th>Expenditure Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food*</td>
<td>$3,043.81</td>
</tr>
<tr>
<td>Alcoholic Beverages</td>
<td>$240.51</td>
</tr>
<tr>
<td>Apparel</td>
<td>$1,044.78</td>
</tr>
<tr>
<td>Entertainment</td>
<td>$1,444.84</td>
</tr>
<tr>
<td>Personal Care</td>
<td>$401.46</td>
</tr>
<tr>
<td>Reading</td>
<td>$67.28</td>
</tr>
<tr>
<td>Tobacco</td>
<td>$312.33</td>
</tr>
<tr>
<td>Transportation</td>
<td>$5,710.46</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$12,265.47</strong></td>
</tr>
</tbody>
</table>


*Food items selected in accordance with Florida Statutes 212.08 (Florida Legislature). The category for “other food at home” from the Consumer Expenditure Survey is part of this taxable group.

After adjusting for inflation, we found that both Scenario A and B’s taxable goods expenditures is $15,935.78. To estimate the total sales tax generated from these expenditures, we multiplied this number by the 6.0% Florida state sales tax rate. For the first year, we estimate that sales tax revenue to be $956.09 per eligible person. After multiplying this by the number of new employment for each scenario we find that for Scenario A this is a total of $23,379,517.35, and for Scenario B it is $32,997,656.55 for the first year.

**Net Present Value**

To estimate the net present value (NPV) of the sales tax over a five year period, we used the 5-Year U.S. Treasury rate at a discount rate of 4% (“United States Rates & Bonds”). The formula for the NPV is as follows:
Scenario A:
\[
$23.4 \times M + \frac{\$23.4 \times M}{(1+0.04)} + \frac{\$23.4 \times M}{(1+0.04)^2} + \frac{\$23.4 \times M}{(1+0.04)^3} + \frac{\$23.4 \times M}{(1+0.04)^4} = $108,244,715.74
\]

Scenario B:
\[
$33.0 \times M + \frac{\$33.0 \times M}{(1+0.04)} + \frac{\$33.0 \times M}{(1+0.04)^2} + \frac{\$33.0 \times M}{(1+0.04)^3} + \frac{\$33.0 \times M}{(1+0.04)^4} = $152,775,692.47
\]

In total, the benefit for enacting a Clean Slate law in Florida over a period of five years is $108.2 million for Scenario A and $152.8 million for Scenario B. This is about $115 and $138 per eligible person per year for Scenario A and B respectively.
Recommendations

For a period of five years, the total costs of enacting Clean Slate in Florida range from $52.0 million to $57.5 million (approximately $55 and $52 per eligible person per year, respectively) and the generated sales tax revenue ranges from $108.2 million to $152.8 million and $115 to $138 per eligible person per year. The program is not costly due to the automatic nature. Most of the costs incurred to the state are of the form of foregone fees that would be seen as revenue had the clearing of records not been automatic. The sales tax generated from Clean Slate would make up for all of the unseen revenue and more. The new sales tax is generated from the new employment opportunities that present themselves to individuals upon having a record cleared. In total, the net benefit of Clean Slate ranges from $56.2 million to $95.3 million over a five year period, or about $56 to $86 per eligible person per year.

Based on the conclusions of our analysis, we would recommend that Florida enact a Clean Slate law to clear non-violent misdemeanors and non-violent 3rd-degree felonies. The benefits of Clean Slate outweigh the costs. The range of costs and benefits come from whether or not Florida would allow only non-violent misdemeanors to be cleared or also include non-violent 3rd-degree felonies. While it is true that including non-violent felonies would be more costly to the state, the net benefit of including them is larger than not.
Works Cited


Appendix

A - Conviction Distribution

Using the Florida Department of Law Enforcement’s Uniform Crime Rates, we were able to obtain county-level arrest data by type of offense for 2020 and an aggregate number for 2021. For our analysis, we limited the data to just those types of offenses that would be eligible under the previously mentioned scenarios, and excluded the fraction of arrests that would have been made by juveniles.

As mentioned in the “Annual Eligible People” section, the miscellaneous category takes up the largest component of our arrest data. The prostitution category comprises the smallest portion of our data. Fraud and forgery arrests are not included in Scenario A because we have assumed all arrests in those categories are 3rd-degree felonies.

Figure 3: Convictions by Category and Scenario, Uniform Crime Report, 2021
Figures 3 and 4 show the distribution of the per-1,000 people convictions by county for each scenario. An important thing to note is that the effect of Clean Slate is widespread over the entire state, and the counties that had the highest non-violent crime rates are counties with some of the lowest populations in the state. This makes sense as a singular conviction would have a larger effect on the per-capita crime rate for counties with lower populations.
C - Over Time

![Figure 6: Convictions Over Time, Excluding Miscellaneous, Source: Florida Department of Law Enforcement](image)

From the figure above, the most important takeaway is that, in general, non-violent crime is declining over time. This is the motivation for using the most recent data in our analysis. We assumed a constant number of convictions over the period of five years; however, if arrests continue to decline, the costs and benefits of Clean Slate estimated in our analysis could be over-inflated.

D - By Gender

The figure below shows the percent of males and females for each of the categories of crimes included in our analysis. For all categories except misdemeanors, a large component of the arrests are males.
Figure 7: Gender Distribution by Type of Arrest, Source: Florida Department of Law Enforcement, 2020

E - By Race

Figure 8 shows the percent of different races for each of the arrest categories. For all of the arrest types, the largest component were white individuals. The DUI and Liquor Law arrests had the largest share of white individuals. “Other” includes any races that are not black or white.

Figure 8: Race Distribution by Type of Arrest, Source: Florida Department of Law Enforcement, 2020