



March 24, 2020

Dear Governor DeSantis,

The threat of COVID-19 to the health and safety of Floridians was not fully understood before the Legislature completed its policy work for the regular 2020 legislative session. Since then, you issued Executive Order 20-52 declaring a State of Emergency. The Florida Division of Emergency Management has activated to Level 1, and the National Guard has been mobilized to aid in the COVID-19 response effort. Bars, restaurants, theme parks, and beaches are closed all over the state, and schools are closed indefinitely. At one point, these steps seemed unnecessary and extreme. Now, we know they reflect the severity of the threat. To date, however, similarly necessary steps have not extended to state prisons.

Minimizing the risk to the prisoner population – and to the thousands of corrections professionals who care for them – could require the release of elderly, chronically ill, or other low-risk people. These steps have been recommended by health professionals and corrections experts in several other states.

Unfortunately, current law allows few release options, and those that exist are slow and overly bureaucratic. For example, “compassionate release” is limited to people who are either permanently incapacitated or facing imminent death. Unlike 17 other states, Florida has no release mechanism for elderly prisoners. The Department of Corrections has no authority to release vulnerable prisoners.

It defies logic that containing COVID-19 requires the near complete shutdown of our state’s economy, but that the same threat warrants no significant changes to prisons. Those closest to this problem must have the flexibility to solve it, and current law ties the hands of system actors unnecessarily.

COVID-19 poses a grave threat to prisoners and corrections professionals. Minimizing that threat requires giving the Department of Corrections important tools they currently lack. Giving the Department these tools requires legislative action, and legislative action requires a special session. Therefore, on behalf of tens of thousands of worried families around the state, FAMM encourages you to exercise your authority under Article III, sec. 3 of the Florida Constitution, and convene an immediate special legislative session to address the urgent needs of the state prison system. Additionally, we urge you to use your unilateral authority under Article IV, sec. 8 to grant reprieves not exceeding sixty days, as well as your joint clemency authority to release prisoners who pose no threat to public safety.

Thank you for considering our views, and for your continued leadership and service to our great state.

Sincerely,

Greg Newburn
Florida Director, FAMM

cc: Senate President Bill Galvano; House Speaker Jose Oliva; Attorney General Ashley Moody; CFO Jimmy Patronis; Agriculture Commissioner Nikki Fried; Department of Corrections Secretary Mark Inch