



## **FLORIDA COVID-19 FAQ**

### **Why isn't the Florida Department of Corrections releasing people from prison?**

The Florida Department of Corrections (FDC) has no authority to release any prisoner permanently. This means FDC cannot legally release any person from its custody prior to that person's legal release date. However, as FAMM outlined in our [letter](#) to FDC Secretary Mark Inch, FDC does have broad furlough authority. FAMM has urged FDC to begin furloughing eligible prisoners to help slow the spread of COVID-19 in prisons.

### **What is a furlough?**

A furlough is a temporary release. Furloughs allow certain prisoners to serve their sentence in a non-custodial location for a specified period, and for a particular purpose. As FAMM outlined in this [letter](#) to Secretary Inch, Florida law gives FDC broad furlough authority. FDC can and should use furloughs to help slow the spread of COVID-19.

### **Does Florida have parole?**

Florida abolished parole in 1983. No one convicted of a crime that took place after October 1, 1983 is eligible for parole. According to the 2017-18 FDC [Annual Report](#), more than 5,000 people in Florida prisons remain eligible for parole.

### **Can't Florida release people under its "Control Release" authority?**

Under Florida law, the Florida Commission on Offender Review (FCOR) has the authority to release certain prisoners to maintain a prison population between 99 and 100 percent of its total capacity. [According to FCOR](#), the Commission is not currently reviewing prisoners for control release because there are sufficient beds for the current prison population.

### **How can prisoners be released early in Florida?**

Prisoners may be released early under Florida's conditional medical release program, or through a commutation of sentence. They may also be released temporarily through a reprieve. Some people are also eligible for "community release," which does not shorten a sentence, but can result in release from a prison facility. You can find more information on work release [here](#). FDC can also furlough prisoners, as we describe in our letter to Secretary Inch here.



## **How does conditional medical release work in Florida?**

Under Florida's "conditional medical release" program, established under s. 947.149, F.S., FDC may identify prisoners who are either permanently incapacitated or terminally ill, and refer those people to FCOR. FCOR has the ultimate authority to decide whether to release an individual under these circumstances. Prisoners who are neither permanently incapacitated nor terminally ill are not eligible for conditional medical release. You can read more about Florida's medical release program in FAMM's report on compassionate release in the states [here](#).

## **Does Florida have an elderly release program or a release program for the chronically ill?**

Unfortunately, no.

## **What is a "reprieve"?**

A reprieve is a suspension or postponement of the execution of a sentence. Under Florida's [constitution](#), the Governor has the unilateral (and exclusive) authority to grant reprieves up to 60 days. The Governor may grant unlimited successive reprieves (so the total days can exceed 60), but individual reprieves must be no longer than 60 days.

## **How do commutations work in Florida?**

A commutation of sentence reduces a person's penalty, and could result in release from prison. Under Florida's [constitution](#), the power to grant commutations rests with the Clemency Board, which includes the Governor, the Attorney General, the Chief Financial Officer, and the Agriculture Commissioner. A successful commutation requires the approval of the Governor plus two other members of the Clemency Board. The Clemency Board can grant a commutation to any person at any time, but only prisoners who have served 1/3 of their prison sentence (or 1/2 of a mandatory minimum sentence) are eligible to apply. You can read the current rules of executive clemency [here](#), and download an application for commutation [here](#).

## **Will Florida release prisoners in the wake of COVID-19?**

FAMM has encouraged Governor DeSantis to identify and release vulnerable and low-risk people who can be safely released, as well as prisoners who will be released soon anyway. You can read our letter to Governor DeSantis [here](#). We have also asked FDC Secretary Inch to begin furloughing eligible prisoners. You can read our letter to Secretary Inch [here](#). We do not know whether Florida will release anyone.

### **Is the Legislature taking any steps to improve the response to COVID-19 in prisons?**

The 2020 Regular Session ended before the scope and severity of the pandemic was fully understood. FAMM believes existing release mechanisms are insufficient for an ideal response to COVID-19, and we have requested a special legislative session to give FDC more authority to release vulnerable and low-risk prisoners, as well as additional resources to protect people who remain incarcerated. You can see our letter [here](#). It is unclear whether the Legislature will meet for a Special Session.

### **Where can I find information on how FDC is responding to COVID-19?**

At the beginning of the COVID-19 pandemic, FAMM asked FDC to create a dashboard to make relevant information more readily available for families with incarcerated loved ones. You can read our letter [here](#). FDC now maintains a website with some relevant COVID-19 information [here](#). It is updated daily.

### **How can I get involved in the effort to reform Florida's criminal justice system?**

Click [here](#), and text CONNECT to 21333. Then share this FAQ on your Twitter feeds and Facebook profiles, and encourage your friends to do the same!