



## **FLORIDA FURLOUGH FAQ**

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

A furlough allows certain prisoners to visit the community for specified purposes under certain conditions. Furloughs are, in effect, temporary releases from the physical custody of the state prison system. At the end of the furlough, the person must return to prison and serve the remainder of the sentence. Furloughs are allowed by Florida Administrative Code [Rule 33-601.603](#), a rule that was developed under Section 945.091, F.S.

According to Rule 33-601.603, furloughs are intended to contribute to the rehabilitation of incarcerated people through any of several means, including: easing the transition from prison back to the community; seeking post-release employment; helping determine readiness for release; preserving family and community ties; and developing or maintaining occupational skills.

### **Who is eligible for a furlough?**

Generally, furloughs are limited to incarcerated people classified as community custody or minimum security custody. However, pregnancy furloughs and medical furloughs (described below) might be available to people in other security custody levels. (The rule is ambiguous.)

### **How does a person apply for a furlough?**

The application process depends on the type of furlough for which a person is applying. (For example, Type A and Type B furloughs require a qualified sponsor, but pregnancy and medical furloughs do not.) To apply for a furlough, an eligible prisoner should submit the appropriate paperwork to his or her facility. Eligibility requirements, other conditions, and the necessary paperwork are described in [Rule 33-601.603](#).

### **Who approves furloughs?**

Under [Rule 33-601.603](#), the Secretary of the Department of Corrections, or a designee of the Secretary (either a “warden of a major institution warden of a major institution or the select exempt service status employee who has oversight responsibility of a community correctional center”) may approve furloughs.

## What kinds of furloughs are available in Florida?

Several furloughs are available under Rule 33-601.603. Below is a brief summary of each type. Read the rule for more information on each type of furlough.

### Type A Furloughs

Type A furloughs are available to community custody and minimum custody prisoners, and may be granted to visit a dying relative; to attend the funeral of a relative; or for any other reasons deemed consistent with the public interest. Type A furloughs require a qualified sponsor, who must submit a Sponsor Agreement along with the furlough application. A person may sponsor only one prisoner at a time.

Prisoners on Type A furloughs are subject to time and distance limitations, as well as any other special conditions required by the Department of Corrections (FDC). FDC may allow a prisoner on a Type A furlough to visit a specified place for as long as it deems consistent with the public interest, and there are no limitations on the number of Type A furloughs that may be granted. You can read more about Type A furloughs in subsection (6) of Rule 33-601.603.

### Community Supervision Type A Furloughs

Community Supervision Type A furloughs include pregnancy furloughs and medical furloughs, and include plans for community supervision. Community Supervision Type A furloughs are covered in subsection (7) of Rule 33-601.603.

- **Pregnancy furloughs** are available to pregnant prisoners in the last trimester of a pregnancy, if they are within 36 months of release (unless the prisoner is serving a sentence with a “non-advanceable release date” or a current commitment of 1st, 2nd, or 3rd degree murder or attempt, in which case the prisoner must be within 15 months of her release date). Pregnancy furloughs can be terminated at any time, but last no longer than one week after a satisfactory six-week postpartum examination.
- Type A **medical furloughs** are available to anyone who is not expected to live more than six months from the date of the furlough request, or is “permanently incapacitated to such an extent that it is not reasonably foreseeable” that the furloughed prisoner will commit a crime. To be eligible for a medical furlough, the person must be recommended by the Chief Health Officer, Regional Health Services Director, and classification team, and the recommendation must be endorsed by the Assistant Secretary for Health Services.

### Type B Furloughs

Type B furloughs are designed to motivate a prisoner towards self-improvement, gradually reintegrate a prisoner back into the community, strengthen family ties, and expose a prisoner to beneficial programs. According to the Rule, “Type B furloughs aid in the rehabilitation of the inmate, and are granted for family visitation, routine medical or dental appointments, community volunteer projects, employment interviews, mental health counseling, haircut appointments, church services or substance abuse treatment meetings.”

Unlike Type A furloughs, there are specific time restrictions on Type B furloughs. For example, Type B furloughs for reasons other than family visitation are limited to three hours. Family visits are limited to eight hours. A person may receive only one Type B furlough per week. The specifics related to Type B furloughs can be found in subsection (9) of [Rule 33-601.603](#).

### **What conditions are placed on furloughed prisoners?**

Furloughs are a privilege, not a right. As such, FDC is free to impose any conditions, requirements, etc. it feels are appropriate. General conditions include not operating motor vehicles; periodic drug testing; and remaining in the company of the person's sponsor during the entire furlough.

### **Can FDC grant furloughs to help stop COVID-19?**

Nothing in [Rule 33-601.603](#) provides for a furlough specifically related to COVID-19 or any other public health emergency. However, as FAMM noted in our [letter](#) to FDC Secretary Mark Inch, the rule allows the Department of Corrections to grant Type A furloughs "for any reasons deemed consistent with the public interest." As such, if FDC determines that slowing the spread of COVID-19 in prisons is consistent with the public interest, and that Type A furloughs would aid in that effort, then the Department is free to grant Type A furloughs to slow the spread of COVID-19.

### **Should FDC grant furloughs to help stop COVID-19?**

Social distancing is impossible inside prison facilities. As such, reducing the prison population, through reduced intake and safe release – including through reprieves, commutations, conditional medical releases, and furloughs – can help slow the spread of COVID-19 in prisons, and reduce pressure on the Department of Corrections. With fewer prisoners to manage and care for, FDC can better prioritize resources, expand testing and otherwise "flatten the curve," and better ensure order in facilities.

County jails in Florida released some people to reduce overcrowding, federal prisons are expanding home confinement as part of their COVID response, and, as the [CDC notes](#), jurisdictions are releasing people to home confinement and community supervision as part of a comprehensive COVID-19 strategy.

### **What can I do to help?**

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!