

Locked in, Left Behind: Incarceration and the Failures of Carceral Disaster Policy in Florida

Neil Gallagher*

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* Neil Gallagher is a third-year law student at the University of California, Berkeley School of Law. I would like to extend my heartfelt gratitude to the Editors and Staff of *Berkeley Journal of Criminal Law*, with special thanks to Alice Choi, Corey Glenn Smith, Isa Elliot Berardo, Taylor Hitchan, and Cameron Boles. Without you, this article would never have gotten off the ground. Thank you for providing so many rounds of suggestions and edits, especially while balancing final exams and bar prep. Additional thanks to Professor Jeffrey Selbin of the Berkeley Policy Advocacy Clinic for taking the time to provide your feedback. Your expertise was truly invaluable.

While this article is primarily based on my research into the intersection of hurricanes and Florida's carceral systems, it is also shaped by my own lived experiences as someone who was incarcerated for 17 months in the Florida Department of Corrections, where I experienced many of the issues discussed firsthand.

Throughout this article, I have attempted to emphasize that these issues and their associated dangers are not one-sided. While those incarcerated within these facilities are entirely reliant on correctional staff for their safety, the staff members working inside these facilities are often exposed to many of the same dangers, while also bearing public criticism for failures rooted in decisions made far above them. By highlighting the systemic issues facing the Florida Department of Corrections, this Article seeks to move the conversation beyond an “us versus them” framework and toward reforms that recognize the shared dangers facing incarcerated people and the correctional staff responsible for their safety.

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INTRODUCTION

In September 2022, Florida was in the crosshairs of Hurricane Ian, a storm that would make landfall as a Category 4 hurricane with 150 miles per hour winds. By the time the storm passed, it had claimed the lives of 129 Floridians.¹ For many in the state, hurricanes are simply part of the Floridian way of life. Due to the state’s location and its being surrounded by warm coastal waters, it is more susceptible to hurricanes than any other state,² and, having grown up there, hurricanes were something we seldom paid attention to. We had hurricane days factored into our school schedule, just as many northern states factor in snow days. However, these storms are continuing to become stronger, faster, and less predictable, and the result is a decreased window of opportunity to plan, prepare or evacuate.³

Those who choose to evacuate in advance of these storms likely travel northbound along I-75. This stretch of the interstate is periodically marked with signs directing motorists to evacuation routes. Along with these route signs, there

1. Adrienne Kennedy, *Hurricane Ian*, EBSCO Research Starters (2022), <https://www.ebsco.com/research-starters/earth-and-atmospheric-sciences/hurricane-ian>.

2. Fiona Lo, *The Science Is Clear—Climate Change Is Causing More Damaging Hurricanes in Florida*, ENV’T DEF. FUND: CLIMATE 411 BLOG (Nov. 1, 2023), <https://blogs.edf.org/climate411/2023/11/01/the-science-is-clear-climate-change-is-causing-more-damaging-hurricanes-in-florida/>.

3. *Id.*

are signs encouraging evacuees not to leave their animals behind, as doing so would likely result in tragedy. While most would not think twice about leaving their pets behind, many are unaware that just a few miles off the I-75 evacuation route, there are roughly fifteen prisons whose incarcerated population and staff members are left unable to evacuate.⁴ While this number might sound concerning, it represents only a fraction of the 134 facilities statewide, ranging from major prisons to work camps and reentry centers, with additional work-release sites operated by private vendors, housing over 90,000 incarcerated individuals.⁵

As a hurricane approaches, the state issues hurricane warnings. If officials deem the storm severe enough to pose a significant threat to lives in its path, evacuation orders are often issued, directing people to relocate to safer areas, often hundreds of miles away, and failure to comply may result in criminal penalties.⁶ However, even in the mandatory evacuation zones, those incarcerated in the Florida Department of Corrections (FDC) are seldom evacuated. Operating under a statute that grants broad discretion, the FDC employs an emergency management system that permits both evacuations and shelter-in-place.⁷ However, in practice, the FDC often orders most institutions to shelter in place, often evacuating only smaller, low-custody, and work-release facilities.⁸ This policy affects not only those incarcerated in these facilities but also the employees who staff these facilities and often live in close proximity.⁹ Regrettably, it was not until my own incarceration that I truly began to understand the ramifications of these policies on the populations who, often forgotten, are forced to live through them.

This Article proceeds in four parts. Part I situates Florida's correctional system within the broader climate-risk landscape, examining both the state's disproportionate exposure to hurricanes and the geographic vulnerability of its

4. Fla. Off. of Program Pol'y Analysis & Gov't Accountability, *An Inventory of Correctional Facilities Within Florida* (Report No. 19-08, Oct. 2019).

5. FLA. DEP'T OF CORR., *About*, <https://www.fdc.myflorida.com/about> (last visited Apr. 6, 2026).

6. Fla. Stat. § 252.50 (2025).

7. Fla. Admin. Code r. 33-602.206 (2026).

8. Wilson Sayre, *Florida Department of Corrections Starts Evacuating Inmates*, WUSF PUB. MEDIA (Sept. 8, 2017), <https://www.wusf.org/2017-09-08/florida-department-of-corrections-starts-evacuating-inmates>.

9. Correctional staff frequently reside on or immediately adjacent to prison grounds, enabling facilities to maintain operations during emergencies even when surrounding communities are disrupted. See FLA. DEP'T OF CORR., *Jefferson Correctional Institution*, <https://www.fdc.myflorida.com/institutions/list-of-major-institutions/216> (last visited Apr. 27, 2026) (directing visitors to travel "past the staff housing area" on facility grounds); Karen Voyles & Joe Follick, *Prison Housing Keeps Needed Employees Available*, GAINESVILLE SUN (July 23, 2006), <https://www.gainesville.com/story/news/2006/07/23/prison-housing-keeps-needed-employees-available/31490786007/> (describing how on-site housing ensures staff availability); Fla. Dep't of Mgmt. Servs., *Final Multi-Year Master Plan (FAR-D16): Charting a Path to a Safer, More Efficient Correctional System* 24–26 (Dec. 27, 2023) (discussing infrastructure and staffing considerations across correctional facilities).

134 facilities. Part II draws on the author's firsthand account of Hurricane Ian while at Okeechobee Correctional Institution, tracing the experience from anticipation before the storm's landfall through the aftermath, and documenting the shelter-in-place conditions that incarcerated individuals and staff were forced to endure. Part III turns to the work-release context, using Hurricane Nicole (later a tropical storm) to illustrate how FDC's evacuation mandate, however well-intentioned, inflicts serious, sometimes irreversible harm on the reentry prospects of the lowest-risk incarcerated population. Part IV proposes possible reforms, immediate and structural, to bring Florida's emergency procedures in line with the circumstances experienced by those who cannot simply get in a car and drive north.

I. BACKGROUND ON CARCERAL GEOGRAPHY OF CLIMATE RISK:
FLORIDA AS A CASE STUDY

A. *Florida's Risk of Exposure to Hurricanes*

With nearly 8,500 miles of shoreline¹⁰ and a southern peninsula surrounded on three sides by warm open water, Florida sits in a precarious position when it comes to hurricanes.¹¹ The state has recorded over 120 hurricane landfalls between 1850 and 2018, more than any other state in the nation, and nearly twice that of Texas, the second-most-affected state.¹² This exposure is not static, and these hurricanes are becoming more destructive.¹³ These storms are strengthening faster, getting less predictable, and causing more flooding due to higher sea levels, greater rainfall, and slower storm speeds.¹⁴ The phenomenon of rapid intensification, where a storm escalates dramatically in a matter of hours, has become increasingly common and consequential. Every major hurricane to hit Florida since 2005 has strengthened rapidly, and Hurricane Ian itself went from a tropical storm to a Category 3 hurricane in just 36 hours before making landfall in southwest Florida.¹⁵

The science behind these trends is even more concerning. One study published in 2020 found that nearly half of North Atlantic hurricanes now reach major intensity (Categories 3, 4, or 5), a 260% increase compared to 40 years

10. NAT'L OCEANIC & ATMOSPHERIC ADMIN., *Shoreline of the United States* (2023), <https://coast.noaa.gov/data/docs/states/shorelines.pdf>.

11. Meghan Rosen, *What's Driving an Increasing Number of Hurricanes to Rapidly Intensify?*, SCIENCE NEWS (Sept. 13, 2023), <https://www.sciencenews.org/article/increasing-number-hurricane-rapidly-intensify> (explaining that warmer ocean waters provide additional energy that fuels hurricane intensification).

12. Lo, *supra* 2 (explaining that climate change is making hurricanes more intense and harder to predict, reducing the window available for evacuation).

13. *Id.*

14. *Id.*

15. *Id.*

ago.¹⁶ Another study published in 2024 analyzed 38 hurricanes from the 2019 to 2023 seasons and indicated that modern storm windspeeds are, on average, approximately 8.3 meters per second stronger—roughly one category higher—due to human-driven warming of North Atlantic waters.¹⁷ In the coming years, the National Oceanic and Atmospheric Administration projects an increase in Category 4 and 5 hurricanes, which are expected to bring a 10 to 15 percent increase in precipitation.¹⁸ Combined with already rising sea levels, these storms will continue to become increasingly damaging, with flood waters and erosion further deteriorating already-strained infrastructure.

While these storms and their consequences receive vast attention from scholars and the general public, one aspect that is often overlooked is their impact on Florida's incarcerated population, which consists of 151,000 individuals between juvenile facilities, county jails, and both state and federal prisons, and the correctional staff tasked with continuing operations during these disasters.¹⁹

B. Location of Correctional Facilities in Relation to Hurricane Zones

The correctional system within Florida is expansive and geographically diverse, with the FDC alone incarcerating over 90,000 individuals across 134 facilities, divided into four regions across the state.²⁰ These facilities include 49 major institutions, 16 annexes, 7 private prisons, 27 work camps, 2 re-entry centers, 2 road prisons/forestry camps, 1 basic training camp, 9 FDC-operated work release centers, and 27 privately operated work release centers.²¹ These facilities are distributed throughout the state, including in coastal and low-lying areas that are particularly vulnerable to hurricanes and storm surge.

When the FDC institutional map is compared to a map showing statewide hurricane evacuation zones during Hurricane Ian, it reveals many correctional

16. James P. Kossin et al., *Global Increase in Major Tropical Cyclone Exceedance Probability over the Past Four Decades*, 117 PROC. NAT'L ACAD. SCI. U.S.A. 11975 (2020).

17. Daniel M. Gilford et al., *Human-Caused Ocean Warming Has Intensified Recent Hurricanes*, 3 ENV'T RSCH.: CLIMATE 045019, 16 (2024).

18. NAT'L OCEANIC & ATMOSPHERIC ADMIN., *Hurricane Forecasting*, <https://www.noaa.gov/explainers/hurricane-forecasting> (last visited Apr. 27, 2026) (noting that rainfall rates within tropical storms and hurricanes are projected to increase by about 15%; that the number of Atlantic hurricanes reaching Category 4 or 5 intensity may increase by about 10%, though with significant uncertainty; and that the total number of storms may decrease overall, also with substantial uncertainty).

19. PRISON POL'Y INITIATIVE, *Florida Profile*, <https://www.prisonpolicy.org/profiles/FL.html> (last visited Apr. 27, 2026) (noting that Florida has an incarceration rate of approximately 795 per 100,000 people and incarcerates a higher percentage of its population than any independent democratic country).

20. FLA. DEP'T OF CORR., *Florida Department of Corrections*, <https://www.fdc.myflorida.com/> (last visited Apr. 27, 2026) (noting that over 90,000 inmates are incarcerated).

21. FLA. DEP'T OF CORR., *Institutions*, <https://www.fdc.myflorida.com/institutions> (last visited Apr. 27, 2026) (noting that FDC operates over 130 facilities statewide, including major institutions, work camps, and work release centers).

facilities are located in or near areas subject to evacuation orders during major storms, especially along Florida's Gulf Coast and southern peninsula, where storm surge risk is most significant.²² Despite this risk, correctional facilities are often not uniformly evacuated during hurricanes; instead, the Department frequently relies on a combination of selective evacuation and sheltering in place. The mismatch between the location of facilities located within these high-risk zones and the discretionary nature of these evacuations highlights the vulnerability of incarcerated populations during extreme weather events.

These issues are not merely outliers; they reflect a systemic issue that has yet to be meaningfully addressed. With dozens of facilities located in high-risk areas and tens of thousands of incarcerated people potentially affected during major storms, Florida's correctional system faces substantial exposure to hurricane and flood risk. One analysis by *The Intercept* found that 52 jails, prisons, and detention centers in Florida face major to extreme flood risk over the next 30 years, with roughly half of those facilities operated by the state.²³ During Hurricane Milton alone, more than 20,000 incarcerated people were housed in counties subject to evacuation orders, yet officials declined to evacuate most of them.²⁴ This decision is compounded by several systemic challenges, including significant staffing shortages and infrastructure deficiencies, which raise questions about the state's capacity to respond effectively to disasters.²⁵

22. *Id.*; FLA. DEP'T OF CORR., *Map of Major Institutions*, <https://www.fdc.myflorida.com/institutions/map-of-major-institutions> (last visited Apr. 27, 2026) (depicting statewide distribution of facilities); see also *Hurricane Evacuation Zones*, SARASOTA HERALD-TRIBUNE, <https://www.heraldtribune.com/story/weather/hurricane/2022/09/26/hurricane-ian-florida-evacuation-zones/8122329001/> (last visited Apr. 27, 2026) (showing coastal evacuation zones across Florida).

23. Alleen Brown, *Trapped in the Floods*, THE INTERCEPT (Feb. 12, 2022), <https://theintercept.com/2022/02/12/prison-climate-crisis-flood/>.

24. Elizabeth Weill-Greenberg et al., *Caught in the Storm: How Florida Prisons and Jails Are Responding to Hurricane Milton*, THE APPEAL (Oct. 9, 2024), <https://theappeal.org/hurricane-milton-florida-jails-prisons-evacuations/>.

25. Akela Lacy et al., *Florida Prisons Are in Hurricane Zones. Many Won't Evacuate.*, THE INTERCEPT (Oct. 9, 2024), <https://theintercept.com/2024/10/09/florida-hurricane-milton-prison-evacuation/>. See also *We Don't Care About Y'All: Incarcerated People in Hurricane Ian's Path Not Evacuated, Live in Fear*, DEMOCRACY NOW! (Sept. 29, 2022), https://www.democracynow.org/2022/9/29/florida_prisons_hurricane_ian_evacuated_evacuation (noting that only a small fraction of incarcerated people were evacuated ahead of Hurricane Ian); *As Hurricane Milton Approaches, Advocates Warn for Safety of Incarcerated People in Florida*, DEMOCRACY NOW! (Oct. 10, 2024), https://www.democracynow.org/2024/10/10/milton_prisons (reporting concerns that incarcerated individuals may again be left in harm's way during a major storm); Nazish Dholakia, *When Disasters Strike, Incarcerated People Are Often Left Behind, Then Tasked with Dangerous Cleanup*, VERA INST. JUST. (Sept. 13, 2018), <https://www.vera.org/news/when-disasters-strike-incarcerated-people-are-often-left-behind-then-tasked-with-dangerous-cleanup> (describing how incarcerated individuals are often not evacuated and may be required to perform hazardous post-disaster labor); *Incarcerated Populations on the Gulf Coast Face Heightened Risks from Natural Disasters*, YALE ENV'T 360 (Dec. 1, 2025), <https://environment.yale.edu/news/article/incarcerated-populations-gulf-coast-face-heightened-risks-natural-disasters> (noting that approximately 62% of correctional facilities in the Gulf Coast are located in areas at moderate to very high hurricane risk).

C. *The Perfect Storm*

To fully understand what occurs within Florida's correctional facilities during a hurricane, one must first consider the condition of the system's infrastructure long before any storm arrives and the strained position in which FDC enters each hurricane season. Chronically understaffed, overcrowded, relying on aging infrastructure, and lacking adequate climate control, each year, FDC approaches hurricane season from a position of disadvantage. When a storm bears down on the state, these issues, which are serious enough in ordinary times, potentially become a matter of life and death.²⁶ However, these hurricanes are not solely to blame; they simply compound the underlying issues facing FDC, placing additional stress on a system already pushed beyond its limits. The following does not seek to excuse inadequate preparation. Rather, it aims to provide a holistic and honest account of what occurs within Florida's prison system during a hurricane. Doing so requires understanding how more than four decades of prison expansion, deferred maintenance, stagnant wages, longer sentences, and an aging and growing inmate population have strained FDC's capacity to respond adequately when such disasters strike.

1. *Doing More with Less: How the Florida Prison Boom Left Its Budget Behind*

During the fiscal year 1979–80, the FDC operated 79 facilities, housed approximately 19,700 incarcerated people, employed roughly 8,900 staff, and had a total budget of \$161 million, equivalent to approximately \$651 million in today's dollars.²⁷ By fiscal year 2025–26, those numbers had grown to 143 facilities, approximately 89,000 incarcerated people, roughly 24,000 staff,²⁸ and a nominal budget of approximately \$3.8 billion. This same period saw the inmate population grow by 352 percent, the number of facilities grow by 81 percent, while total staff grew by only 170 percent.

However, while significant, this growth in FDC's budget does not mean the department's resources have grown in proportion to its operational

26. Mitch Perry, *Corrections Secretary: There's No A/C in Most Florida State Prisons, and Solutions Are Expensive*, NEWS FROM THE STATES (Oct. 17, 2023), <https://www.newsfromthestates.com/article/corrections-secretary-theres-no/c-most-florida-state-prisons-and-solutions-are-expensive> (quoting David Fathi, Director of the ACLU National Prison Project, stating that the lack of air conditioning in prisons is “not an issue of comfort or luxury” but “an issue of life and death” and that failing to install it is “essentially a decision to let people die”).

27. Off. of Just. Programs, Nat'l Crim. Just. Reference Serv., *Florida Department of Corrections — Annual Report, Fiscal Year 1979–1980*, NCJ No. 77805 (1981).

28. Fla. Dep't of Corr., *Annual Report FY 2024–2025* 3, 18, https://fdc-media.ccplatform.net/content/download/43194/file/Annual%20Report_24-25.pdf (FDC Annual Report indicating that FDC had 23,433 full-time authorized positions and provided health care services to approximately 89,000 inmates statewide); FLA. DEP'T OF CORR., *Bureau of State Investigations/Law Enforcement*, <https://pubapps.fdc.myflorida.com/ig/stateinv.html> (last visited May 24, 2026) (stating that the Office of Inspector General provides oversight involving approximately 24,000 employees and 143 total FDC facilities).

responsibilities. Instead, despite the breadth of its duties, its underlying budget reveals a department that remains drastically underfunded.

One particular responsibility of the FDC—health care—is increasingly consuming a growing share of the department’s resources and is likely to continue to grow as Florida’s prison population ages. In inflation-adjusted terms, FDC’s health care spending grew from roughly \$60 million in 1979–80 to approximately \$725 million today.²⁹ Viewed in these terms, health care spending increased from less than 10 percent of FDC’s total inflation-adjusted 1979–80 budget to roughly 19 percent of the current budget. At present, health care alone now exceeds the entirety of FDC’s 1979–80 budget in real terms. All while the department today is responsible for far more people, facilities, and infrastructure than it was ever built or funded to sustain, or likely even anticipated would face.

This growth reflects the direct consequences of sentencing reforms adopted in the 1980s and 1990s that required incarcerated people to remain in prison for longer periods of time. In 1983, Florida eliminated parole,³⁰ and in 1995, it adopted its Truth in Sentencing law, requiring incarcerated people to serve at least 85% of their sentences.³¹ Before those reforms, Florida’s gain-time system allowed many prisoners to substantially reduce their sentences through basic gain-time and additional incentive gain-time awarded for work, training, satisfactory behavior, and other activities.³² Seemingly at odds with the requirements to address overcrowding set forth in the *Costello v. Wainwright* decision,³³ the 1995 reforms drastically reduced the effect of gain time, thereby increasing the time people spent in prison, and subsequently increasing the prison population.

We are now seeing the consequences of these long sentences, where people who entered the system in their twenties and thirties during the prison expansion of the 1980s and 1990s and who remain incarcerated are now developing conditions associated with aging, such as chronic illness, cancer, dementia, and various terminal conditions. Classifying prisoners over fifty as elderly, this

29. FLA. POL’Y INST., *FY 2025–26 Budget Summary: Corrections and Youth Justice* (Aug. 6, 2025), <https://www.floridapolicy.org/posts/fy-2025-26-budget-summary-corrections-and-youth-justice> (reporting that health care programs and services received roughly \$725 million, including \$583 million for contracted statewide inmate health-care services).

30. FLA. OFF. OF PROGRAM POL’Y ANALYSIS & GOV’T ACCOUNTABILITY, *Parole and Early Release 2* (Nov. 13, 2019), <https://oppaga.fl.gov/Documents/Reports/19-13.pdf> (explaining that the Florida Legislature abolished parole for most offenders in 1983).

31. Fla. Stat. § 944.275(4)(f) (2025) (providing that prisoners sentenced for offenses committed on or after October 1, 1995, must serve at least 85% of the sentence imposed).

32. Fla. Stat. § 944.275(4)(b) (2025) (authorizing up to twenty days per month of incentive gain-time for sentences imposed for offenses committed before January 1, 1994, up to twenty-five days per month for certain offenses committed on or after January 1, 1994, and before October 1, 1995, and up to ten days per month for offenses committed on or after October 1, 1995).

33. *Costello v. Wainwright*, 397 F. Supp. 20, 22–24 (M.D. Fla. 1975) (describing severe overcrowding and unconstitutional conditions in Florida’s prison system).

population now comprises more than 28% of Florida's prison population,³⁴ yet accounts for 61% of outpatient medical treatment³⁵ and roughly 70% of hospital days.³⁶ As the Eighth Amendment requires the state to provide constitutionally adequate medical care to those it incarcerates, FDC has increasingly been forced to absorb the health care costs of this aging prison population. In effect, the FDC has become one of Florida's largest healthcare providers, but remains funded and structured as a corrections agency.

Subsequently, to house the increasing number of inmates, the 1980s and 1990s saw a prison-building boom, and many of the facilities built during this time have failed to receive sufficient maintenance, leaving their infrastructure in poor condition. Further, 17 of Florida's correctional institutions were built before 1980, including one facility dating back to 1913.³⁷ Many of these same facilities remain in use today, despite FDC's 1979–80 annual report already describing this infrastructure as strained.

In 2022, the consulting firm KPMG, commissioned by the Florida Legislature, found that the state needed to urgently appropriate \$2.2 billion for immediate critical repairs across correctional facilities, including failing roofs, deteriorating plumbing, and outdated electrical systems.³⁸ KPMG further estimated a total capital deficit of \$6 billion to \$12 billion over 20 years.³⁹ In 2024, a Florida Policy Institute report using the same KPMG data found that roughly one in three FDC facilities was already in "critical" or "poor" condition, and to date, the Legislature has not allocated the recommended funds.⁴⁰ However, in fiscal year 2022–23, lawmakers proposed a \$1 billion maintenance and repair budget, which included \$645 million for a new 4,500-bed institution

34. FLA. POL'Y PROJECT, *Addressing the Elderly Prison Population in Florida: Reducing Correctional Costs and Improving Lives* 3 (Oct. 2, 2023), https://floridapolicyproject.com/wp-content/uploads/2023/11/Report-FPP-Elderly-Report_Final10.15.23.pdf.

35. FLA. DEP'T OF CORR., *Annual Report FY 2022–2023* 22, https://www.fdc.myflorida.com/content/download/3089/file/Annual_Report_22-23_V10.pdf.

36. FLA. POL'Y PROJECT, *supra* 34 (stating that elderly inmates account for almost 70% of all in-patient hospital days).

37. FLA. OFF. OF PROGRAM POL'Y ANALYSIS & GOV'T ACCOUNTABILITY, *Florida Correctional Facilities* 15 (Oct. 2019), <https://oppaga.fl.gov/Documents/Reports/19-08.pdf> (explaining that many FDC buildings were built in the 1980s and 1990s as the inmate population increased and that many of those buildings' shingle roofs now require repair).

38. KPMG LLP, *Final Multi-Year Master Plan (FAR-D16): Charting a Path to a Safer, More Efficient Correctional System* 3 (Dec. 27, 2023) (estimating approximately \$2.2 billion in immediate needs and \$6 billion in total capital costs for currently operated correctional institutions over the next twenty years).

39. *Id.*

40. Tachana Joseph-Marc, *Walk the Walk: Florida Legislature Must Shore up Funds to Implement KPMG's \$2.2 Billion Urgent Repair Recommendations* 4, FLA. POL'Y INST. (July 2024), https://cdn.prod.website-files.com/5cd5801dfdf7e5927800fb7f/66a2713b5654b624277a300c_7.25.24_FPI_DOC_Repairs_Analysis.pdf

and \$195 million for a hospital unit for incarcerated people over 50, but both projects were vetoed by Governor Ron DeSantis.⁴¹

For the FDC staff and incarcerated individuals within these facilities, the consequences of deferring this critical maintenance are very real. During Hurricane Michael in 2018, Gulf Correctional Institution, built in 1992 and serving as a receiving facility for inmates evacuated from smaller prisons before the storm, sustained significant roof collapse when Michael made a near-direct hit.⁴² As a result, more than 2,600 inmates had to be evacuated.⁴³ Family members of those incarcerated at the facility reported days without contact with one, who described her son calling to say the roof of his dorm had fallen, only to go days without contact.⁴⁴

Gulf Correctional Institution, operating as a receiving facility during Hurricane Michael, provides a clear example of the systemic problem facing the FDC: the buildings the department relies on to shelter evacuees from other institutions are often the same aging structures most in need of repair. For years, the solution to having one facility in the storm's path has been to consolidate people into a "safer" main institution, which may be in worse shape than the original facility.

2. *A Thin Grey Line Stretched Too Thin*

The consequences of this expansion for the correctional officers on the floor of these facilities are equally stark. In 1979–80, a Florida correctional officer earned \$9,667 per year, worth approximately \$39,050 in today's dollars.

41. FLA. EXEC. OFF. OF GOVERNOR, *FY 2022-23 Veto List for General Appropriations Act 11* (June 2, 2022), <https://www.justiceadmin.org/ClientAgencies/Budget%20Deficit%20Procedures/HB5001%20-%20FY2022-23%20Veto%20List%20for%20General%20Appropriations%20Act%20%28GAA%29.pdf> (vetoing \$645 million for new prison construction, \$195 million for new hospital construction, and \$10 million for planning and design for correctional facilities).

42. Ben Conarck, *Concern Spikes After Hurricane Michael Wallops Panhandle Prisons*, FLA. TIMES-UNION (Oct. 11, 2018), <https://www.jacksonville.com/story/news/crime/2018/10/11/concern-spikes-after-hurricane-michael-wallops-panhandle-prisons/9562056007/>.

43. Brianna Sacks, *Florida Evacuated More Than 7,000 Prisoners After Hurricane Michael Destroyed Parts of the Panhandle*, BUZZFEED NEWS (Oct. 13, 2018), <https://www.buzzfeednews.com/article/briannasacks/florida-evacuates-inmates-hurricane-michael>; Ben Conarck, *Officials Confirm Nearly 3,000 Florida Inmates Evacuated Because of Prison Damages*, FLA. TIMES-UNION (Oct. 14, 2018), <https://www.jacksonville.com/story/news/crime/2018/10/14/officials-confirm-nearly-3000-florida-inmates-evacuated-because-of-prison-damages/9554876007/> (reporting post-Hurricane Michael evacuations of thousands of incarcerated people after Panhandle correctional facilities sustained storm damage).

44. Zahra Hirji & Talal Ansari, *This Florida Prison Took In Evacuated Inmates. Then It Took a Direct Hit from Hurricane Michael*, BuzzFeed News (Oct. 13, 2018, 1:32 AM), <https://www.buzzfeednews.com/article/zahrahirji/this-florida-prison-took-in-evacuated-inmates-then-it-was> (quoting an incarcerated son's final call to his mother where he stated, "Mom, it's really bad here" and "the roof of my dorm just fell out").

The FDC's own annual report for that year described those salaries as "more than a disgrace...they are intolerable," and the Governor's Executive Review Committee made raising correctional officer pay its number one priority in its 1980 recommendations.⁴⁵ More than forty-five years later, the entry-level salary is roughly \$45,760. Meaning that in nearly half a century, correctional officers saw a real increase in their salaries of only 17 percent, during which time the inmate population grew 352 percent, the number of facilities grew 81 percent, and the job became materially harder by every available measure. So, while the budget may have grown by billions, very little of it reached the officers. Such metrics are among the factors contributing to the staffing issues that have long plagued the FDC.⁴⁶

By the mid-2000s, Florida's prison population was approaching its historic peak, but struggled to keep correctional staff positions filled. The Office of Program Policy Analysis and Government Accountability (OPPAGA) found that in FY 2005–06, FDC had 554 vacant correctional officer positions and a 20.8% correctional officer separation rate.⁴⁷ The problem was not limited to custody staff: FDC also had a 22.8% vacancy rate among health professionals, including physicians, dentists, psychologists, and senior registered nurses.⁴⁸ Now, twenty years later, these issues have seemingly only increased. As a result, FDC is forced to implement mandatory overtime policies, which, while they may keep facilities operational in the short term, often only exacerbate burnout among correctional officers. This strain is only compounded during hurricanes, when officers may be required to remain at work for extended periods while their own families and communities face evacuation orders, property damage, and power outages.⁴⁹

The 2023 KPMG report indicated that severe staffing shortages remain, especially at Calhoun Correctional Institution, which had a 49% vacancy rate for full operation as of September 2023.⁵⁰ This same report acknowledged that "this staffing issue impacts the overall safety and security of prisons, necessitating the implementation of targeted incentives to fill staff vacancies."⁵¹ One such

45. FLA. DEP'T OF CORR., *Annual Report: Fiscal Year 1979–1980* 20 (1981).

46. FLA. DEP'T OF CORR., Off. of Inspector Gen., *Annual Report: Fiscal Year 2024–2025* 4 (2025) (OIG report noting that, as of June 30, 2025, FDC employed 23,447 employees and had 1,043 vacant positions).

47. OFF. OF PROGRAM POL'Y ANALYSIS & GOV'T ACCOUNTABILITY, Fla. Legislature, *Corrections Experiences Turnover and Vacancies, But Performance Not Diminished*, Report No. 07-15 (Feb. 2007), <https://oppaga.fl.gov/Documents/Reports/07-15.pdf>.

48. *Id.* at 2.

49. Mitch Perry, *Florida Dept. of Corrections Head Says OT Costs Are Becoming a Serious Problem*, Fla. Phoenix (Feb. 12, 2025), <https://floridaphoenix.com/2025/02/12/florida-dept-of-corrections-head-says-ot-costs-are-becoming-a-serious-problem/> (describing FDC's growing reliance on correctional officer overtime and Secretary Ricky Dixon's warning that overtime costs were becoming a serious operational problem).

50. KPMG, *supra* 38, at 21.

51. *Id.* at 23.

incentive is staff housing, which helps “attract and retain vital officer positions” in locations where it is offered. FDC maintains more than 400 staff housing structures across the state, including “FEMA trailers,” single- and double-wide trailers, modular homes, barracks, duplexes, and other residential structures.⁵² Although these housing offerings may be necessary, given FDC’s constrained budget and the remote locations of many facilities, they also create a distinct vulnerability during hurricane season. Many of the structures used to house correctional staff, particularly trailers and manufactured homes, are among the most vulnerable during major storms⁵³ and are among the first places to receive evacuation orders as a storm approaches. As a result, as a hurricane approaches, staff are likely left with a difficult choice. Correctional officers living in staff housing near their facilities may have to decide whether to evacuate with their families or remain near the prison to perform work that is already underpaid, understaffed, and often dangerous. This dynamic underscores how FDC’s staffing and infrastructure crises overlap: the department relies on staff housing to recruit and retain officers, but that same housing may pose additional risks for the officers who rely on it.⁵⁴

For the officers and correctional staff tasked with remaining behind as their communities evacuate, the danger is not theoretical. During Hurricane Irma, Sergeant Joseph Ossman of the FDC and Deputy Sheriff Julie Bridges of the Hardee County Sheriff’s Office were both required to remain in the county despite mandatory evacuations. Deputy Bridges, a 13-year veteran of the Hardee County Sheriff’s Office, was retrieving supplies for a hurricane shelter, while Sergeant Ossman, a Marine Corps Veteran who had served 21 years with the FDC, was reporting for duty at Hardee Correctional Institution, which remained open during the storm. Both were tragically killed when their vehicles collided. Their sacrifice illustrates the impossible situation many correctional and law enforcement officers face when hurricanes make landfall: even though surrounding communities are told to evacuate, officers may be required to remain behind to keep prisons, shelters, and emergency operations functioning.⁵⁵

52. *Id* at 25.

53. See Ben Conarck, *Hurricane Michael’s Toll on Florida Gulf Correctional Prison*, MIAMI HERALD (Oct. 12, 2018), <https://www.miamiherald.com/news/special-reports/florida-prisons/article219930640.html> (reporting that Gulf Correctional Institution operated with a “skeleton crew” after Hurricane Michael because many officers lived in some of the hardest-hit areas and were themselves affected by the storm).

54. To further complicate matters, for the family of a correctional officer in an evacuation zone, what happens if the family only has one vehicle? If the family is living in unsafe housing, such as the housing provided by FDC, and cannot evacuate without the family member working at the facility, what do they do? They cannot enter the facility with their loved one, as they are not FDC staff.

55. Deputy Sheriff Julie Ann England-Bridges, Officer Down Memorial Page, <https://www.odmp.org/officer/23387-deputy-sheriff-julie-ann-england-bridges> (last visited May 24, 2026); Sergeant Joseph Ossman, Officer Down Memorial Page, <https://www.odmp.org/officer/23386-sergeant-joseph-ossman> (last visited May 24, 2026) (describing the deaths of Deputy Bridges and Sergeant Ossman in a vehicle crash during Hurricane Irma after both were required to remain in Hardee County despite mandatory evacuations).

Looking again at 2018's Hurricane Milton, during this storm, the FDC faced approximately 5,500 correctional officer vacancies within a workforce of roughly 18,000. Such staffing shortages, which frequently plague the FDC in ordinary times, become dire during storms, when correctional officers, who often live in the same communities being evacuated, are left unable to report for duty.⁵⁶ As such, the result of these natural disasters is not a mere strain on correctional infrastructure; they degrade staffing capacity when it is most needed. These disasters force facilities to operate with reduced personnel⁵⁷; staff may be unable or unequipped to respond effectively under extreme conditions; and, in some cases, there may simply not be enough officers present to carry out needed evacuations. This reality calls into question the assumption that prisons can safely rely on shelter-in-place strategies during hurricanes. During past storms affecting Florida, facilities have been described as only partially staffed,⁵⁸ with incarcerated individuals reporting that staff were unable to respond to unfolding crises. More broadly, scholarship from outside the context of Florida confirms that insufficient staffing has, in some cases, prevented evacuation altogether.⁵⁹

However, these vacancies are not recent developments; to address these chronic staffing shortages, the FDC has at times relied on the Florida National Guard, an entity not traditionally tasked with routine correctional operations.⁶⁰

56. Ana Ceballos, *Prison Workers, System Deal With Aftermath of Hurricane Michael*, NEWS SERV. FLA., YAHOO NEWS (Mar. 18, 2019), <https://finance.yahoo.com/news/prison-workers-system-deal-aftermath-123736400.html> (reporting that after Hurricane Michael crippled a key portion of Florida's correctional system, nearly 300 prison employees were displaced and more than 5,000 inmates were relocated, highlighting the strain on a region heavily reliant on corrections employment).

57. Lizzie Johnson, *For the Families of People in Prison, Hurricanes Bring Panic and Uncertainty*, NEW YORKER (Oct. 16, 2018), <https://www.newyorker.com/news/news-desk/for-the-families-of-people-in-prison-hurricanes-bring-panic-and-uncertainty> (reporting that during Hurricane Michael, inmates described unrest and "not a lot of staff" present at the facility).

58. Mitch Perry, *FL Corrections Officials Say No Injuries to Inmates, Staff After Storm Passed; Prison Reform Activists Critical*, FLA. PHOENIX (Sept. 29, 2022), <https://floridaphoenix.com/briefs/fl-corrections-officials-say-no-injuries-to-inmates-staff-after-storm-passed-prison-reform-activists-critical/> (reporting that activists criticized officials for failing to evacuate inmates, describing the facility as only partially staffed and housing individuals in crowded lockdown conditions).

59. Note, *No Right Without Legal Remedy: Prisoners Barred from Recovery on Conditions of Confinement Claims Post-Natural Disaster*, 65 B.C. L. Rev. 2733, 2741 (2024) (noting that prisons [where?] were unable to evacuate during Hurricane Harvey due to insufficient staffing).

60. Atyia Collins, *Inmate Advocacy Group Says Moving Florida National Guard into Prisons Shows Larger Problem*, FIRST COAST NEWS (Sept. 13, 2022), <https://www.firstcoastnews.com/article/news/local/inmate-advocacy-group-says-moving-florida-national-guard-into-prisons/77-79086878-85d9-4ece-96e7-0df62f1a467e>; Jonathan Lehrfeld, *National Guard Tapped to Help in Understaffed Florida Prisons*, MILITARY TIMES (Sept. 13, 2022), <https://www.militarytimes.com/news/2022/09/13/national-guard-tapped-to-help-in-understaffed-florida-prisons/>; Dara Kam, *The National Guard Will Continue to Work at Florida Prisons*, WMNF (Nov. 15, 2023), <https://www.wmnf.org/the-national-guard-will-continue-to-work-at-florida-prisons/>; Romy Ellenbogen, *Florida Pulling National Guard Out of State Prisons as Staffing Shortage Eases*, MIAMI HERALD (June 4, 2025), <https://www.miamiherald.com/news/politics-government/state-politics/article307871570.html>; Lawrence Mower, *DeSantis Wants to Assign More National Guard Members to Florida Prisons*, TAMPA BAY TIMES (Dec. 8, 2023), <https://www.tampabay.com/news/florida-politics/2023/12/08/desantis-national-guard-prisons-staffing->

However, this reliance becomes particularly problematic during natural disasters. When hurricanes impact the state, the National Guard is typically activated to perform emergency response functions such as disaster relief, evacuation support, and infrastructure stabilization. As a result, the same personnel relied upon to supplement prison staffing may be diverted to these competing priorities. This creates a situation in which either correctional facilities are left understaffed during emergencies or critical disaster relief resources are limited, potentially leaving the broader public underserved.

While correctional authorities maintain that emergency planning is integrated into operations, incarcerated individuals are entirely dependent on the state for their safety, even as decision-makers often prioritize institutional continuity over evacuation.⁶¹ This results in a system in which individuals are confined in areas the state itself has deemed unsafe for the general public, with limited accountability and few structural incentives for reform.

3. *No Room for Rehabilitation*

In addition to being understaffed, many FDC facilities face chronic overcrowding, with populations already well above capacity, and many aging facilities are in dire need of repair and are at risk of further deterioration.⁶² This situation is only made worse when, during these storms, smaller facilities, such as work release centers, are evacuated to main facilities to shelter in place for the duration of the storm.⁶³ Often when this occurs, the evacuee inmates are (hopefully) given a mattress and placed in unoccupied buildings such as a chapel or library.⁶⁴ However, as space fills, these evacuees are eventually placed in larger, often already overcrowded dorms.⁶⁵ Depending on the dorm layout, this could create several issues with basic living necessities, such as using the

shortage-pay-repairs/ (describing Florida's reliance on National Guard personnel to address persistent correctional officer shortages and the continuation of such deployments over multiple years).

61. Lacy et al., *supra* 25.

62. Romy Ellenbogen, *Fla. Prison System "Unsustainable" Without Billions in Upgrades, Auditor Says*, Corrections (Nov. 16, 2023), <https://www.corrections1.com/jail-upgrades/fla-prison-system-unsustainable-without-billions-in-upgrades-auditor-says> (reporting that Florida's prison system requires between \$6 billion and \$12 billion in investment to address aging infrastructure, staffing shortages, and capacity needs, and warning that the system is unsustainable without significant reform).

63. Silas Morgan, *Florida Evacuates 4,000 Prisoners from 35 Facilities Statewide Ahead of Hurricane*, WUSF (Aug. 30, 2023), <https://www.wusf.org/weather/2023-08-30/florida-evacuates-4-000-prisoners-35-facilities-statewide-ahead-hurricane> (reporting that the FDC relocated approximately 4,000 inmates from smaller prisons, work camps, and work release centers in the storm's path to more secure facilities better equipped to withstand hurricane conditions).

64. David M. Reutter, *Eye of the Storm: When Hurricanes Impact Prisons and Jails*, PRISON LEGAL NEWS (May 17, 2018), <https://www.prisonlegalnews.org/news/2018/may/17/eye-storm-when-hurricanes-impact-prisons-and-jails/> (explaining that "prisoners may be housed in places not designed as living areas, such as gyms or chapels . . . [which] will not have adequate sanitation . . . [and] sleeping on the floor, jammed shoulder-to-shoulder . . . does not comport with constitutional conditions of confinement").

65. Perry, *No Injuries*, *supra* 58 (reporting that inmates were "crowd[ed] . . . into a few dorms on lockdown, without explanation" during the storm).

restroom or taking a shower. If they are placed in a dorm consisting of two-man cells, often a higher-security dorm, they are reliant on the inmates housed there to use the toilet and sink in their cells and are also likely reliant on them to provide toilet paper and other hygiene items.⁶⁶ In an open-bay dorm, the restroom facilities are more open and not in someone's personal living space.

Further, as described in greater detail below, most Florida prisons are not air-conditioned, leaving those incarcerated with little choice but to rely on the facilities' windows for relief from the heat, the same windows that get boarded shut as a storm approaches. While some dorms may have fans installed along the walls to help circulate air, when the power goes out, these fans become inoperable.⁶⁷

The risks associated with extreme heat are increasingly recognized, yet in 2023, 75% of the housing facilities within the FDC remained without air conditioning, despite the Secretary of the FDC not opposing installing HVAC systems in facility dorms.⁶⁸ However, with the recommended installation costs for HVAC systems nearing half a billion dollars, some lawmakers pushed back, including Republican Senator Jonathan Martin, who questioned the recommendation, asking whether the money could be better used on staff salaries and benefits, which would likely help address another FDC shortfall.⁶⁹ The concerns of Fleming Island Senator Jennifer Bradley, who chaired the Senate Appropriations Committee on Criminal and Civil Justice, seemed primarily focused on the FDC correctional officers, stating, "When you are in the facility, and you visit a dorm that does not have air conditioning, and you look at the guards who are charged with maintaining security in those spaces, it is absolutely oppressive." However, Senator Bradley went on to offer reassurance:

We are going to have to take steps. And that's why it's called mitigation. It may not be A/C, but there are things that we can do in our system to mitigate the heat, or Florida will find itself on the receiving end of a lawsuit, and it will be a lot more expensive.⁷⁰

To further this concern, Senator Bradley discussed other states facing litigation for failing to provide air conditioning in their prisons.⁷¹

The resulting mitigation efforts implemented by the FDC consisted of "authorizing inmates to be allowed to wear T-shirts and shorts, providing

66. Romy Ellenbogen, *Bootleg Film Shows Florida Prison in All Its Danger, Squalor. An Inmate Shot It on the Sly*, Miami Herald (Oct. 4, 2019), <https://www.miamiherald.com/news/special-reports/florida-prisons/article235623292.html> (showing inmates from other prison facilities who were transferred to Martin Correctional Institution during Hurricane Irma sleeping on mats on the floor).

67. *Id.* (reporting that incarcerated individuals were held in facilities without adequate conditions, including "no power, no fans," during Hurricane Ian).

68. Perry, *No A/C*, *supra* 26 (reporting that most Florida prisons lack air conditioning and that installing HVAC systems statewide would cost billions, prompting legislative debate over funding priorities).

69. Ellenbogen, "Unsustainable," *supra* 33.

70. Perry, *No A/C*, *supra* 26.

71. Ellenbogen, "Unsustainable," *supra* 33.

inmates with hydration packets, and having medical staff educate inmates on heat illness prevention.”⁷² Roughly a year later, in 2024, Senator Bradley’s concerns came to fruition when the Florida Justice Institute brought suit against the FDC on behalf of those incarcerated at Dade Correctional Institution (Dade CI), seeking relief from the sweltering, oppressive heat.⁷³

II. FIRSTHAND ACCOUNT OF HURRICANE IAN AT OKEECHOBEE CORRECTIONAL INSTITUTION

A. *Anticipation Before the Storm*

By September 2022, I was entering my second month at Okeechobee Correctional Institution (OCI) in southern Florida. Sitting in the day room, we began seeing news coverage of Hurricane Ian, the first significant storm of what was, until then, a relatively light hurricane season. As the days passed, it became increasingly likely that Hurricane Ian would make landfall, and our facility was directly in its path.

Abruptly, one afternoon, unpaid inmate workers began screwing large sheets of plywood over the windows of our dorm, our only refuge from the sweltering heat, since, like most Florida prisons, most buildings at OCI lacked air conditioning. Instead, air conditioning was generally limited to the staff offices, the prison library, and, in many cases, the booths where the correctional officers sat. However, all things considered, I was lucky as I was classified as minimum custody and housed in an open-bay dorm with two oscillating fans bolted to the wall, something those housed in higher security, two-man cell dorms did not have access to.⁷⁴ Instead, in the two-man cells, there is often little you can do to escape the heat. Depending on the window configuration, one may be able to tie a sheet or piece of clothing in hopes of angling any incoming wind towards your bed. I’ve also heard of others scooping water out of their sink and onto their concrete floors, lying on the ground to get temporary relief.

Boarding up windows before a hurricane is common enough; I remember my family doing it as a child. But that practice exists to stop flying debris from striking the glass, something the large metal bars already encasing our windows accomplish on their own. Boards also prevent the rapid pressurization that can

72. Perry, *No A/C, supra* 26.

73. Press Release, Fla. Just. Inst., FJI Files Lawsuit Over Sweltering Heat at South Florida Prison (Oct. 31, 2024), <https://fji.law/what-we-do/criminal-justice-reform/fji-files-lawsuit-over-sweltering-heat-at-south-florida-prison/> (alleging that incarcerated individuals at Dade CI were subjected to extreme heat in unairconditioned housing units); Complaint, *Wilson v. Dixon*, No. 24-cv-24253 (S.D. Fla. Oct. 31, 2024).

74. The outside of our dorms was painted blue along the bottom, which absorbed significant heat, making it even hotter in the summer months. While there was no way to verify the validity of this statement, we were told that a former inmate who had lived in our dorm and faced its extreme heat donated the fans to the prison upon his release so that they could be installed. If this were true, and if, in the small chance he ever reads this, thank you.

occur when a window breaks, but these boards left a roughly 12-inch gap at the bottom, and many of the windows had no glass to begin with, so they would accomplish nothing on that front either.

Almost as soon as the first screw went in, my fellow inmates started griping, and their objections quickly dismantled every justification the workers or correctional staff offered. When staff cited concerns about tree strikes, inmates pointed out that no trees were in sight, as we were surrounded by a cow pasture. When staff raised concerns about windows breaking during the storm, inmates wordlessly gestured at the iron bars surrounding each window frame (not to mention the razor wire fences surrounding the facility's interior and perimeter). When a staff member worried aloud about flying debris injuring us, inmates reminded them that our windows faced inward toward the compound. The last justification was the risk of broken glass. When one inmate said, "You need glasses yourself if you see glass in that window," the last screw went in almost immediately, and the moment the board went up, we instantly felt the temperature change.

Soon after, we were informed our facility would be receiving other inmates from Charlotte Correctional Institution (CCI). As OCI, where we were housed, was already drastically overcrowded, this created significant concern among us, and for good reason. Overcrowding was already a significant issue at OCI, and taking in inmates from CCI would only compound the issue, increasing the risk of conflict and theft, making daily life far more difficult for all involved.

When the group of transfers I was shipped with arrived at OCI in early August, we were kept in the facility's receiving area for several hours because they did not know where to house us. The facility was over capacity and had more inmates than beds, forcing new arrivals to live in double-stacked solitary confinement for weeks until space in regular housing units became available. This meant that even though these new arrivals did not commit an infraction, they were subjected to the same restricted movement (no movement), minimal access to showers, and increased isolation of solitary until proper housing became available.

I was fortunate in that when I arrived, I was classified as minimum custody. While there were only two low-custody dorms, there weren't many inmates with lower custody levels in the facility when I arrived. This allowed me to get placed in a bunk that day, but some of the people I arrived with were not as lucky and were sent to confinement for several weeks until space became available (OCI had the confinement dorm windows boarded up with sheet metal year-round to prevent them from looking or communicating out the window or getting a breeze).

However, while I was fortunate to get a physical bed, they did not have enough furnishings for me, such as a mattress, a pillow, and a footlocker. The shortage of these basic items was a direct result of overcrowding. Without a footlocker, I had things stolen when I left for callouts because I was in an open

dorm and could not secure my belongings, and I did not yet know anyone who would watch them. When I did receive a pillow, it had been confiscated by staff because the previous owner had carved out the center to store contraband, leaving a gaping hole in the middle. These shortages increase risks and heighten both stress and insecurity for new arrivals and were the source of the only conflicts I had during my time at OCI.

As I learned from other inmates who had been to OCI several times since it was built in the 90s, our dorm, originally designed to house around 50 inmates, had drastically increased its housing capacity by turning single-occupancy beds into bunk beds and adding more along the walls, and now housed around 80 inmates, all while keeping staffing and restroom facilities the same. So, naturally, we were alarmed when we learned that we would be receiving and housing inmates from CCI and facing the potential repercussions of further overcrowding, which could affect our daily lives and security. Admittedly, our concerns lied more with our own needs than those coming from CCI.

While I did not appreciate it at the time, evacuating an entire facility is a highly complex process. Where we often see inmates from smaller facilities being brought to main facilities,⁷⁵ such as OCI, as discussed later, they are easily managed and housed in the main facilities, including unoccupied buildings such as chapels and libraries. However, when a main facility such as CCI, with a capacity of almost 1,400 inmates of varying custody levels,⁷⁶ is evacuated, these unoccupied structures are quickly filled, forcing the inmates to be placed in less suitable areas, including already crowded dorms. This results in cramped living spaces, increased tension, and a greater risk of conflict and theft, making daily life far more difficult for all involved.

However, while we were unable to verify whether this evacuation occurred in real time because our view was obstructed by plywood, several inmate rumors suggested the plan had been abandoned. After my release, I confirmed that inmates from CCI were not ultimately evacuated to OCI or to any other institution.⁷⁷

As hurricanes often change course several times before making landfall, most Floridians do not dwell on the storm until it becomes clear the path is not changing. When Hurricane Ian's path became clear, the atmosphere around the compound began to change drastically. While the storm received coverage on the news, I don't recall people speaking about it outside the dayroom (where the TV was).

I remember the feeling in the dorm being very ominous in the days and hours leading up to the storm making landfall. I don't quite know how to describe

75. Morgan, *supra* 63.

76. FLA. DEP'T OF CORR., *Institutions List: Facility 510*, <https://www.fdc.myflorida.com/institutions/institutions-list/510> (last visited Apr. 28, 2026) (listing CCI inmate capacity).

77. Perry, *No Injuries*, *supra* 58.

it. It wasn't a feeling of tension or apprehension; no one was mad at another or lashing out, but no one was really talking. It wasn't quite like the atmosphere before a shakedown or before prison gangs went "to war" with one another; this was something different. The storm seemed to continue to grow, and it became increasingly clear that it was heading towards Florida's Gulf Coast. However, this apprehension was not exclusive to the inmates; a foreboding look could be seen on the faces of the correctional staff as well, many of whom lived in close proximity to the prison, with some in the prison's staff housing less than a mile away.

B. During the Storm: Hurricane Ian

In the late afternoon of September 28, 2022, Hurricane Ian made landfall in Southwest Florida as a Category 4 storm with winds of 150 miles per hour.⁷⁸ The storm was originally forecasted to make landfall near Tampa Bay, where I was from, but I was comforted to know that my partner at the time had evacuated south to Fort Myers with my dog to be with her sister and brother-in-law, and that my parents were further inland in the Orlando area. However, this comfort was short-lived as the storm's trajectory shifted abruptly.

I remember watching the storm make landfall on the TV along with most of the dorm. There were so many of us that there was no room to sit, many standing. It was at this moment that we learned that the storm had shifted south, making landfall directly over Fort Myers.⁷⁹ I realized that a large portion of the inmates were from this area, as OCI was one of the closest facilities. We all watched in horror as storm surges washed away parts of downtown Fort Myers and destroyed homes across the city. We knew there was nothing we could do for our loved ones.

Eventually, the TV lost signal, and our wall phones were turned off. When the final count was called, I remember lying awake for a considerable amount of time, as I'm sure most people did. I'm not sure when I fell asleep, but it wasn't long before the storm's wind gusts jolted us awake when it finally reached Okeechobee, soon knocking out our power entirely.⁸⁰ It is hard to describe the feeling of being locked in a prison not only without power but also boarded up from the outside. I remember thinking how completely dark it was, to the point where you couldn't see your hand in front of your face. At this point, I was still relatively new to prison life, only six months into my sentence, but I knew the risks associated with the darkness. I had seen what happened in areas where the

78. Kennedy, *supra* 1.

79. Kirby Wilson, *Hurricane Ian Was Supposed to Slam Tampa Bay Head On. What Happened?*, TAMPA BAY TIMES (Sept. 28, 2022), <https://www.tampabay.com/hurricane/2022/09/28/hurricaneian/>.

80. Richard Marion, *Two-Year Anniversary of Hurricane Ian on Sept. 28*, LAKE OKEECHOBEE NEWS (Sept. 26, 2024), <https://lakeonews.com/stories/two-year-anniversary-of-hurricane-ian-on-sept-28,68978>.

facilities' cameras could not see and heard the horror stories of what had happened before they were installed. Now with the cameras inoperable, and in the darkness, I didn't know what else to do but hold my breath. There was a silence just as total as the darkness.

Luckily, though in the moment it felt like an eternity, a few seconds later, someone in a voice imitating a scared Scooby Doo went "oh man its darrk," which caused a great deal of laughter even from the more "hard" inmates. It seemed this quickly cut whatever tension there was. This interaction led me to believe the apprehension I felt was shared by most of us, and there seemed to be a mutual understanding that no one would make life worse than it already was.

When we woke the next day, we were surprised (but not shocked) to learn that many correctional officers had not reported for duty. These officers presumably faced a difficult decision in balancing their work obligations with ensuring their families' safety. Many of the staff housing units provided by the FDC consist of manufactured homes (trailers),⁸¹ which are not safe during hurricanes⁸² and are often required to be evacuated during storms. So, when combining these safety concerns with the preexisting issues facing FDC correctional officers, such as mandatory overtime, low wages, and facing the same extreme temperatures as the inmates in their charge, it is understandable why they may choose their families over being boarded up in a prison dorm without power for the duration of the storm.

However, this meant that many of the facility's functions, such as food services, could not operate as usual. For the next few days, our meals consisted of water and peanut butter sandwiches, which had been prepared before the storm. Normally, these premade sandwiches were premixed PB&J (the ingredients were premixed so inmates couldn't make wine with the jelly). However, for whatever reason, the sandwiches we received during the storm were just peanut butter. For the next day or two, we were not allowed to leave our dorm.⁸³ Staff told us this was because one of the facility's perimeter fences had been damaged during the storm, but in hindsight, it may also have been due to the facility's insufficient staffing to manage our movements.

After a few days, the staff eventually announced "chow," and many of us rushed to the door, excited for the chance to eat something other than peanut butter. However, once the door opened, many were quickly discouraged when we received our first glimpse of the outside we'd had in days. Like most Florida prisons, OCI was primarily outdoors, with each building spanning a significant

81. Google Earth image of Okeechobee Correctional Institution, Okeechobee, Fla., GOOGLE EARTH (satellite image captured May 14, 2026) (showing staff housing consisting of trailers and manufactured homes in close proximity to the main facility).

82. Hirji & Ansari, *supra* 44 (quoting the wife of a facility official as reporting that Hurricane Michael destroyed staff housing at the prison).

83. Conarck, *Concern Spikes, supra* 42 (reporting that, after Hurricane Michael, inmates at a Panhandle prison said the facility was operating on generators, inmates were not permitted to leave their dorms, and meals consisted of bagged lunches containing peanut butter sandwiches).

distance from the next. As the effects of hurricanes often linger, with severe rain and thunderstorms lasting for days after the main storm passes, we were told that if we wanted to eat, we had to run to the chow hall through the tropical rains. While this discouraged many in the dorm, several of us accepted these terms, and though we were immediately soaked by the rain, we began running to the chow hall. While the primary risk of running in the rain is usually just getting wet or catching a cold, we faced an added hazard: our only footwear was sandals or Crocs. After running roughly a quarter mile⁸⁴ from our dorm in the rain, the chow hall's tile floors were extremely slippery once we entered. Within a few steps of entering, I slipped backward, cracking my head on the tile floor. I remember a corrections officer who was still in training attempted to help me up, but was reprimanded by her supervisor for helping me. I don't remember much after that, and I was told I would not be able to be seen by medical staff as they were "unavailable."

C. *Aftermath of the Storm*

After the rains passed, it took quite some time for things to get back to normal. As OCI is surrounded by cow pasture, most of the area around the facility was flooded during the storm, including our recreation yards. As a result, we were unable to attend rec until the waters began to recede, which took considerable time and further limited our already scarce recreation time. When the water receded, the fields remained marshy, becoming a breeding ground for mosquitoes and horseflies that made our lives miserable. Luckily, we were soon able to contact our loved ones: for those whose families could afford the phone call, and for those who had contacts to write to, with the five free stamps provided by JPAY.⁸⁵ A few weeks later, I was transferred to work release. However, Hurricane Ian would not be my last experience with hurricanes in the FDC.

III. FIRSTHAND ACCOUNT OF HURRICANE NICOLE'S IMPACT ON PARTICIPATION IN THE WORK RELEASE PROGRAM

A. *Background on the work release program*

The FDC offers a program known as work release for inmates with the lowest level custody, community custody, who have fourteen months remaining on their sentence. This program allows eligible inmates to be transferred to a facility closer to their homes, where they work civilian jobs and earn real-world

84. Google Earth image of Okeechobee Correctional Institution, Okeechobee, Fla., GOOGLE EARTH (satellite image captured May 14, 2026) (showing the approximate distance between inmate dorms and the dining facilities).

85. See Fla. Dep't of Corrections, FACEBOOK (Sept. 29, 2022), <https://www.facebook.com/FLCorrections/posts/474051831433962/> (announcing that JPAY would provide five free stamps for incarcerated people to send eMessages following Hurricane Ian).

wages.⁸⁶ The theory behind the program is to help bridge the gap between incarceration and reentry and, by housing work-release inmates near the communities they will be returning to, facilitate continued employment upon their release.⁸⁷ The program also allows inmates to begin rebuilding connections in the communities they will be returning to. Inmates are allowed to attend religious services in the community, volunteer, and also attend college classes.⁸⁸

The program has shown significant success, with studies reflecting that inmates who participate in the Florida work release program have a 13% lower rate of recidivism compared to those who do not.⁸⁹ The work release program also boosted employment in the first year after release, and while that effect faded over time, it never disappeared entirely.⁹⁰

Prior to entering a plea agreement and beginning my prison sentence, I worked as a project manager for a solar panel installation company, where I ran the roofing department. When I notified the owners that I would be entering the agreement, they revealed that they had been previously incarcerated and that they would continue to support me. They offered to rehire me once I got to work release, and when I ended up at a work release facility a bit farther from Tampa than we originally anticipated, they graciously rented me office space where I could work remotely during my remaining ten months of incarceration. After arriving at the work release facility in mid-October of 2022, it took about two weeks to secure an office and get the paperwork in order with the facility so I could begin working.

It was a wonderful feeling to once again feel as if I was contributing to society and doing something productive with my life. I returned to my previous position, title, and responsibilities, and even kept my salary of \$61,000, which was more than many of the work release facility staff were making.

My time in the work release program changed the outcome of my life. Within the first week, I applied to a master's program, which I later accepted into. I began studying for the LSAT and took the exam two weeks after my release. I would publish an article⁹¹ with the Justice Collaboratory at Yale Law School and later start my own business, all from my work release office.

86. Fla. Admin. Code r. 33-601.602 (2025) (governing eligibility, placement, and administration of community release programs).

87. Neil Gallagher, *Privatizing Florida's Road to Reentry*, BERKELEY J. CRIM. L. BLOG (Oct. 28, 2025), <https://www.bjcl.org/blog/privatizing-floridas-road-to-reentry>.

88. However, some facilities deviate from these standards and disallow inmates from doing so. For example, during my own incarceration, The Transition House of Bartow did not allow me to volunteer or attend classes. They also did not allow us to attend religious services, instead offering "religious services" provided by one of the staff members.

89. Florida Work Release Program, CrimeSolutions, Off. Just. Programs, U.S. Dep't Just. (Sept. 5, 2017), <https://crimesolutions.ojp.gov/ratedprograms/florida-work-release-program>.

90. *Id.*

91. Neil Gallagher, *Felony Finance*, The Justice Collaboratory Notebook at Yale Law School, Feb. 21, 2024, at 22, <https://ssrn.com/abstract=4743098>.

B. Hurricane Nicole

However, my life could have easily taken a very different turn, as about a week after returning to work and resuming my responsibilities, The Transition House, the nonprofit operator of the work-release center where I was housed, notified me that I would be returning to prison, along with the entire work-release facility, due to an approaching hurricane. This notification did not come from the center's own initiative to make my employer and me aware of the impending evacuation; instead, they notified me at 8:50pm, just ten minutes before the end of my workday, when I called the center to notify them that I would be returning to the facility.⁹² I was told to inform my employer that I would not be returning for the foreseeable future due to the storm.

Luckily, another inmate from the facility had called me a few hours earlier to share the news, so I could plan properly and inform my employer. I am very grateful that he thought to call me and that I had brought my phone to work, which was forbidden. Without his advance warning, I would have been blindsided and left in a very difficult situation.

In the few hours I had to prepare, I had to notify my employer, contact my family, and try to put together contingency plans for a job and a life I had just begun putting back together, only to face losing it all once again. Although unlikely, there was a small possibility that I would not return to the office or the work release facility. As discussed later in this article, there are occasions when work release inmates are terminated from the program due to situations that arise during evacuations. Additionally, if our work release center, which already had roofing issues, were to be damaged during the storm, we might be unable to return to the program. If that happened, returning to work release near my home and job was not guaranteed, as other facilities were farther away and often had significant wait times.

As a result, I frantically sent messages to both my supervisor and coworkers, explaining the situation and putting procedures in place to ensure the company's operations did not suffer due to my absence. I quickly created training materials and instructions explaining the roofing procedures our company implemented so that my coworkers could fill my role while I was gone. I sent my various account logins and my ongoing tasks to my supervisor, adding to his already full plate.⁹³

I created a similar list for my family, aiming to ensure they had all the information needed to keep my affairs in order in the event of a prolonged or permanent absence. Unfortunately, a few days earlier, the roof of our office building had also begun leaking whenever it rained. As a result, I had to take

92. Per the work release center's policies, we had to call the facility ten minutes before the end of our shift so they could remove the GPS limit boundary on our ankle monitor.

93. Various text messages and e-mails sent by the author to his employer and family members document his efforts to notify others, preserve access to work materials, and prepare for the possibility that he would be returned to prison and unable to communicate. (Nov. 2022) (on file with author).

precautions in case the roof continued to leak, moving furniture, equipment, and important items out of the water's path and attempting to protect my electronics, including my laptop, by placing them in trash bags.

Lastly, as my employer rented me an office over an hour away from their main office, and was still in the process of getting everything up and running, I was the only one with a key besides my direct supervisor. As such, they would likely be unable to access the office while I was gone, including the keys to the post office box, which were kept inside. As such, once these tasks were completed and I locked the office up, I was forced to hide my key in the office building's common area on my way out, sending my manager and my mother pictures of where I hid the key in case they needed to access the office for any reason, especially if I were not to come back. Without advance notice from my fellow inmate, I would have had only ten minutes to handle all of this.

This decision reflected an emergency-management practice implemented by FDC to relocate inmates from work camps, road prisons, and work-release facilities to larger main institutions during major storms.⁹⁴ Unbeknownst to me, while evacuations of main prisons and institutions were exceedingly rare, the evacuations of these smaller facilities were quite common.⁹⁵

At first, we thought this was for safety reasons, as FDC remained responsible for the inmates at these various facilities. However, unlike Hurricane Ian, which hit as a Category 4, Hurricane Nicole barely met the criteria for a Category 1. With this in mind, my employer attempted to advocate on my behalf, asking if there was anything he could do to keep me working and ensure my safety. However, we were told that, in this case, the decision stemmed from a concern that the work release facilities would lose power and that the inmates housed there, who are required to wear ankle monitors, would be unable to charge their devices, thereby posing a security risk.

While this concern may sound logical at first, it is important to understand what the work release program entails and who is eligible to participate. To qualify, an inmate must have the lowest possible custody level (community

94. See Fla. Admin. Code Ann. r. 33-602.206(1)(a), (2), (4)(a)–(c) (2025) (defining “incident” to include evacuations and natural disasters, requiring incident-response plans at inmate-housing facilities, and prioritizing the safety, accountability, and welfare of inmates and staff); Governor Ron DeSantis Speaks with President Donald Trump; Shares Updates on Hurricane Dorian Preparedness, Fla. Disaster (Sept. 2, 2019), <https://www.floridadisaster.org/news-media/news/20190902-governor-ron-desantis-speaks-with-president-donald-trump-shares-updates-on-hurricane-dorian-preparedness/> (noting that the interest of public, staff, and inmate safety influence evacuation determinations, and that multiple satellite facilities, community work-release centers, and work camps were evacuated).

95. See Gary Detman, *Florida State Prison Facilities Evacuated Due to Hurricane Irma*, CBS12 (Sept. 8, 2017, 9:22 AM), <https://cbs12.com/news/local/state-prison-facilities-evacuated-due-to-hurricane-irma> (noting that FDC evacuated work-release centers, work camps, and road prisons before Hurricane Irma and moved inmates to larger main units); *Florida Shuts Prison Work Release Centers Before Dorian. Inmates Shipped Back to Prison*, MIAMI HERALD (Sept. 1, 2019, 9:43 AM), <https://www.miamiherald.com/news/state/florida/article234614067.html> (reporting that FDC closed satellite facilities, including work-release centers and work camps, before Hurricane Dorian and sent inmates to standard prisons).

custody) and be within the final fourteen months of their sentence. They must also not be on any psychotropic medications, have no outstanding warrants or detainers, and have a conviction that qualifies for the program. For the people who meet these criteria, the program allows them to work a regular job, earning a free-world wage, often near their home community. While there are rare occurrences of work-release inmates attempting to escape, inmates participating in these programs are normally very low flight risks. Similarly, the inmates at work camps and road prisons are often getting ready to transition to work release programs or nearing the end of their sentences. Likewise, they possess a low custody level, often minimum custody, and are permitted to work outside of the prison gate.

It seems illogical, then, that FDC's policy is to take these low-custody inmates and return them to the nearest main institution, which houses a spectrum of security levels, including up to the highest, placing them wherever space is available for the duration of the storm. Not only are these facilities sometimes in a more direct path of the storm, but the transfer also creates a wide variety of issues for everyone involved.

C. *The Unintended Consequences of Prematurely Moving Work Release Inmates into Main Facilities*

These evacuations create several issues regarding the operations of the work release program, especially when they may be unnecessary. When considering employers who participate in the work release program, it is important, in this instance, to distinguish between those that provide second-chance employment to individuals who are still actively serving a sentence and those that profit from forced prison labor.⁹⁶ The companies participating in the work release program, while some may still have their own ethical issues, primarily treat work release participants the same as any other employees,⁹⁷ with many participants maintaining employment with the company upon their release. Many of the inmates arriving at the work release facility rely on other inmates or the facility's connections to secure employment. During the period I was in the

96. See Fla. Admin. Code r. 33-601.602(8)(b)(1), (3) (2026) (requiring work-release wages commensurate with comparable workers and prohibiting employers from treating work-release participants "with less regard than other employees"); FLA. DEP'T OF CORR., *Inmate Wage Information* (Feb. 13, 2017), https://www.prisonpolicy.org/scans/Florida_wages.pdf (identifying Florida prison wages for non-work-release prison labor); Michael Sainato, "Florida Loves Prison Labor": *Why Most Incarcerated People Still Work for Free in the Sunshine State*, *The Guardian* (June 21, 2024), <https://www.theguardian.com/us-news/article/2024/jun/21/florida-unpaid-prison-labor> (describing unpaid prison labor in Florida); Ben Conarck, *Work Forced: Century Later, Unpaid Prison Labor Continues to Power Florida*, *FLA. TIMES-UNION* (May 25, 2019), <https://www.jacksonville.com/story/special/special-sections/2019/05/25/work-forced-century-later-unpaid-prison-labor-continues-to-power-florida/5061563007/> (describing Florida's continued reliance on unpaid prison labor).

97. Fla. Admin. Code r. 33-601.602(8)(b)(1), (3) (2026) (prohibiting paid employment where "[t]he employer treats the inmate with less regard than other employees").

program, the employers that most commonly hired inmates from my facility were restaurants, a sawmill, a sheet-metal fabrication facility, a chicken farm, and a mattress manufacturer, all of whom paid real world wages.

Some of these employers hire multiple, and even dozens, of work-release inmates as employees, paying them the same wage they would pay any other employee.⁹⁸ So when an employer is given less than twelve hours' notice that over a dozen of their workers will be absent for an undetermined period, it creates a significant friction point not only for their business operations but also for their view of employee reliability, some of whom had assumed leadership positions. While it is not the individual's fault, from a company's perspective, it is unrealistic to consider someone (who already has several limitations imposed by the program) for an advancement when they may be indisposed for weeks at a time during hurricane season. It may also reduce the likelihood that the company continues to provide opportunities for inmates participating in the work release program. For individuals participating in the work release program, these forced evacuations often negatively affect almost every aspect of their lives and can significantly affect their re-entry.

This news created significant turmoil for the company, which had just taken me back. As I ran the roofing operations for the company, there was a strong chance I would be needed to help manage the increased workload stemming from potential storm damage. As the roofing project manager, the company relied on me to direct and manage crews and coordinate emergency tarp services for existing and potential customers who called in. As they had fully transitioned the position back to me and I was indisposed for the duration of the storm, the company potentially faced significant financial strain. However, I was truly fortunate that my employer was understanding and that my employment was not affected by a situation outside my control.

Unfortunately, the same could not be said for some of those I was housed with, whose employers had replaced them while we had been gone. While most were able to quickly find new work, others, especially those with more serious convictions, struggled to do so. Not only would these individuals have to explain their criminal record and their current incarceration, including being on an ankle monitor with work release staff required to conduct surprise workplace visits, but they also often had a turbulent employment history, and now had to explain a very recent termination due to a hurricane. While most work release facilities provided leniency and assistance in helping those incarcerated in their facilities find employment, those who were unable to secure employment will ultimately be returned to prison. So the FDC's decision to implement a premature and unnecessary safety precaution did, in several cases, drastically alter an inmate's re-entry.

98. Fla. Admin. Code r. 33-601.602(8)(b)(1) (prohibiting the Department from authorizing paid employment where "[t]he inmate will not receive wages commensurate with those received from the employer by comparable workers or the wages do not meet applicable minimum wage requirements").

For those like me, who were fortunate enough to return to our employers, we still faced a week of lost wages.⁹⁹ For inmates returning from years of incarceration, the loss of a week's earnings could have a significant impact on their financial well-being. The work release program already garnishes participants post tax earnings significantly, at that time charging 55% for housing, 10% for court costs, 10% for restitution, 10% for savings, 10% for child support if applicable¹⁰⁰ (sometimes even if not), and with the remaining wages, the inmate was expected to purchase all their necessities, pay for toiletries, laundry, and transportation to their job sites. All this is to say, regarding a successful reentry, missing a week or more of work, especially for those attempting to rebuild a life after years of incarceration, was made all the more difficult by these policies, which, in the case of Hurricane Nicole, were likely overly precautionary. These difficulties were compounded by administrative and financial accounting errors that arose upon our return, including apparent miscalculations in the wage deductions applied to some incarcerated workers' trust accounts.¹⁰¹

Additionally, while it seems logical to transfer inmates from smaller facilities to larger ones for safety during these storms, the intended side effects might have the opposite effect. For instance, work-release inmates often have access to items unavailable to the regular inmate population, such as tennis shoes, necklaces, or wristwatches. These items, when worn by the evacuated work-release inmates, would then be brought into the larger facility. If the work release group is housed separately, then it is likely no issue would arise, but if the group is placed into an already occupied dorm, which is not uncommon, these work release inmates are now targeted for these items by inmates who do not

99. This is reflected in the pay stubs issued by our outside employers, the inmate trust account records maintained by The Transition House, and the account statements provided to residents by The Transition House, all of which are on file with the author. Notably, all account statements have the letterhead of an entity listed as "CORTRAC" and "Circular Inc." Despite extensive searches, the author was unable to locate any public corporate records, functioning website, or identifiable business presence associated with either entity. The company listed telephone number also began with the fictitious "555" area code.

100. Bartow Cmty. Release Ctr., Inmate Manual 21 (on file with author).

101. Under Florida's work-release system, incarcerated workers are subject to substantial wage deductions authorized by statute and administrative regulation. *See* Fla. Stat. § 945.091 (2025); Fla. Admin. Code r. 33-601.602(11)(d)-(j) (2026). In practice, however, these deductions were not always applied accurately. Audits conducted by the Florida Office of the Inspector General found that The Transition House failed to adequately manage inmate trust accounts. *See* Gallagher, *Privatizing Florida's Road to Reentry*, *supra* 87. Based on the author's review of inmate account statements and payroll records, the facility's accounting software frequently struggled to correctly calculate standard deductions for holidays and mid-pay-period employment changes, and seemed to be unable to process due to disruptions caused by hurricane evacuations. These discrepancies were often difficult to identify from account statements alone, and, when identified, often required manual correction by work-release staff. (The author spent a considerable amount of time reviewing the account statements of the other work release inmates upon returning to help identify and correct these discrepancies.) However, such accounting errors may be isolated issues rather than systemic across the work release program.

have access to the items, and are likely serving much longer sentences, with much more time remaining and with higher custody levels.¹⁰²

The result is that either the work release inmate is robbed or fights back, risking injury, potentially severe injury if they are stabbed, and then risks having their security level increased from the fight and being terminated from the work release program. While it seems the logical answer would be to simply not bring these items to the facility, it is not always that easy. Using shoes as an example, per the work release rules and regulations, inmates are allowed a limited number of pairs of shoes while in the program, including tennis shoes and work boots.¹⁰³ While inmates are issued Crocs while in regular prison, these would count against the allowed number of shoes, so many inmates chose to get rid of them.

In my case, the pair of Crocs I was issued was two sizes too large, had a large hole in the bottom, and OCI refused to replace them, so I threw them away as soon as I could. So when we were sent to Polk Correctional for the hurricane, I had no choice but to bring tennis shoes. I was almost sent to confinement when I arrived at Polk CI, as I forgot I had hidden two \$20 bills in my LSAT prep book. While these bills are allowed in the work release facility, they are banned from regular institutions. Luckily, the correctional officers checked them into my property for me.

IV. TOWARD REFORM

As this article examines, the underlying issues facing FDC's current disaster policies are complex, and there is likely no single solution or reform that will fix the harm decades of underfunding, deferred maintenance, and overlooked policies have caused. However, reform is both achievable and necessary. The solutions provided here fall into two distinct categories. The first group is technical reforms that do not require new legislation and can be implemented by FDC immediately through amendments to its current administrative rules. The second group consists of structural changes that will require legislative action, and while harder to achieve, their results will provide greater relief.

A. *Immediate Technical Reforms*

1. *Providing Portable Power to Ankle Monitors*

As Hurricane Nicole approached during my time in the work release program, my employer offered to assume responsibility for my safety so I could

102. Elizabeth Spitzenberger, *Cruel, but Not Unusual: The Increasingly Frequent Practice of Failing to Evacuate Prisoners During Natural Disasters*, FORDHAM ENV'T L. REV. BLOG (Jan. 20, 2025), <https://fordhamlawelr.org/?p=1854> (noting that evacuation practices often disregard inmate classification systems, increasing risks of violence and safety concerns).

103. Bartow Cmty. Release Ctr., Inmate Manual 6 (on file with author) (listing authorized footwear as one pair of shower shoes, one pair of athletic shoes, and one pair of work shoes or boots).

continue working and avoid being sent back to prison during the storm. The work release center did not allow him to do so, and the reasoning they provided that I remember most clearly was the concern that, in the event of a power outage, there would be no way to charge our ankle monitors, which would pose a significant safety concern for the FDC and the community. Taken at face value, the center's reasoning sounds logical, but it illustrates the type of systemic harm that can result from policies and decisions likely never seriously examined, especially when applied to a Category 1 storm, with no mechanism for anyone affected to challenge them.

If the FDC's concern is that inmates will be unable to charge their ankle monitors, forcing the Department to relocate hundreds, if not thousands, of work-release inmates, the most obvious solution is not to move these inmates to a maximum security facility, often in worse physical shape and closer to the storm's path, but instead to increase the likelihood that the work-release facility does not lose power. This can be achieved by providing portable battery banks or installing generator backups at work-release centers, so they can continue charging their devices without relocating.

Charging banks are available at relatively little expense at most retailers, and gas-powered backup generators have been around for decades. Further, in 2024, it was recommended that, as many of FDC's facilities required new roofs, they use the opportunity to install roof-mounted solar panels at the same time and take advantage of federal solar incentives.¹⁰⁴ If these recommendations were followed, these facilities could also install solar storage batteries, potentially enabling them to use excess solar energy as backup during power outages. For the FDC to have either never considered or implemented any variation of these reforms reflects an operational culture in which the easiest answer is to consolidate inmates into main facilities, regardless of the downstream consequences for the lives of inmates and staff. Now, if the justification for the evacuation of the work release centers was that FDC believes that in the case of Hurricane Nicole, these facilities are not structurally sound enough to withstand winds produced by a storm that barely meets the criteria for a Category 1 hurricane, that is a different issue entirely.

Beyond this potential ankle-monitor fix, FDC can implement several immediate solutions to alleviate the burdens placed on its staff, the community, and the work-release participants in its care during these storms.

2. *Amendments to the State's Hurricane Response Plan*

FDC should amend Florida Administrative Code Rule 33-602.206 to create a tiered hurricane response plan that includes guidelines that distinguish between storm categories. Under the current rule, FDC has broad discretion, allowing it

104. Joseph-Marc, *supra* 40, at 5 (recommending that Florida officials consider installing roof-mounted solar panels at correctional facilities in conjunction with needed roof repairs).

to implement evacuations that are disproportionate to the actual risk presented. Where a shelter-in-place policy may be appropriate for some storms, such as a powerful category 4 hurricane making direct landfall, where evacuation logistics are genuinely complex and dangerous, it may not be appropriate as a default response to every named storm approaching the state's coastline. Similarly, a Category 1 storm, such as Hurricane Nicole, that does not directly threaten a work release facility should not automatically require its residents to be sent to a higher-security institution.

During less severe storms, the proposed guidelines would require FDC to affirmatively justify evacuating work-release facilities, rather than defaulting to blanket evacuations as the institutional standard. To be told that you will not be returning to your job for an indefinite period, just ten minutes before the end of a workday, is detrimental to both community partners and inmates. Accordingly, when circumstances permit, the rule should also be amended to require FDC to provide advance notice to the work release participants and their employers. By requiring FDC to provide 12 to 24 hours' advance notice to work-release participants and their employers before a forced evacuation is carried out, except in the case of a rapidly developing storm where that window is genuinely unavailable, would allow employers to plan, enable participants to make arrangements, and reduce the likelihood that a temporary workplace absence becomes a permanent termination. Although FDC may argue that providing this advance notice of a transfer would pose a security concern,¹⁰⁵ this argument is less persuasive when applied to work release participants who already regularly travel outside the prison walls and have ample opportunities to abscond.¹⁰⁶

3. *Expanding the Current Inmate Furlough Program*

FDC should look to expand its existing inmate furlough program as another avenue for relief. Under Florida Administrative Code Rule 33-601.603(9), work-release inmates are already eligible for a Type B furlough, which allows inmates in the work-release program up to 8 hours of unsupervised leave per week, typically used for home visits with an approved sponsor. This program could be adapted to allow inmates to temporarily relocate to the private residences of families and sponsors who reside outside the storm's path.¹⁰⁷

The benefits of such expansion would be substantial with little downside. First, the number of inmates FDC would be tasked with evacuating would be

105. News4JAX, *Prisoners Evacuated After Prisons Damaged by Hurricane Michael*, at 0:50 (YouTube Oct 15, 2018), <https://www.youtube.com/watch?v=V18rsnbO5Kw> (explaining that FDC does not update an incarcerated person's location until after the transfer is complete).

106. Fla. Admin. Code Ann. r. 33-603.201 (2025) (governing inmate transfers within the Florida Department of Corrections).

107. During my incarceration, I was approved to be picked up by my mother and travel to her home once a week. This trip took around an hour and a half and was roughly 85 miles each way. My mother's house was further inland than both the work release facility I resided in and the prison I was evacuated to.

greatly reduced, and subsequently, so too would the number of inmates FDC would be tasked with finding housing for. Second, it would allow these low-risk inmates to assist their families both during and after the storm, alleviating the guilt many individuals feel about not being able to help their loved ones.¹⁰⁸ This expansion would not only alleviate FDC's burden but also reduce the stress placed on the families of the incarcerated.

Again, while FDC may cite security or safety concerns, it is important to reiterate that these participants are in community custody, which is the lowest security risk among all inmates in the FDC. A potential argument for the FDC may be that the sponsors of the work-release participants live too close to the storm's path. However, as we have repeatedly seen, these evacuations often relocate work-release inmates to a main institution that may be extremely close to the original facility.¹⁰⁹ So even though many work-release participants are originally from the areas where their facilities are located, the sponsors' homes are likely safer and structurally sounder than the main institution to which they would be sent. If such expansion were to be implemented, the existing monitoring system made available through the inmate's ankle monitor, which is already administered at a distance from Tallahassee, would continue, and FDC would be able to require the inmate to remain with their approved sponsor and continue to submit to check-ins, which could be adjusted for the storm. This proposal is not for early release or special privileges; it is to use the infrastructure the FDC already has and adapt it for a population the department has already recognized as having a low flight risk.

Additionally, although FDC is severely underfunded and faces significant budget constraints, Florida lawmakers have shown little willingness to appropriate the level of funding necessary to meaningfully address the department's infrastructure crisis.¹¹⁰ In light of this, one possible short-term remedy is to prioritize infrastructure upgrades at inland correctional institutions. These inland facilities are already less vulnerable to hurricane-related risks such as storm surge and coastal flooding; accordingly, FDC should identify and harden them as designated receiving institutions for people evacuated from higher-risk facilities.

108. Ryan M. Moser, *Hurricanes Hit My Home, and All I Can Do Is Sit Here*, PRISON JOURNALISM PROJECT (Mar. 30, 2023), <https://prisonjournalismproject.org/2023/03/30/watching-hurricanes-from-florida-prison/> (describing the helplessness incarcerated people feel during hurricanes, including the author's inability to assist loved ones dealing with the storm's aftermath).

109. DEMOCRACY NOW!, "*Complete Neglect*": *Thousands Not Evacuated from Florida Jails & Prisons Ahead of Hurricane Milton*, at 2:17 (YouTube Oct 10, 2024), <https://www.youtube.com/watch?v=iKUVyadT25s> (reporting that Lowell Work Camp was evacuated only yards away to Lowell Correctional Institution).

110. See Jacob Ogles, *Veto List: Gov. DeSantis Detains \$840M in Prison Construction*, FLA. POLITICS (June 2, 2022), <https://floridapolitics.com/archives/529343-veto-list-gov-desantis-detains-840m-in-prison-construction/> (reporting that Governor DeSantis vetoed \$645 million for a new 4,500-bed correctional institution and \$195 million for a 250-bed prison hospital).

B. Structural Reforms

While these technical fixes are important, they merely address the symptoms. The underlying problem is that Florida's emergency management framework for correctional facilities seemingly treats the people inside them, inmates and staff alike, as logistical concerns rather than human beings. Such a lens cannot be corrected solely through administrative changes.

At the legislative level, Florida should require the FDC to conduct and publish annual risk assessments for all facilities located within hurricane evacuation zones, identifying which facilities face significant flood risk and the specific mitigation measures that will be implemented at each facility. *The Intercept's* finding that 52 Florida jails, detention centers, and prisons face major to extreme flood risk over the next 30 years,¹¹¹ while alarming, is not a number the FDC is currently required to publicly address. Mandating such assessments would create additional accountability and make it significantly harder for the department to continue treating shelter-in-place policies as an adequate response for facilities that its own data identifies as vulnerable.

When disasters intersect with incarceration, the stakes are exceptionally high. Hurricane Katrina remains perhaps the clearest contemporary example of what can happen when officials fail not only to evacuate incarcerated people but also in their obligations to ensure their care, leaving them exposed to avoidable risks of injury and death.¹¹² Yet despite recognizing these risks, many emergency plans still fail to meaningfully account for incarcerated populations or adequately prepare for disasters that may be just over the horizon.¹¹³ In 2022, the *American Journal for Public Health* released a report finding that, through an analysis of the emergency management plans of 40 states that made such plans available on their website, 30 mentioned incarcerated populations in some capacity, but only 6 states had incorporated emergency protocols related to the safety and evacuation of inmate populations. However, incarcerated populations were most commonly mentioned in these reports in reference to their function as labor for disaster mitigation. In fact, the authors found that 14 states' emergency management plans made no further reference to incarcerated populations beyond their role as labor for disaster mitigation or even the Department of Corrections, for that matter.¹¹⁴ As it stands, there are no federal mandates governing disaster preparedness protocols in correctional facilities, leaving a great deal of discretion

111. Alleen Brown, *With Floodwaters Rising, Prisoners Wait for Help in Floating Feces*, THE INTERCEPT (Feb. 12, 2022), <https://theintercept.com/2022/02/12/floodwaters-prisoners-climate-change/> (finding that fifty-two Florida jails, prisons, and detention centers face major to extreme flood risk over the next thirty years).

112. Morgan Maner et al., *Where Do You Go When Your Prison Cell Floods? Inadequacy of Current Climate Disaster Plans of US Departments of Correction*, 112 AM. J. PUB. HEALTH 1382, 1382 (2022).

113. Njideka C. Motanya & Pamela Valera, *Climate Change and Its Impact on the Incarcerated Population: A Descriptive Review*, 31 SOC. WORK PUB. HEALTH 348 (2016).

114. Maner et al., *supra* 112, at 1382–83.

at the local and state levels.¹¹⁵ For instance, Kentucky enacted a statute requiring jailers to develop emergency procedures, including evacuation and relocation plans, for facilities that become uninhabitable.¹¹⁶ These facilities are also required to file their plan with the DOC annually. However, it appears this statute is reactionary rather than pre-emptive. Texas, which also faces hurricane-related dangers from the Gulf of Mexico, has a statute that requires each facility to have a written, implemented plan approved by the Texas Commission on Jail Standards¹¹⁷, but, as we have repeatedly seen, its requirements appear highly subjective. While California's Department of Corrections appears to be expending significant effort and resources to implement policies to ensure its facilities effectively manage and mitigate the threats posed by climate change,¹¹⁸ such as evaluating their risks to various climate-related disasters, including rising sea levels, wildfires, and earthquakes, requiring emergency preparedness plans for individual facilities¹¹⁹ and even employing full-time Emergency Services Coordinators,¹²⁰ the CDCR has still faced immense difficulties in ensuring its department is prepared.¹²¹ These findings from California illustrate how factors

115. See *Letter to Elected Officials: Pass the Correctional Facility Disaster Preparedness Act (S.2592)*, JustLeadershipUSA (Apr. 5, 2022), <https://jlusha.org/media-release/letter-to-elected-officials-pass-the-correctional-facility-disaster-preparedness-act-s-2592/>; *Duckworth, Booker Reintroduce Legislation to Improve Disaster Response and Recovery Plans in Prisons*, Sen. Tammy Duckworth (Apr. 18, 2024), <https://www.duckworth.senate.gov/news/press-releases/duckworth-booker-reintroduce-legislation-to-improve-disaster-response-and-recovery-plans-in-prisons> (observing that no federal guidelines mandate disaster-preparedness protocols for correctional facilities and describing legislation intended to address gaps in prison disaster response and recovery planning).

116. Ky. Rev. Stat. Ann. § 441.840(1)(b), (3)–(4) (West 2026) (requiring jailers to develop evacuation and relocation plans, review them annually, and file them with the Department of Corrections).

117. 37 Tex. Admin. Code § 263.40 (2025) (requiring each facility to have and implement a written emergency plan addressing escapes, riots, assaults, fires, evacuations, rebellions, civil disasters, and other emergencies).

118. Cal. Dep't of Corr. & Rehab., *Chapter One: Climate Change Adaptation* 8 (2020), <https://www.cdcr.ca.gov/green/wp-content/uploads/sites/176/2020/05/2020-21-1-CHAPTER-ONE-CLIMATE-CHANGE-ADAPTATION.pdf>.

119. Cal. Code Regs. tit. 15, §§ 1029(a)(7)(D), 3301 (2025) (requiring emergency-planning procedures for both local detention facilities and CDCR prisons, including natural-disaster procedures for local facilities and all-hazards Emergency Operations Plans for state prisons).

120. Quinn Sheppard, *Jason Ortiz Prepares CDCR for Emergencies*, Inside CDCR (Sept. 7, 2023), <https://www.cdcr.ca.gov/insidecdcr/2023/09/07/jason-ortiz-prepares-cdcr-for-emergencies/> (describing CDCR's dedicated emergency-planning infrastructure as a model Florida could consider adopting for correctional disaster preparedness).

121. See Cal. Off. of the Inspector Gen., *Audit of the California Department of Corrections and Rehabilitation's Natural Disaster Emergency Preparedness and Mitigation Efforts* 10–12 (May 2025), <https://www.oig.ca.gov/wp-content/uploads/2025/05/Audit-of-the-California-Department-of-Corrections-and-Rehabilitations-Natural-Disaster-Emergency-Preparedness-and-Mitigation-Efforts.pdf>; Neha Suri, *California's Prisons Unprepared for Natural Disasters, OIG Audit Finds*, DAVIS VANGUARD (May 13, 2025), <https://davisvanguard.org/2025/05/california-prison-climate-disasters-urgency/>; C.K. Gerhartsreiter, *OIG Says CDCR Has No Natural Disaster Preparedness*, SAN QUENTIN NEWS (Aug. 24, 2025), <https://sanquentinnews.com/oig-says-cdcr-has-no-natural-disaster-preparedness/> (discussing California's difficulty evacuating prisons because transportation resources are spread across regional hubs, some facilities are hundreds of miles from available buses, and

such as distance between facilities, transportation capacity limitations, and overcrowding can complicate prison evacuations. However, Florida is in a very different situation, as many of its facilities are clustered within identifiable regions; the state may have a stronger basis for developing regional evacuation and receiving-facility plans if it chooses to do so.

Accordingly, if FDC were to implement such policies effectively and efficiently, it could quickly become a model for other correctional agencies nationwide. As it stands, although many state and federal correctional institutions have identified numerous deficiencies in disaster preparedness procedures within the facilities under their care, few have taken meaningful steps to address them. For states that have implemented emergency protocols that impose a similar requirement on individual facilities in their jurisdiction, there is often significant variation in not only the overarching emergency management plans themselves, but in the scope of what is required of the local facility to satisfy such requirement. If it chose to do so, Florida and its correctional system are uniquely positioned to set the standard for disaster preparedness.

The work release program exists, in the FDC's own framing, to improve reentry outcomes. Current disaster policies that routinely undo that benefit for the participants, without any mechanism for the participants or stakeholders to raise concerns or propose alternatives, are inconsistent with that stated purpose. As such, the legislature should also require that additional emergency protocols for work release programs be developed with input from program participants, participating employers, and the operators of privately run facilities.

Finally, and perhaps most crucial, Florida should require that if its correctional facilities are to continue housing people during these storms, they must meet the same shelter-in-place standards it would impose on any other institution housing people who cannot self-evacuate, especially if these facilities are to receive inmates evacuated from outside facilities. This means that these facilities, at a minimum, must possess adequate structural integrity, emergency power, access to medical staff, and sufficient food and water for the storm's anticipated duration plus a reasonable recovery period.¹²² Florida has already enacted similar mandates for nursing homes in 2018, in the aftermath of 14 residents dying from heat-related illnesses after losing power during Hurricane

overcrowding and neighboring prisons can substantially increase the number of incarcerated people who must be evacuated during the same emergency).

122. See, e.g., Fla. Div. of Emergency Mgmt., *2024 Statewide Emergency Shelter Plan* 1, 6–8 (2024), https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf (describing statewide shelter planning requirements, including shelter structural suitability, emergency power capabilities, staffing, and operational sustainment needs); Fla. Stat. § 381.0303(2)(b)–(c) (2025) (requiring special needs shelter planning, medical supervision, and coordinated shelter operations by county health departments and local emergency management agencies).

Irma the year prior.¹²³ Under this rule, nursing homes and assisted living facilities are required to have an alternative power source capable of maintaining indoor air temperatures at no greater than 81°F for at least 96 hours after the loss of primary electrical power.¹²⁴ Similarly, hospitals are required to adhere to strict standards for emergency preparedness,¹²⁵ complying with both administrative safety regulations and patient standards of care, and ensuring the facilities are compliant with applicable building codes.¹²⁶

My experiences at Okeechobee Correctional Institution after Hurricane Ian were not the result of an unusually severe storm. Days of peanut butter sandwiches, medical staff who were unavailable after my head injury, and restricted movements reflect a facility that was unprepared for a storm it knew was coming. And even this experience seems insignificant when compared to what those inside Gulf Correctional Institution experienced during Hurricane Michael, when the roofs of several dorms were ripped off entirely.

C. *The Constitutional Floor*

These reforms matter not only as a matter of policy but as a matter of law. When a person is incarcerated, the state assumes responsibility for their safety, a responsibility it simultaneously denies the incarcerated person the ability to fulfill for themselves.

The Supreme Court has held that this relationship creates constitutional obligations under the Eighth Amendment, and both scholars and advocates have persuasively argued that by knowingly confining people in facilities within mandatory evacuation zones, without adequate preparation, carceral institutions have directly implicated those obligations.¹²⁷ As David Fathi of the ACLU stated during Hurricane Milton, governments that evacuate everyone else while leaving incarcerated people to face a catastrophic storm are “on very thin legal ice.”¹²⁸ The *Wilson v. Dixon*¹²⁹ lawsuit, currently pending in the Southern District of

123. Kathleen M. Premo, *Compliance with Florida’s “Generator” Laws*, HEALTH L. ADVISOR (Sept. 14, 2018), <https://www.healthlawadvisor.com/compliance-with-floridas-generator-laws> (discussing Florida’s generator requirements for nursing homes and assisted living facilities).

124. Fla. Admin. Code Ann. r. 59A-4.1265 (2024) (requiring nursing homes to maintain an alternate power source and fuel supply sufficient to keep ambient temperatures at or below 81 degrees Fahrenheit for at least ninety-six hours after a power outage).

125. Fla. Stat. § 395.1055(1)(c) (2025) (authorizing rules addressing minimum standards for hospital emergency management plans).

126. Fla. Building Code § 449.3.14 (2023) (requiring hospitals to maintain emergency power for HVAC systems serving patient-occupied areas, reflecting Florida’s recognition that facilities housing people who cannot self-evacuate must be able to maintain safe indoor conditions during power outages).

127. Radha Patel, *Left Behind: Natural Disasters and Vulnerable Incarcerated Populations*, U. MIA. RACE & SOC. JUST. L. REV. (Nov. 11, 2024), <https://race-and-social-justice-review.law.miami.edu/left-behind-natural-disasters-and-vulnerable-incarcerated-populations/>.

128. Anna Skinner, *Florida Jail Responds After Inmates in Hurricane Milton Danger Zone Outrage*, NEWSWEEK (Oct. 10, 2024), <https://www.newsweek.com/florida-jail-manatee-county-hurricane-milton-inmates-evacuation-1967099>.

129. *Wilson*, No. 24-cv-24253, slip op. at 72.

Florida, challenging the sweltering heat at Dade CI, illustrates that Florida courts are beginning to provide a venue for precisely these arguments. Senator Bradley warned the Florida legislature that failing to address heat in prisons would result in litigation that would cost far more than the HVAC systems she urged them to fund. The same logic applies to hurricane preparedness. Reform is both cheaper and more humane than waiting to be sued.

Although Florida may appear geographically distinct, it is not doctrinally isolated. It is a peninsula, not an island. Courts across the country have begun to develop standards that support the same kinds of claims now being raised in Florida. In Louisiana, the failure to evacuate Orleans Parish Prison during Hurricane Katrina set the stage for a federal consent decree¹³⁰ that would ultimately require systemic prisoner safety reforms and improvements to detention facility conditions. In 2025, a Texas federal court found that the extreme heat throughout the Texas prison system due to a lack of air conditioning in prison cells was ‘plainly unconstitutional’¹³¹ under the Eighth Amendment. And in Mississippi, the Fifth Circuit placed a jail in federal receivership due to chronic understaffing and deteriorating infrastructure, which the court found constituted ongoing Eighth Amendment violations.¹³² Florida’s prison system shares all three of these vulnerabilities.

The question is not whether these problems are real. Not only are they well documented, but they are worsening as storms intensify, and they are measured through the lives of tens of thousands of Floridians who had no say in where they were housed when the storm came. The real question is whether those with the power to change the rules will act before the next Category 4 hurricane makes landfall directly over a facility that was never designed to withstand it.

CONCLUSION

The evacuation signs along I-75 have always bothered me, long before I understood why. They suggest that, even in urgent situations, you don’t leave your pets behind. They run along a stretch of highway that spans the state, passing many of Florida’s 134 prisons, numerous county jails, and juvenile facilities, where the inhabitants and staff are left behind. They exist alongside a parallel reality that most evacuees likely never think about as they travel along the highway, a reality that only a few miles away, tens of thousands of people are watching the same storm on television, listening to the same warnings, but unable to go anywhere.

In September 2022, I was one of those people. I waited for Hurricane Ian to make landfall on a television screen in a boarded-up dorm with eighty men packed into a space built for fifty, no power, no medical staff, and peanut butter

130. Consent Judgment, *Jones v. Gusman*, No. 2:12-cv-00859-LMA-ALC, ECF No. 465 (E.D. La. June 6, 2013).

131. *Tiede v. Collier*, 796 F. Supp. 3d 275, 336 (W.D. Tex. 2025).

132. *United States v. Hinds County Board of Supervisors*, 128 F.4th 616 (5th Cir. 2025).

sandwiches waiting on the other side of the storm. Two months later, I was told with ten minutes' notice that a Category 1 hurricane meant I would not be returning to the job that I counted on to rebuild my life. Neither of these experiences was the result of an unusually severe storm. Instead, they originated from policies that likely received little scrutiny and were subsequently applied to a population powerless to challenge them.

What I have tried to show in this Article is that these harms are not merely isolated accidents. They are the predictable results of how Florida's correctional system was built, neglected, and operated. Across Florida, nearly 90,000 incarcerated people are housed in aging buildings without air conditioning within 134 facilities, dozens of which sit within hurricane evacuation zones. These facilities are chronically understaffed in a state directly in the path of storms that scientists have warned will be more catastrophic than anything we have seen before. The current framework, with FDC exercising broad administrative discretion, lacking tiered protocols, requiring no risk assessments, and imposing no meaningful notice requirements, was inadequate in 2022. As the climate continues to worsen, and the incarcerated population continues to increase, it will surpass mere inadequacy and become something closer to deliberate indifference, which is precisely the constitutional standard the Eighth Amendment prohibits.

The reforms proposed in Part IV, alternative power sources for charging ankle monitors, tiered evacuation guidelines, forty-eight hours' notice, expanding furloughs, prioritizing infrastructure improvements, and published risk assessments are not radical, nor are they expensive or complicated ideas. However, they require the recognition by lawmakers and administrators that the people affected by these policies are worth considering, that a sentence of incarceration is not, as one family member of an incarcerated person put it during Hurricane Milton, a death sentence.

Like many, I did not grow up thinking about any of this. Hurricanes meant days off from school, plywood on the windows, and making sure the generator we kept in the garage was working. For me, it took being locked inside a prison, in the dark, at the mercy of those around me, to gain an understanding of what it means to have no choice but to stay. However, climate change is not going to give Florida the option to keep looking the other way. These storms will keep coming; they will keep intensifying, and the people confined in their path will continue to be at risk unless these policies change and unless those who have experienced these storms from within these facilities, correctional staff and inmates alike, demand accountability.