

## Florida Reprieve Power

Governor DeSantis has unfettered authority to grant reprieves for renewable periods of 60 days. Fla. Const. art. IV, § 8 (“Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days . . .”); West's F.S.A. § 940.01 (same). “A ‘reprieve’ is a suspension or postponement of the execution of a sentence to a day certain.” *Ex parte Hyde*, 140 Fla. 494, 192 So. 159 (1939). Reprieves are not limited to capital cases, but rather may be granted to those serving custodial sentences. *See id.*

The power to grant reprieves is beyond legislative regulation or judicial review. *See Ex parte Hyde*, at 161 (1939) (“The courts will not interfere with the constitutional power of the Governor to grant reprieves.”). *See also Muhammad v. State*, 132 So. 3d 176, 198 (Fla. 2013) (“The clemency process in Florida derives solely from the Florida Constitution and we have recognized that the people of the State of Florida have vested ‘sole, unrestricted, unlimited discretion exclusively in the executive in exercising this act of grace.’”).

The governor may grant successive reprieves, “which taken together cover a period of more than 60 days.” *In re Advisory Opinion to Governor*, 62 Fla. 7, 9, 55 So. 865, 865 (1911).

Unlike reprieves, commutations and pardons require approval of two members of the governor’s cabinet. F.S.A. Const. Art. 4 § 8. By exempting reprieves from this requirement, the Florida Constitution ensures the governor’s ability to act swiftly in times of emergency.