

Unlawful Detention Accountability Act

A bill to be entitled

An act relating to accountability for unlawful detention; creating s. 901.246, Florida Statutes; providing a short title; providing legislative findings; providing definitions; providing criminal penalties for a responsible official who knowingly detains a person without charge beyond the time allowed by law; providing whistleblower protection for employees who report violations; requiring quarterly reporting by custodial agencies and detention facilities to the Legislature; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 901.246, Florida Statutes, is created to read:

901.246 Unlawful detention by a public official; penalties; reporting.—

(1) SHORT TITLE.—This section may be cited as the “Unlawful Detention Accountability Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that meaningful deterrence requires personal accountability for officials who knowingly prolong unlawful detention, protection for employees who report it, and public transparency about how often it occurs.

(3) DEFINITIONS.—As used in this section, the term:

- (a) “Custodial agency” and “detention facility” have the same meaning as provided in s. 901.245, if in effect, or, if not, mean, respectively, a law enforcement or correctional agency of this state or a political subdivision with physical custody of a person, and a jail, prison, civil commitment facility, or other facility holding a person in custody, including one operated under contract with this state, but excluding a facility operated exclusively by and under the exclusive custodial authority of the United States.
- (b) “Responsible official” means an officer, employee, director, warden, or administrator of a custodial agency or detention facility who has authority over, or personal knowledge of and the ability to remedy, the continued unlawful detention of a person.

(4) CRIMINAL PENALTIES.—

- (a) A responsible official who knowingly detains, or knowingly directs or permits the continued detention of, a person without a formal charge or lawful commitment order beyond the time allowed by law, without lawful authority to do so, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (b) A second or subsequent violation under paragraph (a) by the same responsible official, or a first violation in which the unlawful detention continues for more than 7 days beyond

the time allowed by law, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

- (c) A conviction under this subsection does not preclude a civil action arising from the same conduct.

(5) WHISTLEBLOWER PROTECTION.—A custodial agency or detention facility, or an official thereof, may not discharge, discipline, or otherwise retaliate against an employee or contractor for reporting, in good faith, a suspected violation of law regarding detention without charge to a supervisor, an inspector general, a state attorney, the Attorney General, or a court. An employee or contractor subjected to retaliation in violation of this subsection has a cause of action under s. 448.102.

(6) REPORTING REQUIREMENTS.—Each custodial agency and each detention facility shall submit a quarterly report to the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability, documenting the number of persons held beyond 48 hours without a probable cause determination, the number of persons held without a formal charge beyond the time allowed by law, the number of extensions granted and the reasons cited, and the number of releases ordered due to detention without charge. Reports submitted under this subsection are public records.

Section 2. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision, and the provisions of this act are declared severable.

Section 3. This act shall take effect July 1, 2027.