

By Senator Bennett

21-675-06

See HB 271

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A bill to be entitled

An act relating to custody of criminal defendants; amending s. 907.04, F.S.; providing for court orders requiring that arrestees in the custody of the Department of Corrections at the time of arrest be retained in the department's custody pending transfer to the custody of a sheriff; providing an effective date.

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

Section 1. Section 907.04, Florida Statutes, is amended to read:

907.04 Disposition of defendant upon arrest.--

(1) Except as provided in subsection (2), if a person who is arrested does not have a right to bail for the offense charged, he or she shall be delivered immediately into the custody of the sheriff of the county in which the indictment, information, or affidavit is filed. If the person who is arrested has a right to bail, he or she shall be released after giving bond on the amount specified in the warrant.

(2) If the person who is arrested is, at the time of arrest, in the custody of the Department of Corrections under sentence of imprisonment, the court may order that person to remain in the department's custody pending transportation and transfer to the custody of the sheriff of the county in which the indictment, information, or affidavit is filed, as necessary for further proceedings.

Section 2. This act shall take effect July 1, 2006.