

By the Committee on Criminal Justice; and Senator Lynn

307-2234-04

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A bill to be entitled  
An act relating to the right to a speedy trial;  
creating time limits within which a person  
charged with a crime by information or  
indictment must be brought to trial; permitting  
state attorneys to file a demand for a speedy  
trial; requiring that the trial judge schedule  
a calendar call upon the filing of a demand for  
a speedy trial in order to schedule a trial;  
providing an effective date.

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

Section 1. Victim's right to speedy trial; speedy  
trial demand by the state.--After the court grants a third  
continuance requested by the defendant in any felony or  
misdemeanor case, the state attorney may file a demand for a  
speedy trial. Alternatively, in any felony case not resolved  
within 125 days after the filing of formal charges, or in any  
misdemeanor case not resolved within 45 days after the filing  
of charges, the state attorney may file a demand for speedy  
trial. Upon filing of the demand, the trial court shall  
schedule a calendar call within 5 days, at which time the  
trial shall be scheduled to commence within not less than 5  
days or more than 45 days following the date of the calendar  
call.

Section 2. This act shall take effect July 1, 2004.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 288

- The CS changes the "trigger" for the speedy trial deadlines in the original bill, from the arrest of the defendant to the filing of formal charges.
- The CS provides two alternatives which must occur before the State invokes the speedy trial right conferred in the bill. Either the court has granted the defense three continuances in the case, or certain time periods have elapsed since the filing of formal charges. These time periods are 125 days in a felony case and 45 days in a misdemeanor case. The original bill provided for the State's demand for speedy trial after 125 days in a felony case and 40 days in a misdemeanor, post-arrest, and there was no reference to defense continuances.
- The CS deletes the provision in the original bill that would have all felony cases brought to trial within 175 days and all misdemeanors within 90 days, "barring unforeseen or extraordinary circumstances."