

By the Committees on Judiciary; Criminal Justice; and Senator Lynn

308-2507-04

1 A bill to be entitled
 2 An act relating to the right to a speedy trial;
 3 creating s. 918.0151, F.S.; creating time
 4 limits within which a person charged with a
 5 crime by information or indictment must be
 6 brought to trial; permitting state attorneys to
 7 file a demand for a speedy trial; providing
 8 conditions that must be met in order to do so;
 9 requiring that the trial judge schedule a
 10 calendar call upon the filing of a demand for a
 11 speedy trial in order to schedule a trial;
 12 prescribing conditions under which the trial
 13 court may extend a trial date; providing an
 14 effective date.

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

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 18 Section 1. Section 918.0151, Florida Statutes, is
 19 created to read:
 20 918.0151 Victim's right to speedy trial; speedy trial
 21 demand by state.--After the court grants a third continuance
 22 requested by the defendant and objected to by the state in any
 23 felony or misdemeanor case, the state attorney may file a
 24 demand for a speedy trial if the state has met its obligations
 25 under the rules of discovery. Alternatively, in any felony
 26 case not resolved within 125 days after the filing of formal
 27 charges and the arrest of the defendant or service of a notice
 28 to appear in lieu of arrest, or in any misdemeanor case not
 29 resolved within 45 days after the filing of charges and the
 30 arrest of the defendant or service of notice to appear in lieu
 31 of arrest, the state attorney may file a demand for speedy

1 trial if the state has met its obligations under the rules of
2 discovery. Upon filing of the demand, the trial court shall
3 schedule a calendar call within 5 days, at which time the
4 trial shall be scheduled to commence within not less than 5
5 days or more than 45 days following the date of the calendar
6 call. The trial court may extend the trial date for up to 30
7 additional days upon a showing by the defendant that a
8 necessary witness or witnesses were properly served but failed
9 to attend a scheduled deposition and that, despite a
10 subsequent court order to appear, they failed to do so. The
11 trial court may also extend the time limit for trial outlined
12 in this section by not less than 30 days but not more than 70
13 days due to the appointment or substitution of counsel due to
14 conflict of interest or other good legal cause for new counsel
15 shown by the defendant.

16 Section 2. This act shall take effect July 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS Senate Bill 288

This CS limits the state's authority to file a demand for speedy trial in the following manner:

- Requires the state to object to the defense continuances;
- Requires the state to have met its obligations under discovery rules; and,
- Regarding the specified time limits, requires that they start from the date of the filing of formal charges and the arrest of the defendant or service of a notice to appear in lieu of arrest.

Grants the court discretion to extend the trial date in the following instances:

- The trial court can extend for up to 30 additional days upon a showing by the defendant that a necessary witness or witnesses were properly served but failed to attend a scheduled deposition, even after a subsequent court order.
- The trial court can extend by not less than 30 days or more than 70 days due to the appointment or substitution of counsel due to a conflict of interest or other good legal cause for new counsel shown by the defendant.