

By Senator Lynn

7-235-05

1 A bill to be entitled

2 An act relating to the right to a speedy trial;

3 creating time limits within which a person

4 charged with a crime must be brought to trial;

5 permitting state attorneys to file a demand for

6 a speedy trial; providing conditions that must

7 be met in order to do so; requiring that the

8 trial judge schedule a calendar call upon the

9 filing of a demand for a speedy trial in order

10 to schedule a trial; prescribing conditions

11 under which the trial court may postpone a

12 trial date; providing an effective date.

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

16 Section 1. Victim's right to a speedy trial; speedy
17 trial demand by the state attorney.--

18 (1) The state attorney may file a demand for a speedy
19 trial if the state has met its obligations under the rules of
20 discovery, and if the charge is:

21 (a) A felony or misdemeanor and the court has granted
22 at least three continuances upon the request of the defendant
23 and over the objection of the state attorney.

24 (b) A felony and the case is not resolved within 125
25 days after the date that formal charges are filed and the
26 defendant is arrested or the date that notice to appear in
27 lieu of arrest is served upon the defendant.

28 (c) A misdemeanor and the case is not resolved within
29 45 days after the date that formal charges are filed and the
30 defendant is arrested or the date that notice to appear in
31 lieu of arrest is served upon the defendant.

1 (2) Upon the filing of a demand for a speedy trial,
2 the trial court shall schedule a calendar call within 5 days,
3 at which time the court shall schedule the trial to commence
4 no sooner than 5 days or later than 45 days following the date
5 of the calendar call.

6 (3)(a) The trial court may postpone the trial date for
7 up to 30 additional days upon a showing by the defendant that
8 a necessary witness who was properly served failed to attend
9 the deposition and also failed to attend a subsequently
10 scheduled deposition following a court order to appear.

11 (b) The trial court may also postpone the trial date
12 for no fewer than 30 days but no more than 70 days if the
13 court grants a motion by counsel to withdraw due to a conflict
14 of interest, or for other good legal cause, and the court
15 appoints other counsel.

16 Section 2. This act shall take effect July 1, 2005.

17
18 *****

19 SENATE SUMMARY

20 Creates time limits within which a person charged with a
21 crime must be brought to trial. Permits state attorneys
22 to file a demand for a speedy trial. Provides conditions
23 that must be met in order to file a demand for a speedy
24 trial. Requires that the trial judge schedule a calendar
25 call upon the filing of a demand for a speedy trial in
26 order to schedule a trial. Prescribes conditions under
27 which the trial court may extend a trial date.