

By the Committee on Judiciary; and Senator Lynn

590-2038-05

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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 must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; 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; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

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

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

(1) The state attorney may file a demand for a speedy trial if the state has met its obligations under the rules of discovery, the charge is a felony or misdemeanor, the court has granted at least three continuances upon the request of the defendant over the objection of the state attorney, and:

(a) If a felony case, it is not resolved within 125 days after the date that formal charges are filed and the defendant is arrested or the date that notice to appear in lieu of arrest is served upon the defendant; or

(b) If a misdemeanor case, it is not resolved within 45 days after the date that formal charges are filed and the defendant is arrested or the date that notice to appear in 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. The court may, however, grant whatever  
6 further extension may be required to prevent deprivation of  
7 the defendant's right to due process.

8           (3)(a) The trial court may postpone the trial date for  
9 up to 30 additional days upon a showing by the defendant that  
10 a necessary witness who was properly served failed to attend  
11 the deposition and also failed to attend a subsequently  
12 scheduled deposition following a court order to appear. The  
13 court may, however, grant whatever further extension may be  
14 required to prevent deprivation of the defendant's right to  
15 due process.

16           (b) The trial court may also postpone the trial date  
17 for no fewer than 30 days but no more than 70 days if the  
18 court grants a motion by counsel to withdraw and the court  
19 appoints other counsel. The court may, however, grant whatever  
20 further extension may be required to prevent deprivation of  
21 the defendant's right to due process.

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

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24           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
25                               COMMITTEE SUBSTITUTE FOR  
26                               Senate Bill 214

27           This committee substitute authorizes the court to extend the  
28           date of trial as necessary to ensure that due process is  
29           provided for the defendant.