

ENROLLED

HB 285, Engrossed 1

2005 Legislature

1 A bill to be entitled

2 An act relating to the right to a speedy trial; creating
3 time limits within which a person charged with a crime
4 must be brought to trial; permitting state attorneys to
5 file a demand for a speedy trial; providing conditions
6 that must be met in order to do so; requiring that the
7 trial judge schedule a calendar call upon the filing of a
8 demand for a speedy trial in order to schedule a trial;
9 prescribing conditions under which the trial court may
10 postpone a trial date; providing an effective date.

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

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

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

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

25 (b) If a misdemeanor case, it is not resolved within 45
26 days after the date that formal charges are filed and the
27 defendant is arrested or the date that notice to appear in lieu
28 of arrest is served upon the defendant.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 (2) Upon the filing of a demand for a speedy trial, the
30 trial court shall schedule a calendar call within 5 days, at
31 which time the court shall schedule the trial to commence no
32 sooner than 5 days or later than 45 days following the date of
33 the calendar call. The court may, however, grant whatever
34 further extension may be required to prevent deprivation of the
35 defendant's right to due process.

36 (3) (a) The trial court may postpone the trial date for up
37 to 30 additional days upon a showing by the defendant that a
38 necessary witness who was properly served failed to attend the
39 deposition and also failed to attend a subsequently scheduled
40 deposition following a court order to appear. The court may,
41 however, grant whatever further extension may be required to
42 prevent deprivation of the defendant's right to due process.

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

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