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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/17/2011	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 250 and 251
insert:

Section 4. Section 316.1905, Florida Statutes, is amended
to read:

316.1905 Electrical, mechanical, or other speed calculating
devices; power of arrest; evidence.—

(1) Whenever any peace officer engaged in the enforcement
of the motor vehicle laws of this state uses an electronic,
electrical, mechanical, or other device used to determine the
speed of a motor vehicle on any highway, road, street, or other



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13 public way, such device shall be of a type approved by the
14 department and shall have been tested to determine that it is
15 operating accurately. Tests for this purpose shall be made not
16 less than once each 6 months, according to procedures and at
17 regular intervals of time prescribed by the department.

18 (2) Any police officer, upon receiving information relayed
19 to him or her from a fellow officer stationed on the ground or
20 in the air operating such a device that a driver of a vehicle
21 has violated the speed laws of this state, may arrest the driver
22 for violation of said laws where reasonable and proper
23 identification of the vehicle and the speed of same has been
24 communicated to the arresting officer.

25 (3) Citations for violations of ss. 316.183, 316.187,
26 316.189, 316.1893, and 316.1895 may not be issued or prosecuted
27 unless a law enforcement officer used an electrical, mechanical,
28 or other speed-calculating device that has been tested and
29 approved in accordance with subsection (1).

30 (4)~~(3)~~(a) A witness otherwise qualified to testify shall be
31 competent to give testimony against an accused violator of the
32 motor vehicle laws of this state when such testimony is derived
33 from the use of such an electronic, electrical, mechanical, or
34 other device used in the calculation of speed, upon showing that
35 the speed calculating device which was used had been tested.
36 However, the operator of any visual average speed computer
37 device shall first be certified as a competent operator of such
38 device by the department.

39 (b) Upon the production of a certificate, signed and
40 witnessed, showing that such device was tested within the time
41 period specified and that such device was working properly, a



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42 presumption is established to that effect unless the contrary
43 shall be established by competent evidence.

44 (c) Any person accused pursuant to the provisions of this
45 section shall be entitled to have the officer actually operating
46 the device appear in court and testify upon oral or written
47 motion.

48

49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete line 11

52 and insert:

53 license plates; conforming a reference; amending s.
54 316.1905, F.S.; providing that certain traffic citations may not
55 be issued or prosecuted unless a law enforcement officer used an
56 electrical, mechanical, or other speed-calculating device that
57 has been tested and approved; amending s.

58