



774454

LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (768878) (with title**
2 **amendment)**

3
4 Between lines 250 and 251
5 insert:

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

8 316.1905 Electrical, mechanical, or other speed calculating
9 devices; power of arrest; evidence.—

10 (1) Whenever any peace officer engaged in the enforcement
11 of the motor vehicle laws of this state uses an electronic,
12 electrical, mechanical, or other device used to determine the



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

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

26 (3) Citations for violations of ss. 316.183, 316.187,
27 316.189, and 316.1893 may not be issued or prosecuted unless a
28 law enforcement officer used an electrical, mechanical, or other
29 speed-calculating device that has been tested and approved in
30 accordance with subsection (1), unless the violation is
31 determined to have contributed to a crash and the law
32 enforcement officer is able to determine by other reliable
33 measures that the driver was speeding.

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



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42 device by the department.

43 (b) Upon the production of a certificate, signed and
44 witnessed, showing that such device was tested within the time
45 period specified and that such device was working properly, a
46 presumption is established to that effect unless the contrary
47 shall be established by competent evidence.

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

52

53

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

55 And the title is amended as follows:

56 Delete line 11

57 and insert:

58 license plates; conforming a reference; amending s.
59 316.1905, F.S.; providing that certain traffic citations may not
60 be issued or prosecuted unless a law enforcement officer used an
61 electrical, mechanical, or other speed-calculating device that
62 has been tested and approved; providing exceptions; amending s.

63