



396716

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/13/2010	.	
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The Committee on Transportation and Economic Development
Appropriations (Dockery) recommended the following:

Senate Amendment (with title amendment)

Delete lines 70 - 82
and insert:

Section 2. Subsection (3) of section 316.1905, Florida
Statutes, is amended to read:

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

(3) (a) Citations for violations of ss. 316.183, 316.187,
316.189, 316.1893, and 316.1895, shall be issued upon a police
officer's use of an electrical, mechanical, or other speed
calculating device, approved and tested pursuant to subsection



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13 (1). Evidence presented in court shall be based only upon
14 evidence that was obtained through the use of such device. This
15 subsection does not apply to speed determinations made as a
16 result of crash investigations, nor does it preclude a police
17 officer from lawfully stopping a vehicle suspected of speeding,
18 based only upon the officer's visual and aural perceptions.

19 (b) A witness otherwise qualified to testify shall be
20 competent to give testimony against an accused violator of the
21 motor vehicle laws of this state when such testimony is derived
22 from the use of such an electronic, electrical, mechanical, or
23 other device used in the calculation of speed, upon showing that
24 the speed calculating device which was used had been tested.
25 However, the operator of any visual average speed computer
26 device shall first be certified as a competent operator of such
27 device by the department.

28 (c) ~~(b)~~ Upon the production of a certificate, signed and
29 witnessed, showing that such device was tested within the time
30 period specified and that such device was working properly, a
31 presumption is established to that effect unless the contrary
32 shall be established by competent evidence.

33 (d) ~~(e)~~ Any person accused pursuant to the provisions of
34 this section shall be entitled to have the officer actually
35 operating the device appear in court and testify upon oral or
36 written motion.

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete line 4

41 and insert:



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F.S.; authorizing the use of speed calculating
devices; requiring evidence of certain violations to
be based upon the use of such devices; providing
exceptions; conforming provisions; amending s.
316.1951,