

TRAFFIC COURT RULES COMMITTEE AMENDMENTS

The Traffic Court Rules Committee invites comments on the proposed rule amendment. Interested persons have until August 31, 2020, to submit any comments, electronically, to Ira Karmelin, Chair of the Traffic Court Rules Committee, at dui-help@comcast.net, and to the Bar staff liaison, Krys Godwin, at kgodwin@floridabar.org.

RULE 6.445. DISCOVERY: INFRACTIONS ONLY

If an electronic or mechanical speed measuring device is used by the citing officer, the type of device and the manufacturer's serial number or no less than the last six digits of the vehicle identification number (VIN) must be included in the body of the citation. If the device does not have a manufacturer's serial number, an identification number must be permanently engraved onto the device. Identification numbers and markings engraved on the speed measuring device by any party other than the manufacturer must be unique and cannot be repeated or reused. If any relevant supporting documentation regarding such device is in the officer's possession at the time of trial, the defendant or defendant's attorney shall be entitled to review that documentation immediately before that trial.

Committee Notes

2009 Amendment. This amendment is based on the fact that currently to the committee's knowledge there are 5 different measuring devices or types: Radar, Laser, Pace Car, Vascar, and airplane with stopwatch. It is believed that identifying the type of measuring device is not unduly burdensome to the state and it is necessary in the preparation of a defense. Withholding this information until the time of trial unduly prejudices the defense. This amendment is also forward-looking in that as new measuring devices appear, they can be effectively used as long as they are disclosed.

20 Amendment. This amendment arose because certain speed measuring devices do not have manufacturer's serial numbers. As such, a unique and non-repeating identification is required to comply with the intent of the rule.