

Supreme Court of Florida

No. SC2023-0548

IN RE: AMENDMENTS TO FLORIDA RULE OF TRAFFIC COURT 6.445.

October 26, 2023

PER CURIAM.

In *In re Amendments to the Florida Rules of Traffic Court*, 361 So. 3d 778 (Fla. 2023), The Florida Bar’s Traffic Court Rules Committee filed a report proposing amendments to the Florida Rules of Traffic Court, including a proposal to amend rule 6.445 (Discovery: Infractions Only). However, the Court, on its own motion, severed the proposed amendments to rule 6.445 for consideration in this case. *See id.* at 779 n.2. The Court then republished the proposed amendments to the rule, with Court revisions,¹ and the Committee filed a comment suggesting further editorial changes.

1. We have jurisdiction. *See* art. V, § 2(a), Fla. Const.; *see also* Fla. R. Gen. Prac. & Jud. Admin. 2.140(d).

Having considered the Committee’s proposal and comment to the Court’s revised proposed amendments, the Court hereby amends rule 6.445 to clarify that citations must identify the type of speed measuring device used as well as either the device’s manufacturer’s serial number or, if a pace car is used, no less than the last six digits of the automobile’s vehicle identification number.

Accordingly, the Florida Rules of Traffic Court are amended as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments shall become effective January 1, 2024, at 12:01 a.m.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Traffic Court

Howard J. Williams, Chair, Traffic Court Rules Committee, Tampa, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Michael A. Hodges, Bar Liaison, The Florida Bar, Tallahassee, Florida,

Responding with comments

Appendix

RULE 6.445. DISCOVERY: INFRACTIONS ONLY

(a) ~~If an~~The electronic or mechanical speed measuring device is used by the citing officer, ~~the type of device and the manufacturer's serial number must be included in the body of the citation.~~ must be identified by its type, and:

(1) if the device is a pace car, by no less than the last 6 digits of the automobile's vehicle identification number (VIN); or

(2) if the device is another electronic or mechanical speed measuring device, by the manufacturer's serial number.

(b) 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

[No Change]