

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1782

INTRODUCER: Transportation Committee and Senator Pizzo

SUBJECT: Dangerous Excessive Speeding

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Fav/CS
2.	Kolich	Harkness	ACJ	Pre-meeting
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1782 creates the offense of dangerous excessive speeding. The bill provides that a person commits dangerous excessive speeding if he or she operates a motor vehicle in the following manner:

- Exceeds the posted speed limit by 50 miles per hour (mph) or more;
- Operates a motor vehicle at 100 mph or more while passing another vehicle or changing lanes; or
- Operates a motor vehicle on any street or roadway other than a limited access highway while exceeding the posted speed limit by 35 mph or more.

The offense of dangerous excessive speeding is punishable as follows: upon a first conviction, by up to 90 days in jail or by a fine of \$500, or by both a fine and jail sentence; upon a second or subsequent conviction, by up to six months in jail or by a fine of \$1,000, or by both a fine and jail sentence. A person convicted of a second or subsequent violation of dangerous excessive speeding within five years after the date of a prior conviction for such an offense may have his or her driving privilege revoked for at least 180 days but no more than one year.

The bill provides any driver who is cited for exceeding the speed limit in excess of 50 mph must appear before a designated official at a mandatory hearing.

The bill has an indeterminate fiscal impact on local and state governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Speed As a Factor in Crashes and Injuries

According to the Institute for Highway Safety,¹ speed has a major impact on the number of crashes and the severity of injuries they cause. It influences the risk of crashes and crash injuries in four basic ways:

- It increases the distance a vehicle travels from the time a driver detects an emergency to the time the driver reacts.
- It increases the distance needed to stop a vehicle once the driver starts to brake.
- It increases the risk that an evasive steering maneuver will result in loss of control.
- It increases crash energy disproportionately. For example, when impact speed increases from 40 to 60 mph (a 50 percent increase), the energy that needs to be managed increases by 125 percent. This additional energy needs to be absorbed and dissipated, challenging the vehicle structure and increasing the likelihood of severe injuries.²

In a high-speed crash, a passenger vehicle is subjected to forces so severe that the vehicle structure cannot withstand the stress and maintain survival space in the occupant compartment. Likewise, as crash speeds get very high, restraint systems such as airbags and safety belts cannot keep the forces on occupants below severe injury levels.³

Speed-Related Infractions

Current state law generally prohibits a person from driving a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, with regard to the existing actual and potential hazards.⁴ A violation of this provision is a noncriminal traffic infraction, punishable as a moving violation. The fines (not including applicable court costs and fees) for unlawful speed under this provision are based on the miles per hour (mph) over which the vehicle exceeded the speed limit. The fines range from a warning for excess speed from one to five mph, to increasing penalties up to \$250 for excess speed 30 mph and above.⁵

In addition, a person who exceeds the posted speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads must also be cited for a moving violation as an additional offense,⁶ subjecting a violator to the same range of fines.

Other speed-related violations may result in enhanced penalties. For example:

¹ See IIHS-HLDI, available at <https://www.iihs.org/> (last visited April 11, 2025). The IIHS is “a nonprofit scientific and educational organization dedicated to making roads and vehicles safer for everyone.”

² IIHS, *Dangers of Speed*, available at <https://www.iihs.org/topics/speed#overview> (last visited April 11, 2025).

³ *Id.*

⁴ Section 316.183(1), F.S.

⁵ Section 318.18(3)(b), F.S.

⁶ Section 316.1926, F.S. See ss. 316.183(2), 316.187, and 316.189, F.S., for the established and authorized speed limits.

- A violation for exceeding the speed limit by up to five mph in a legally posted school zone results in a \$50 fine; and
- A person exceeding the speed limit in a school zone or designated school crossing must pay a fine double the amount listed in the range of fines.⁷

Reckless Driving

Current law provides that any person who drives a vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Current law also provides that fleeing a law enforcement officer in a motor vehicle is an action that constitutes reckless driving, regardless of whether it is in willful or wanton disregard for the safety of persons or property.⁸

Any driver convicted of reckless driving may be punished as follows:

- First conviction: Imprisonment for a period of up to 90 days, a fine ranging from a minimum of \$25 to a maximum of \$500, or by both.
- Second or subsequent conviction: Imprisonment for a period of up to six months, a fine ranging from a minimum of \$50 to a maximum of \$1,000, or both.⁹

A conviction for reckless driving generally cannot be based on evidence of excessive speed alone.¹⁰ However, in limited cases, appellate courts in Florida have suggested “grossly excessive” speeding may alone be sufficient for a conviction.¹¹ A conviction for reckless driving will typically be upheld where speed is coupled with other factors (improper passing, ignoring traffic control devices, impaired driving, etc.) indicating a willful or wanton disregard for the safety of others.

Mandatory Hearing

Current law requires persons who commit certain traffic infractions to appear before a designated official at the time and location of a scheduled hearing.¹² Specifically, any person cited for any traffic infraction listed below must appear before a designated official for a hearing:

- Any infraction which results in a crash that causes the death of another;
- Any infraction which results in a crash that causes serious bodily injury¹³ of another;
- Any infraction of passing a school bus on the side of the bus where children enter or exit the bus while the bus is displaying a stop signal;¹⁴
- Any infraction related to unsecured loads;¹⁵ or

⁷ Section 318.18(3)(c), F.S.

⁸ Section 316.192(1), F.S.

⁹ Section 316.192(2), F.S.

¹⁰ *Luzardo v. State*, 147 So. 3d 1083, 1085 (Fla. 3d DCA 2014), *Hamilton v. State*, 439 So. 2d 238 (Fla. 2d DCA 1983).

¹¹ *Rubinger v. State*, 98 So. 3d 659, 662 (Fla. 4th DCA 2012).

¹² Section 318.19, F.S.

¹³ Section 316.1933(1)(b), F.S., defines the term “serious bodily injury” to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

¹⁴ Section 316.172(1)(b), F.S.

¹⁵ Sections 316.520(1) and (2), F.S.

- Specified infractions involving exceeding the speed limit by 30 mph or more.^{16,17}

III. Effect of Proposed Changes:

The bill creates s. 316.1922, F.S., to provide that a person commits dangerous excessive speeding if he or she operates a motor vehicle in the following manner:

- Exceeds the posted speed limit by 50 mph or more;
- Operates a motor vehicle at 100 mph or more while passing another vehicle or changing lanes; or
- Operates a motor vehicle on any street or roadway other than a limited access highway while exceeding the posted speed limit by 35 mph or more.

The bill also creates the following penalties for dangerous excessive speeding:

- First Conviction: Imprisonment for up to 90 days or a fine of \$500, or both.
- Second or Subsequent Conviction: Imprisonment for up to six months or a fine of \$1,000, or both. A person who is convicted of a second or subsequent violation that occurs within five years after the date of the prior conviction may have his or her license privilege revoked for at least 180 days, but not more than one year.

The bill amends s. 318.14, F.S., to provide an exception to the requirement that a law enforcement officer must indicate the applicable civil penalty on a traffic citation for infractions related to exceeding the speed limit by 30 mph or more, or 50 mph or more.

The bill amends s. 318.19, F.S., to provide that any driver who commits an infraction for exceeding the speed limit in excess of 50 mph under s. 316.1926(2), F.S., must appear before a designated official at a mandatory hearing.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ Sections 316.183(2), s. 316.187, or s. 316.189, F.S.

¹⁷ Section 318.19, F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on state revenues due to the increase in fines associated with persons committing the criminal offense outlined in the bill.

DHSMV has indicated that there will be indeterminate programming costs relating to updating its systems and procedures associated with the new offense of dangerous excessive speeding.

The bill may have an indeterminate fiscal impact on local governments related to jail beds by creating a new criminal offense for dangerous excessive speeding. The bill may have indeterminate positive fiscal impact if such entities benefit from the increased fines provided for in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 316.1922 of the Florida Statutes.

This bill amends sections 318.14 and 318.19 of the Florida Statutes

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on April 1, 2025:

The committee substitute removes the provisions in the bill relating to reckless driving and creates a criminal offense for dangerous excessive speeding. A person commits the offense of dangerous excessive speeding if they:

- Exceed the speed limit by 50 mph or more;
- Operate a motor vehicle at 100 mph or more, while passing another vehicle or changing lanes; or
- Operate a motor vehicle on any street or roadway other than a limited access highway while exceeding the posted speed limit by 35 mph or more.

B. Amendments:

None.