

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 Committee on Transportation

BILL: SB 1782

INTRODUCER: Senator Pizzo

SUBJECT: Traffic Enforcement

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Pre-meeting
2.			CJ	
3.			FP	

I. Summary:

SB 1782 provides that the following actions constitute reckless driving, regardless of whether they are done with willful and wanton disregard for the safety of persons or property:

- Exceeding the posted speed limit by 50 miles per hour (mph).
- Operating a motor vehicle in excess of 100 mph while passing another vehicle or changing lanes.
- Operating 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 enhances penalties relating to reckless driving by increasing fine amounts and providing for the revocation of driving privileges for specified time periods. The bill also requires a mandatory hearing for certain violations.

The bill authorizes a law enforcement officer to impound a motor vehicle used in violation of the offense of reckless driving for a period of 30 business days.

The bill will likely have an indeterminate fiscal impact on local and state governments and the private sector. *See* Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

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.¹

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 \$25 to a maximum of \$500, or by both.
- Second or subsequent conviction: Imprisonment for a period up to six months, a fine ranging from a minimum of \$50 to a maximum of \$1,000, or both.²

These penalties may be enhanced if a reckless driver also causes property damage or bodily injury to another, or causes serious bodily injury to another.³ If the reckless driver causes damage to the property or person of another, the driver commits a first degree misdemeanor, which is punishable by a term of imprisonment not exceeding one year⁴ and a possible \$1,000 fine.⁵ If the reckless driver causes serious bodily injury,⁶ the driver commits a third degree felony, which is punishable by a term of imprisonment not exceeding five years⁷ and a possible \$5,000 fine,⁸ with additional penalties for violent and habitual career and felony offenders.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;

¹ Section 316.192(1), F.S.

² Section 316.192(2), F.S.

³ Section 316.192(3), F.S.

⁴ Section 775.082(4)(a), F.S.

⁵ Section 775.083(1)(d), F.S.

⁶ Defined to mean an injury to another person, 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. Section 316.192(3)(c)2., F.S.

⁷ Section 775.082(3)(e), F.S.

⁸ Section 775.083(1)(c), F.S.

⁹ Section 775.084, 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.

- 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
- Any speeding infraction involving exceeding the speed limit by 30 mph or more.^{16,17}

Moving Violations Related to Exceeding the Speed Limit and Certain Motorcycle Laws

Current law provides that the following actions must be cited as moving violations:

- A driver of a motor vehicle who exceeds the speed limit in excess of 50 mph.
- A driver of a motorcycle or moped who fails to have both wheels on the ground at all times, facing forward, and with one leg on each side of the motorcycle.
- A driver of a motorcycle or moped who fails to have a license plate permanently affixed to a motorcycle or moped and clearly visible from the rear at all times.¹⁸

The following penalties apply to such violations:

- First violation: A fine of \$1,000.¹⁹
- Second violation: A fine of \$2,500 and the revocation of driving privilege for one year.²⁰
- Third violation: A fine of \$5,000 and the revocation of driving privilege for ten years.²¹

The fines above, if for violations relating to exceeding the speed limit by 30 mph or above, are in lieu of the \$250²² fine charged for moving violations for unlawful speed.

Speed As a Factor in Crashes and Injuries

According to the Institute for Highway Safety,²³ 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

¹⁴ Section 316.172(1)(b), F.S.

¹⁵ Sections 316.520(1) and (2), F.S.

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

¹⁷ Section 318.19, F.S.

¹⁸ Section 316.1926, F.S.

¹⁹ Section 318.14(13)(a), F.S.

²⁰ Section 318.14(13)(b), F.S.

²¹ Section 318.14(13)(c), F.S.

²² Section 318.18(3)(b), F.S.

²³ See IIHS-HLDI, available at <https://www.iihs.org/> (last visited March 27, 2025). “The IIHS is an independent, nonprofit scientific and educational organization dedicated to reducing deaths, injuries and property damage from motor vehicle crashes through research and evaluation and through education of consumers, policymakers and safety professionals.”

percent. This additional energy needs to be absorbed and dissipated, challenging the vehicle structure and increasing the likelihood of severe injuries.²⁴

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.²⁵

III. Effect of Proposed Changes:

The bill amends s. 316.192, F.S., to provide that the following are additional actions that constitute reckless driving, regardless of whether they are done with willful and wanton disregard for the safety of persons or property:

- Exceeding the posted speed limit by 50 mph.
- Operating a motor vehicle in excess of 100 mph while passing another vehicle or changing lanes.
- Operating 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 increases penalties for reckless driving as follows:

- First Conviction: Increases the fine to not less than \$1,000 and provides that the court must revoke the person's driving privilege for six months.
- Second or Subsequent Conviction: Increases the fine to not less than \$2,500 and provides that the court must revoke the person's driving privilege for one year.

The bill authorizes law enforcement to immediately impound the motor vehicle for up to 30 business days if a law enforcement officer has arrested or issued a criminal citation to the operator of a motor vehicle who exceeds the speed limit by 50 mph or more, operates the vehicle at 100 mph or more, 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 law enforcement officer must notify the Department of Highway Safety and Motor Vehicles (DHSMV) of any impoundment according to procedures established by DHSMV and codified in s. 316.191(5), F.S.

The bill amends s. 318.14, F.S., to provide that upon a first violation of s. 316.1926 F.S., the court shall revoke the driving privilege of the driver for six months.

The bill amends s. 318.19, F.S., to provide that any driver who commits the following infractions must appear before a designated official at a mandatory hearing:

- A driver of a motor vehicle who exceeds the speed limit in excess of 50 mph.
- A driver of a motorcycle or moped who fails to have both wheels on the ground at all times, facing forward, and with one leg on each side of the motorcycle.
- A driver of a motorcycle or moped who fails to have a license plate permanently affixed to a motorcycle or moped and clearly visible from the rear at all times.

²⁴ IIHS, *Dangers of Speed*, available at <https://www.iihs.org/topics/speed#overview> (last visited March 27, 2025).

²⁵ *Id.*

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.

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:

The bill may have an indeterminate positive fiscal impact on private towing and storage companies to the extent that such companies' services are used by law enforcement for vehicle impoundment.

C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on state revenues due to the increase of fines for persons committing the traffic violations as outlined in the bill. However, the DHSMV has indicated that there will be programming costs relating to updating its systems and procedures to reflect the new reckless driving citations. Additionally, the DHSMV has indicated that it will incur costs to train the Florida Highway Patrol on the impoundment of a motor vehicle and enforcement of the specified violations.²⁶

²⁶ Department of Highway Safety and Motor Vehicles, DHSMV 2025 Agency Analysis HB 351, p. 4-5 (Mar. 15, 2025).

The bill may have an indeterminate positive fiscal impact on local governments if such entities benefit from the increased fines as outlined in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.192, 318.14, and 318.19.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.