

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/CS/HB 351](#)

TITLE: Dangerous Excessive Speeding

SPONSOR(S): Plasencia

COMPANION BILL: [SB 1782](#) (Pizzo)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

13 Y, 4 N, As CS

SUMMARY

Effect of the Bill:

The bill creates a criminal offense for dangerous excessive speeding if a driver exceeds the speed limit by 50 miles per hour (mph) or more or operates a motor vehicle at 100 mph or more. The bill also requires a mandatory hearing for traffic infractions relating to speeding in excess of 50 mph.

Fiscal or Economic Impact:

The bill may have a positive indeterminate impact on jail beds by creating new criminal offenses related to dangerous excessive speeding, and may have a positive indeterminate impact on local and state governments by creating mandatory fines associated with such offenses.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill creates a criminal offense for “dangerous excessive speeding” if a person operates a motor vehicle:

- Exceeding the [speed limit](#) by 50 miles per hour (mph) or more.
- At 100 mph or more. (Section [1](#))

Under the bill, a person who commits dangerous excessive speeding is punished 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 must have his or her driving privilege revoked for at least 180 days but no more than one year. (Section [1](#))

The bill provides 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](#). (Section [3](#))

The bill authorizes, rather than requires, an officer to indicate the applicable civil penalty on a traffic citation for infractions under ss. [318.19\(5\)](#) or [316.1926\(2\)](#), F.S., related to exceeding the speed limit by 30 mph or more, or 50 mph or more. (Section [2](#))

The effective date of the bill is July 1, 2025. (Section [4](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have a positive indeterminate impact on state government by creating mandatory fines associated with dangerous excessive speeding offenses.

STORAGE NAME: h0351b.CRM

DATE: 4/1/2025

LOCAL GOVERNMENT:

The bill may have a positive indeterminate impact on jail beds by creating new criminal offenses related to dangerous excessive speeding, and may have a positive indeterminate impact on local governments by creating mandatory fines associated with such offenses.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Unlawful Speeding

Under [s. 316.183, F.S.](#), a person may not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Speed must be controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object on or entering the highway in compliance with legal requirements and the duty of all persons to use due care. Currently, the following speed regulations apply:

- On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The minimum speed limit on all highways that comprise a part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour.
- A school bus may not exceed the posted speed limits at any time.
- The driver of every vehicle must, consistent with specified requirements, drive at an appropriately reduced speed when:
 - Approaching and crossing an intersection or railway grade crossing;
 - Approaching and going around a curve;
 - Approaching a hill crest;
 - Traveling upon any narrow or winding roadway; and
 - Any special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.
- No driver of a vehicle shall exceed the posted maximum speed limit in a work zone area.

A person who drives at an unlawful speed generally commits a noncriminal traffic infraction, punishable as a moving violation as provided under chapter 318, F.S. Specifically, under [s. 318.18\(3\)\(b\), F.S.](#), a person who exceeds the speed limit by:

- 1-5 mph will receive a warning.
- 6-9 mph will be fined \$25.
- 10-14 mph will be fined \$100.
- 15-19 mph will be fined \$150.
- 20-29 mph will be fined \$175.
- 30 mph and above will be fined \$250.

Additionally, a person cited for a second or subsequent conviction of speed exceeding the limit by 30 miles per hour and above within a 12-month period must pay a fine that is double the amount listed above.¹

Under [s. 316.1926, F.S.](#), a person who exceeds the speed limit in excess of 50 miles per hour or more in violation of ss. [316.183\(2\)](#), [316.187](#), or [316.189, F.S.](#), must be cited for a moving violation, punishable as provided in chapter 318, F.S.

¹ S. [318.18\(3\)\(i\), F.S.](#)

Mandatory Hearing

Current law requires certain persons who commit certain traffic infractions to appear before a designated official at the time and location of a scheduled hearing.² For example, a person must appear before a designated official for a mandatory hearing if he or she exceeds the speed limit by 30 miles per hour (mph) or more.³

Other Requirements Related to Traffic Infractions

Generally, under [s. 318.14\(2\), F.S.](#), any person cited for a violation requiring a mandatory hearing listed in [s. 318.19, F.S.](#), or any other criminal traffic violation listed in chapter 316, F.S., must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in [s. 318.18, F.S.](#)

For all other infractions under this section, except for infractions under [s. 316.1001, F.S.](#), the officer must also certify by electronic, electronic facsimile, or written signature that the citation was delivered to the person cited.⁴

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 as reckless driving, regardless of whether it is in willful or wanton disregard for the safety of persons or property.⁵

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

- Upon a first conviction, by imprisonment for a period of up to 90 days, a fine ranging from a minimum \$25 to a maximum of \$500, or both.
- Upon a second or subsequent conviction, by imprisonment for a period up to six months, a fine ranging from a minimum of \$50 to a maximum of \$1,000, or both.⁶

Florida court have held that excessive speed, by itself, does not constitute reckless driving, which requires “competent, substantial evidence that circumstances in addition to [...] speeding showed that [a defendant] was acting ‘with a conscious and intentional indifference to consequences and with knowledge that damage [was] likely to be done to persons or property.’”⁷

² S. [318.19, F.S.](#)

³ S. [318.19\(5\), F.S.](#)

⁴ S. [318.14\(2\), F.S.](#)

⁵ S. [316.192\(1\), F.S.](#)

⁶ S. [316.192\(2\), F.S.](#)

⁷ *Harris v. State*, 318 So. 3d 645, 649 (Fla. 2nd DCA 2021) (citations omitted).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	13 Y, 4 N, As CS	4/1/2025	Hall	Butcher

THE CHANGES ADOPTED BY THE COMMITTEE:

- Created a new offense related to dangerous excessive speeding to prohibit operating a motor vehicle at specified speeds, rather than classifying such prohibited conduct as reckless driving per se.
- Reduced the fine for a second or subsequent offense from not less than \$5,000, to \$1,000.
- Changed the penalty for a second or subsequent offense so that a person convicted of a violation within 5 years after the date of a prior violation must have his or her driving privilege revoked for at least 180 days but no more than one year, rather than requiring the court to revoke such a person's driving privilege for one year regardless of the date of the prior violation.
- Authorized, rather than required, an officer to indicate the applicable civil penalty for specified speeding infractions, instead of for any infraction of [s. 318.19, F.S.](#), or chapter 316, F.S.
- Required a person who commits a specified speeding infraction, instead of any infraction of [s. 316.1926, F.S.](#), to attend a mandatory hearing before a designated official.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
