

28.5(b) DANGEROUS EXCESSIVE SPEEDING

§ 316.1922, Fla. Stat.

To prove the crime of Dangerous, Excessive Speeding, the State must prove the following element beyond a reasonable doubt:

(Defendant) **operated a motor vehicle [in excess of the speed limit by 50 miles per hour or more] [or] [at 100 miles per hour or more in a manner that threatened the safety of other persons or property or interferes with the operation of any vehicle].**

§ 316.003, Fla. Stat. Some of these terms have their own statutory definitions, which should be given if necessary.

“Motor vehicle” means a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

Lesser Included Offense

DANGEROUS EXCESSIVE SPEEDING — 316.1922			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Reckless Driving	316.191(1)(a)	28.5

Comments

A person may be imprisoned for up to 90 days and may be fined up to \$1,000 for a second or subsequent conviction of § 316.1922, Fla. Stat. If the second or subsequent conviction occurred within 5 years after the date of a prior conviction, the person’s driving privilege must be revoked for at least 180 days but for no more than 1 year. As of August 2025, it was unclear whether an adjudication of guilt is required for a conviction. It was also unclear whether the prior conviction and 5-year time period need to be found by a jury under the beyond a reasonable doubt standard.

This instruction was adopted on September 5, 2025.