

Florida Speeding Accident Claims and How to Prove Fault

If a speeding driver injured you in Florida, you may be able to pursue compensation from the responsible driver and any applicable insurance. Speeding alone does not establish a claim. Evidence must connect the unsafe driving to the crash and your injuries. Fault, available coverage, and legal deadlines also affect your options.

A driver traveling too fast has less time to react and needs more distance to stop. After a crash on I-275, Dale Mabry Highway, or a neighborhood street in Tampa Bay, the difficult part is often showing how that speed affected what happened. Our [Florida car accident claims guide](#) explains the broader injury-claim process. This article focuses on proving speed-related fault and protecting the evidence you may need.

According to the [National Highway Traffic Safety Administration](#), speeding contributed to 29% of U.S. traffic fatalities in 2024, with 11,288 people killed in speeding-related crashes. Those are national fatality figures, not the share of all Florida crashes. For more on driver attitudes and speed risks, see our [article on everyday speeding and the AAA study](#).

How speeding can establish negligence under Florida law

Florida drivers must use reasonable care. Under [Florida Statutes section 316.183](#), a driver must travel at a speed that is reasonable for the conditions. The posted limit is only part of that analysis. Heavy traffic, rain, poor visibility, and hazards at an intersection may require a lower speed.

A driver who ignores those conditions can be negligent even while traveling below the posted limit. An injury claim still requires proof that the unsafe driving caused or contributed to the collision and resulting harm. For example, the investigation may examine whether a reasonable speed would have given the driver enough time to brake before hitting a stopped vehicle.

Speed, following distance, right-of-way, and the actions of other drivers need to be considered together. Evidence that a car was moving fast is useful only if the investigation explains its role in the crash.

Evidence that can show the other driver was speeding

Proving speed rarely comes down to one item. The available evidence may include:

- **Vehicle event data:** Some vehicles record information such as speed, braking, and throttle use around a crash. What is recorded and whether it can be recovered depend on the vehicle and the event. A qualified person may need to retrieve and interpret it.
- **Dashcam or surveillance footage:** Video can show a vehicle approaching an intersection or moving relative to other traffic. Estimating speed requires context, such as timing and known distances. Not every traffic camera records or retains footage, and private video may be overwritten.
- **Witness accounts:** A witness may describe the vehicle's movement, braking, or speed relative to nearby traffic. An impression of speed is different from a measured speed and should be evaluated alongside other evidence.

- **Physical evidence:** Vehicle damage, debris, tire marks, and final resting positions can help explain the collision. Skid marks may be absent, and their interpretation depends on braking systems, road conditions, and other factors.
- **Accident reconstruction:** An appropriately qualified expert can use available measurements, vehicle information, and physical evidence to estimate speed and test how the crash occurred. Conclusions depend on the quality of the underlying evidence.

NHTSA's [event data recorder information](#) explains the purpose and limitations of this vehicle technology. Prompt preservation matters because a vehicle can be repaired or scrapped before a necessary inspection takes place.

How crash reports and speeding tickets fit into the claim

You do not need a speeding ticket to pursue a civil injury claim. Officers may arrive after the collision and never observe the driving that caused it. Vehicle data, witnesses, video, and physical evidence can still establish what happened.

A [Florida traffic crash report](#) can help identify drivers, witnesses, road conditions, and investigative leads. It is not a substitute for independent proof. [Section 316.066](#) generally protects crash reports made by people involved and statements they make to officers for the purpose of completing those reports from use as trial evidence, subject to statutory exceptions. That protection does not automatically exclude every independent observation or every separately obtained item of evidence.

Traffic citations have a separate limitation. Under [section 316.650\(9\)](#), a citation itself is generally inadmissible at trial, with narrow exceptions unrelated to simply proving fault in an ordinary crash claim. A ticket or arrest does not, by itself, establish civil liability. A lawyer must evaluate what underlying evidence can be used and how it supports the injury claim.

What dangerous excessive speeding means for an injury case

Florida's dangerous excessive speeding offense, sometimes called the Super Speeder law, is defined in [section 316.1922](#). It applies when a person drives:

- **50 mph or more over the speed limit:** This includes driving exactly 50 mph over the limit.
- **100 mph or more under dangerous circumstances:** The driving must threaten the safety of other people or property, or interfere with the operation of a vehicle.

The criminal prosecution and civil injury claim are separate. A charge does not decide who caused the crash or what damages an injured person can recover. The underlying conduct and independently admissible evidence still need to be examined. An injury claim also does not require the driver's conduct to meet this criminal threshold.

Who may pay after a Florida speeding accident

The payment question depends on the people involved, their coverage, and the injuries. A speeding driver's fault does not guarantee that enough insurance is available to cover every loss.

Personal injury protection, or PIP, may pay part of qualifying medical expenses and lost income regardless of fault, subject to its requirements and limits. [Florida's PIP statute](#) generally requires

initial services and care within 14 days of the crash to qualify for medical benefits. That benefits requirement is separate from the deadline for filing an injury lawsuit. Seek appropriate medical care promptly rather than waiting to see how an insurance dispute develops.

A claim against a responsible driver and any applicable bodily injury liability insurer may address losses beyond available PIP benefits, subject to liability, coverage, and Florida law. If the responsible driver is uninsured or does not have enough liability coverage, available [uninsured or underinsured motorist coverage](#) may help. UM/UIM coverage is not automatic; the policy, covered people, exclusions, and other requirements matter.

If the driver was working when the crash occurred, the investigation may also examine an employer's responsibility and applicable commercial coverage. That requires facts about the work and the driving, rather than an assumption based only on a company name or delivery vehicle.

How insurers may dispute speed and comparative fault

An insurer may dispute whether speed affected the collision or argue that another driver also contributed. The investigation should address braking, distance, right-of-way, road conditions, and the evidence supporting each driver's actions. A claim that the crash was unavoidable needs to be tested against those facts.

For negligence claims governed by Florida's modified comparative fault rule, [section 768.81](#) bars recovery when a claimant is found more than 50% responsible for their own harm. At exactly 50% fault, the claimant is not barred by that rule, but damages are reduced by 50%. At a lower percentage, damages are reduced proportionally.

For example, a claimant assigned 20% fault would generally have recoverable damages reduced by 20%. That percentage must come from the applicable legal process and evidence. An insurer's initial assertion that you share blame does not establish your final percentage of fault.

Compensation after a speeding crash

Depending on the injuries, evidence, and applicable law, a claim may include medical expenses, future treatment needs, lost income, reduced earning capacity, and other legally recoverable losses. Medical records and wage information help document these losses. Vehicle repair or replacement can be a related loss, although property damage and injury coverage involve different questions.

Pain and suffering has an additional qualification. In motor-vehicle cases subject to [section 627.737](#), recovery for pain, suffering, mental anguish, and inconvenience generally requires a qualifying injury: significant and permanent loss of an important bodily function; a permanent injury established within a reasonable degree of medical probability, other than scarring or disfigurement; significant and permanent scarring or disfigurement; or death. Being hurt in a crash does not automatically satisfy that threshold.

If the crash is fatal, [section 768.20](#) requires the personal representative to bring the wrongful death action on behalf of eligible survivors and the estate. Which damages are available depends on the Wrongful Death Act and the family's circumstances. Relatives do not each file their own separate wrongful death lawsuit simply because they are survivors.

No single speed measurement establishes the value of a case. Causation, injuries, documented losses, fault, and available coverage all affect the claim.

Deadlines for a Florida speeding accident lawsuit

Most negligence-based Florida crash injury claims that accrued after March 24, 2023, have a two-year lawsuit filing period under [section 95.11](#). For an ordinary crash injury claim, that generally runs from the crash date. The [2023 law that changed the negligence deadline](#) applies that change to causes of action accruing after its effective date. Older claims require analysis under the rules applicable to them.

Wrongful death has its own deadline, generally two years from the date of death, subject to applicable exceptions. The injury deadline and wrongful death deadline should not be treated as interchangeable.

Claims against a Florida state or local government entity have separate rules under [section 768.28](#). Ordinary negligence claims covered by that statute generally have a four-year lawsuit filing period and a separate written notice requirement, generally within three years after accrual. Wrongful death and other exceptions have different requirements. Federal-government claims follow a separate framework. A government vehicle does not automatically mean every deadline is shorter.

These are general rules. Identify the responsible parties and confirm the applicable notice, filing, insurance, and benefits requirements early. Settlement discussions do not by themselves extend the deadline to sue, and waiting for the filing deadline can allow important evidence to disappear.

What to do after a suspected speeding crash

Get appropriate medical attention and report the collision as required. Once immediate safety needs are addressed, preserve what you can without putting yourself at risk:

- **Save scene information:** Keep photographs of vehicle positions, damage, road conditions, and visible traffic controls, along with witness names and contact details.
- **Keep original recordings:** Save dashcam files and other video in their original form. Note nearby businesses or properties that may have footage so preservation can be addressed promptly.
- **Protect vehicle evidence:** Discuss inspection and data preservation before repairs, disposal, or other changes that could affect the evidence. Do not attempt to access another person's vehicle or private records yourself.
- **Document the injury and losses:** Keep treatment records, bills, missed-work information, and insurance communications. Tell medical providers what happened and describe your symptoms accurately.

A lawyer can help evaluate preservation requests, access to vehicle data, necessary expert analysis, and the deadlines that apply to the claim. There is no universal retention period for all cameras or vehicle information.

Talk with a Tampa Bay car accident lawyer about your injuries

A speeding crash can leave you trying to manage treatment while an insurer questions how the collision happened. You can ask for a clear explanation of the available evidence, possible coverage, and the steps needed to pursue an injury claim.

Armando Personal Injury Law helps injured people and families in Tampa Bay. A [Tampa car accident lawyer](#) or [St Petersburg car accident attorney](#) can evaluate how speed, causation, and comparative fault affect the case. The work may include preserving video, reviewing vehicle data, gathering witness information, and determining whether reconstruction is appropriate.

If another driver's unsafe speed caused your injuries or a loved one's death, [contact Armando Personal Injury Law for a free consultation](#). We can discuss what happened, what evidence may be available, and which deadlines need attention. Call (813) 482-0355 for clear answers and personal attention.