

# 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/HB 687](#)

**TITLE:** Transportation Offenses Involving Death

**SPONSOR(S):** Kendall

**COMPANION BILL:** [CS/CS/SB 138](#) (Wright)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Criminal Justice](#)

17 Y, 0 N, As CS



[Judiciary](#)

19 Y, 0 N

## SUMMARY

### Effect of the Bill:

The bill increases the penalty for a conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide from a second degree felony to a first degree felony if a person has a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.

### Fiscal or Economic Impact:

The bill may have a positive indeterminate prison bed impact by increasing the penalty for DUI manslaughter, BUI manslaughter, vehicular homicide, and vessel homicide from a second degree felony to a first degree felony if a person has a prior conviction for committing any of those offenses, which may lead to an increase in prison admissions and offenders being sentenced to longer terms of incarceration.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### EFFECT OF THE BILL:

The bill increases the penalty for a conviction for [DUI manslaughter](#), [BUI manslaughter](#), [vehicular homicide](#), or [vessel homicide](#) from a second degree felony<sup>1</sup> to a first degree felony<sup>2</sup> if a defendant has a prior conviction for committing DUI manslaughter under [s. 316.193\(3\)\(c\)3., F.S.](#), BUI manslaughter under [s. 327.35\(3\)\(c\)3., F.S.](#), vehicular homicide under [s. 782.071, F.S.](#), or vessel homicide under [s. 782.072, F.S.](#) (Sections [2](#), [3](#), [4](#), and [5](#))

The bill ranks the enhanced offenses on the [offense severity ranking chart](#) as follows:

- DUI manslaughter with a specified prior conviction: Level 9.
- BUI manslaughter with a specified prior conviction: Level 9.
- Vehicular homicide with a specified prior conviction: Level 8.
- Vessel homicide with a specified prior conviction: Level 8. (Section [6](#))

The bill is named "Trenton's Law." (Section [1](#))

The effective date of the bill is October 1, 2025. (Section [7](#))

<sup>1</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

<sup>2</sup> A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

**STORAGE NAME:** h0687b.JDC

**DATE:** 4/17/2025

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill may have a positive indeterminate prison bed impact by increasing the penalty for DUI manslaughter, BUI manslaughter, vehicular homicide, and vessel homicide from a second degree felony to a first degree felony if a person has a prior conviction for committing any of those offenses, which may lead to an increase in prison admissions and offenders being sentenced to longer terms of incarceration.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Driving Offenses

##### *Driving Under the Influence*

A person commits the offense of driving under the influence (DUI) if he or she is driving or in actual physical control of a vehicle and he or she:

- Is under the influence of alcoholic beverages, any chemical substance set forth in [s. 877.111, F.S.](#), or any substance controlled under ch. 893, F.S., to the extent that the person's normal faculties are impaired;
- Has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.<sup>3</sup>

The criminal penalties for DUI vary depending on numerous factors such as the number of prior DUI and BUI convictions, the length of time between such convictions, and the defendant's blood alcohol level. The penalties for a first time DUI conviction are:

- Up to six months in jail;
- Up to one year of probation;
- A fine of at least \$500, but not more than \$1,000;
- A mandatory minimum of 50 hours of community service; and
- A mandatory ten-day vehicle impoundment.<sup>4</sup>

#### DUI Manslaughter

A person commits DUI manslaughter if he or she commits a DUI and, because of the operation of the vehicle while committing a DUI, causes or contributes to causing the death of a human being or unborn child.<sup>5</sup> A violation is punishable as a second degree felony, which is ranked as a Level 8 offense on the offense severity ranking chart (OSRC).<sup>6</sup> A person commits a first degree felony, which is ranked as a Level 9 offense on the OSRC, if he or she commits DUI manslaughter and, at the time of the crash that caused a person's death, the person:

- Knew, or should have known that a crash had occurred; and
- Failed to give information or render aid as required by [s. 316.062, F.S.](#)<sup>7</sup>

A person who is convicted of DUI manslaughter must serve a mandatory minimum term of imprisonment of four years.<sup>8</sup>

#### Vehicular Homicide

A person commits vehicular homicide if he or she kills a human being, or an unborn child by injury to the mother, by operating a motor vehicle in a reckless manner likely to cause the death of, or great bodily harm to, another person.<sup>9</sup> A conviction for vehicular homicide is punishable as a second degree felony.<sup>10</sup> If a person commits vehicular homicide and, at the time of the accident the person knew or should have known that the accident

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<sup>3</sup> [S. 316.193\(1\), F.S.](#)

<sup>4</sup> [Ss. 316.193\(2\) and \(6\), F.S.](#)

<sup>5</sup> [S. 316.193\(3\)\(c\)3., F.S.](#)

<sup>6</sup> [S. 316.193\(3\)\(c\)3.a., F.S.](#)

<sup>7</sup> [S. 316.193\(3\)\(c\)3.b., F.S.](#)

<sup>8</sup> [S. 316.193\(3\), F.S.](#)

<sup>9</sup> [S. 782.071, F.S.](#)

<sup>10</sup> *Id.*

occurred and he or she failed to give information and render aid, a conviction is punishable as a first degree felony.<sup>11</sup>

## **Boating Offenses**

### ***Boating Under the Influence***

A person commits the offense of boating under the influence (BUI) if he or she is operating a vessel and he or she:

- Is under the influence of alcoholic beverages, any chemical substance set forth in [s. 877.111, F.S.](#), or any substance controlled under ch. 893, F.S., to the extent that the person's normal faculties are impaired;
- Has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.<sup>12</sup>

Similar to the criminal penalties for a DUI, the penalties for BUI vary depending on numerous factors such as the number of prior BUI and DUI convictions, the length of time between such convictions, and the defendant's blood alcohol level. The penalties for a first time BUI conviction are:

- Up to six months in jail;
- Up to one year of probation;
- A fine of at least \$500, but not more than \$1,000;
- A mandatory minimum of 50 hours of community service; and
- A mandatory ten-day vessel impoundment.<sup>13</sup>

### **BUI Manslaughter**

A person commits BUI manslaughter if he or she commits a BUI and, because of the operation of the vessel while committing a BUI, causes or contributes to causing the death of a human being.<sup>14</sup> A violation is punishable as a second degree felony, which is ranked as a Level 8 offense on the OSRC.<sup>15</sup> A person commits a first degree felony, which is ranked as a Level 9 offense on the OSRC, if he or she commits BUI manslaughter and, at the time of the accident that caused a person's death, the person:

- Knew, or should have known that an accident had occurred;<sup>16</sup> and
- Failed to give information or render aid as required by [s. 327.30, F.S.](#)<sup>17</sup>

### **Vessel Homicide**

A person commits vessel homicide if he or she kills another human being by operating a vessel in a reckless manner that is likely to cause the death of, or great bodily harm to, another person.<sup>18</sup> A conviction for vessel homicide is punishable as a second degree felony.<sup>19</sup> If a person commits vessel homicide and, at the time of the accident the person knew or should have known that the accident occurred and he or she failed to give information and render aid as required by [s. 327.30\(1\), F.S.](#), a conviction is punishable as a first degree felony.<sup>20</sup>

## **Offense Severity Ranking Chart**

Felony offenses subject to the Criminal Punishment Code are listed in a single offense severity ranking chart (OSRC), which uses 10 offense levels to rank felonies from least severe (Level 1) to most severe (Level 10). Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute. A person's primary offense, any other current offenses, and prior offenses are scored using the points designated for the offense severity level of each offense. The final calculation, following the scoresheet formula, determines the lowest

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<sup>11</sup> *Id.*

<sup>12</sup> [S. 327.35\(1\), F.S.](#)

<sup>13</sup> [Ss. 327.35\(2\) and \(6\), F.S.](#)

<sup>14</sup> [S. 327.35\(3\)\(c\)3., F.S.](#)

<sup>15</sup> [S. 327.35\(3\)\(c\)3.a., F.S.](#)

<sup>16</sup> A person is not required to know that the accident resulted in injury or death. [S. 327.35\(3\)\(c\)3.b., F.S.](#)

<sup>17</sup> *Id.*

<sup>18</sup> [S. 782.072, F.S.](#)

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

permissible sentence that the trial court may impose, absent a valid reason for departure.<sup>21</sup> If an offense is unranked, the CPC specifies a default level on the OSRC depending on the felony degree of the offense.<sup>22</sup>

#### OTHER RESOURCES:

[Monteagudo sentenced to 12 years for crash killing Trenton Stewart](#)

[Jacksonville man sentenced to 12 years in prison for causing wrong-way crash that killed 18-year-old](#)

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### BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	17 Y, 0 N, As CS	3/19/2025	Hall	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"><li>• Authorized an enhanced penalty for a person who is convicted of DUI manslaughter or vehicular homicide if he or she has a prior conviction for BUI manslaughter or vessel homicide.</li><li>• Authorized an enhanced penalty for a person who is convicted of BUI manslaughter or vessel homicide if a person has a prior conviction for specified offenses.</li><li>• Ranked offenses created by the bill on the offense severity ranking chart.</li><li>• Removed provisions that:<ul style="list-style-type: none"><li>○ Prohibited a person from operating a vehicle or vessel if he or she is impaired by any impairing substance;</li><li>○ Made a first refusal to submit to a breath or urine test incident to a DUI or BUI arrest a second degree misdemeanor;</li><li>○ Prohibited a court from withholding adjudication if a person is found guilty of refusing to submit to a breath test;</li><li>○ Authorized state attorneys to establish DUI diversion programs;</li><li>○ Required a person to serve a minimum mandatory sentence for specified convictions for driving while his or her license was suspended or revoked; and</li><li>○ Authorized a judge to issue a search warrant for a blood sample of person if such a blood sample is relevant to proving that the person committed a misdemeanor DUI or BUI.</li></ul></li></ul>			
<a href="#">Judiciary Committee</a>	19 Y, 0 N	4/17/2025	Kramer	Padgett

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>21</sup> [S. 921.0022, F.S.](#)

<sup>22</sup> [S. 921.0023, F.S.](#)