

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: [CS/HB 687](#)

TITLE: Driving and Boating Offenses

SPONSOR(S): Kendall and Plakon

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

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 111 Y's 0 N's

GOVERNOR'S ACTION: Pending

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. The bill also makes a first refusal to submit to a lawful breath or urine test subsequent to a DUI arrest a criminal offense, punishable as a second degree misdemeanor.

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. The bill may have a positive indeterminate jail bed impact by creating a new misdemeanor offense for a first refusal to provide a breath or urine sample subsequent to a DUI arrest.

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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 felony¹ to a first degree felony² 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](#), [5](#), [6](#), and [7](#))

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 [8](#))

The bill also makes a *first* [refusal to submit to a lawful breath or urine test](#) subsequent to a DUI arrest a criminal offense, punishable as a second degree misdemeanor.³ The bill retains the existing penalty of a first degree misdemeanor⁴ for a second or subsequent refusal. (Sections [3](#) and [4](#))

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

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2025. (Section [9](#))

¹ 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.](#)

² 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.](#)

³ A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. [Ss. 775.082 or 775.083, F.S.](#)

⁴ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082 or 775.083, F.S.](#)

STORAGE NAME: h0687z

DATE: 5/5/2025

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.

LOCAL GOVERNMENT:

The bill may have a positive indeterminate jail bed impact by creating a new misdemeanor offense for a first refusal to provide a breath or urine sample subsequent to a DUI arrest.

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.⁵

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.⁶

[Refusal to Submit to a Lawful Breath or Urine Test](#)

Implied Consent

Under [s. 316.1932, F.S.](#), a person who accepts the privilege of operating a motor vehicle within the state is deemed to have given his or her consent to submit to the following tests if he or she is lawfully arrested for any offense allegedly committed while he or she was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages, a chemical substance, or a controlled substance:

- An infrared light test of the person's breath to determine the alcoholic content of his or her blood or breath; or
- A urine test to determine the presence of chemical substances or controlled substances.

Prior to performing either test, a law enforcement officer must inform the person that his or her failure to submit to such a test will result in a driver license suspension of a period of one year for a first refusal and a period of 18 months for a second or subsequent refusal.⁷ The officer must also inform the person that a second or subsequent refusal to submit to a lawful breath or urine test is a first degree misdemeanor.⁸ A refusal to submit to a lawful breath or urine test is admissible in any criminal proceeding.⁹

Criminal Refusal

[Section 316.1939, F.S.](#), provides a criminal penalty of a first degree misdemeanor if a person whose driving

⁵ [S. 316.193\(1\), F.S.](#)

⁶ [Ss. 316.193\(2\) and \(6\), F.S.](#)

⁷ [S. 316.1932\(1\), F.S.](#)

⁸ *Id.* and [s. 316.1939, F.S.](#)

⁹ *Id.*

privilege was previously suspended for refusing to provide a breath or urine sample or who was fined for refusing to provide a breath or urine sample subsequent to an arrest for boating under the influence (BUI)¹⁰ refuses to provide a sample of his or her breath or urine and who:

- The arresting law enforcement officer had probable cause to believe was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances;
- Was placed under lawful arrest for driving under the influence in violation of [s. 316.193, F.S.](#);
- Was informed that his or her driver license would be suspended if he or she refused to submit to a breath or urine test;
- Was informed that a refusal to submit to a test if his or her driving privilege had previously been suspended or he or she had previously been fined for refusing to provide a breath or urine sample subsequent to a BUI arrest is a first degree misdemeanor; and
- After being so informed, refuses to submit to a breath or urine test.

[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.¹¹ A violation is punishable as a second degree felony, which is ranked as a Level 8 offense on the offense severity ranking chart (OSRC).¹² 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.](#)¹³

A person who is convicted of DUI manslaughter must serve a mandatory minimum term of imprisonment of four years.¹⁴

[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.¹⁵ A conviction for vehicular homicide is punishable as a second degree felony.¹⁶ If a person commits vehicular 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, a conviction is punishable as a first degree felony.¹⁷

Boating Offenses

Boating Under the Influence

A person commits the offense of 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.¹⁸

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:

¹⁰ A refusal to submit to a breath or urine test subsequent to a BUI arrest does not result in a suspension of a person's driving privilege. Such a refusal is punishable by a civil penalty of \$500. [S. 327.35215, F.S.](#)

¹¹ [S. 316.193\(3\)\(c\)3., F.S.](#)

¹² [S. 316.193\(3\)\(c\)3.a., F.S.](#)

¹³ [S. 316.193\(3\)\(c\)3.b., F.S.](#)

¹⁴ [S. 316.193\(3\), F.S.](#)

¹⁵ [S. 782.071, F.S.](#)

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ [S. 327.35\(1\), F.S.](#)

- 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.¹⁹

[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.²⁰ A violation is punishable as a second degree felony, which is ranked as a Level 8 offense on the OSRC.²¹ 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;²² and
- Failed to give information or render aid as required by [s. 327.30, F.S.](#)²³

[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.²⁴ A conviction for vessel homicide is punishable as a second degree felony.²⁵ 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.²⁶

[Offense Severity Ranking Chart](#)

Felony offenses subject to the Criminal Punishment Code (CPC) 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 permissible sentence that the trial court may impose, absent a valid reason for departure.²⁷ If an offense is unranked, the CPC specifies a default level on the OSRC depending on the felony degree of the offense.²⁸

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](#)

¹⁹ [Ss. 327.35\(2\) and \(6\), F.S.](#)

²⁰ [S. 327.35\(3\)\(c\)3., F.S.](#)

²¹ [S. 327.35\(3\)\(c\)3.a., F.S.](#)

²² A person is not required to know that the accident resulted in injury or death. [S. 327.35\(3\)\(c\)3.b., F.S.](#)

²³ *Id.*

²⁴ [S. 782.072, F.S.](#)

²⁵ *Id.*

²⁶ *Id.*

²⁷ [S. 921.0022, F.S.](#)

²⁸ [S. 921.0023, F.S.](#)