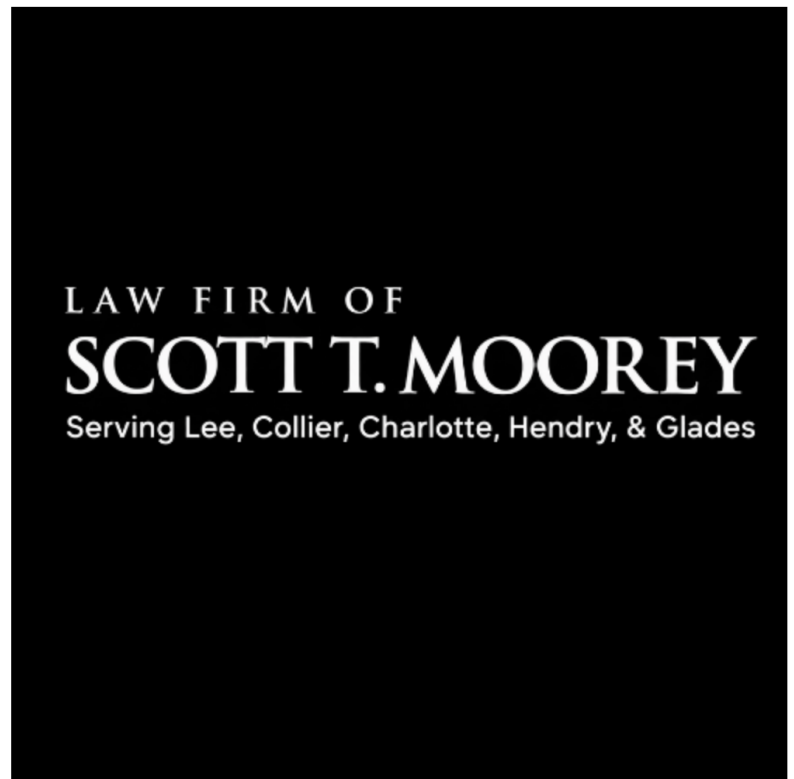


Trenton's Law: New Criminal Penalties for Refusing DUI Testing

Florida now considers refusing a breath or urine test after a DUI arrest a crime, even for first offenders.

FORT MYERS, FL, UNITED STATES, October 20, 2026 /EINPresswire.com/ -- The [Law Firm of Scott T. Moorey](#), a criminal defense firm based in Fort Myers, is taking the opportunity to remind Southwest Florida drivers that laws regarding criminal penalties for refusing DUI testing are changing. House Bill 687, also known as Trenton's Law, came into force on October 1, 2025, making a first refusal of a lawful urine or breath test a criminal offense. Scott T. Moorey's law firm is cautioning drivers that they should submit to a test, provided that it is legal.



The legal change is significant. Previously, a first refusal led to an administrative license suspension, but Trenton's Law makes it a second-degree misdemeanor. Drivers potentially risk up to 60 days in jail and a \$500 fine. Refusing a second time or later is a first-degree misdemeanor and comes with a penalty of up to one year in jail.

Scott T. Moorey said the following:

"Florida has changed the law and made a first refusal in DUI cases a second degree misdemeanor punishable by up to 6 months probation and 60 days in jail. This complicates DUI defenses as when we are successful in winning a DUI case, we still need to defend the refusal charge. Many clients are not impaired but refuse a test as they do not trust the machine, or the officer who just arrested them. We have been successful in defending Refusal cases where the officers fail to read the proper instruction when asking for these tests."

Other changes came with House Bill 687 as well. For example, DUI manslaughter with a qualifying prior conviction is now a first-degree felony, up from a second-degree felony, with the maximum sentence now 30 years in prison instead of 15. Governor Ron DeSantis put his assent behind the bill on June 5, 2025.

Scott T. Moorey wants to highlight that winning a DUI case now still means successfully defending the refusal charge. He points out that his law firm has been successful in defending refusal cases in the past where officers have failed to read out the correct instructions before asking for breath tests.

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