

# Is DUI a Misdemeanor or Felony in Florida?

## How state law classifies DUI charges and penalties

A DUI arrest in Florida immediately raises one urgent question for most people. Is this a misdemeanor or a felony? The answer is not always simple, and the difference matters more than many realize. The level of the charge affects not only potential jail or prison time, but long-term consequences tied to employment, driving privileges, and future background checks.

For drivers arrested in Jacksonville or anywhere in Northeast Florida, the confusion begins quickly. Law enforcement, court paperwork, and online information often blur together at a moment when stress is already high. Many people assume only repeat offenders face felony charges. In reality, some first-time DUI cases in Florida are felonies from the very start.

Understanding how Florida classifies DUI offenses is the first step toward understanding the risk ahead. The next step is speaking with a [DUI defense lawyer](#) who knows how quickly those risks can escalate, and how to protect your future before the damage is done.

## Common DUI charges in Florida

Not every DUI arrest is the same. Florida law includes several different types of DUI-related offenses, each carrying its own set of penalties and long-term consequences. The type of charge filed against a driver depends on factors such as prior convictions, blood alcohol concentration, whether an accident occurred, and whether anyone was hurt or killed. These details directly affect how aggressively a case is prosecuted and how severe the outcome may be.

Common DUI charges in Florida include:

- **First offense DUI:** Typically a misdemeanor, punishable by license suspension, fines, probation, DUI school, and potential jail time.
- **Second offense DUI:** Still usually a misdemeanor but with higher fines, longer suspensions, and often mandatory jail time.
- **Third offense DUI:** A third DUI within 10 years is charged as a felony and can result in prison, large fines, and extended license loss.
- **Aggravated DUI:** Includes DUIs involving minors in the vehicle, accidents causing property damage or injury, or a high BAC of 0.15 or more.
- **DUI with serious bodily injury:** Charged as a felony and may result in years of imprisonment and long-term license revocation.

- **DUI manslaughter:** One of the most serious DUI charges in Florida, involving death and classified as a second- or first-degree felony depending on whether the driver remained at the scene.

Any DUI charge has the potential to impact a person's freedom, financial stability, and future opportunities. The legal consequences often begin immediately after arrest, and without experienced representation, they can quickly spiral out of control. A skilled DUI defense lawyer can help protect against the harshest outcomes and guide the case toward a better resolution.

### **Most DUIs in Florida start as misdemeanors**

Under Florida law, most first and second DUI offenses are charged as misdemeanors when there are no aggravating circumstances such as serious injury or death. That technical classification can sound reassuring, but misdemeanor DUI charges still carry significant penalties that disrupt daily life.

Even a standard first-offense DUI can result in license suspension, required DUI school, probation, and possible jail time. The court may also impose community service hours, ignition interlock requirements, and financial penalties that affect long-term stability. For many people, the loss of driving privileges alone creates immediate problems with transportation, employment, and family responsibilities.

A second DUI often brings harsher penalties, including longer license suspension periods and higher mandatory fines. The legal system treats repeat behavior differently, even at the misdemeanor level. What starts as one mistake can quickly become a pattern in the eyes of the court. This is why early legal defense matters, even when the charge is labeled a misdemeanor.

### **When a Florida DUI becomes a felony**

Florida law draws a firm line when DUI behavior becomes recurring or when serious harm occurs. A DUI moves from misdemeanor to felony status based on timing, injury, or death. Once that line is crossed, the penalties become far more severe.

Felony DUI charges can include long prison sentences, permanent license revocation, and lifelong criminal records. A third DUI within ten years is charged as a felony. Any DUI that causes serious bodily injury is automatically classified as a felony, regardless of prior record. DUI manslaughter is one of the most serious alcohol-related charges in Florida and can result in decades of incarceration.

The difference between misdemeanor and felony DUI often hinges on details that are not immediately obvious at the roadside. Timing between prior convictions, medical findings after a

crash, and investigative procedures all play a role. Once felony charges are filed, the case takes on a completely different legal posture that demands immediate and aggressive defense.

### **The penalties begin long before trial**

Florida DUI penalties start long before a judge or jury hears the case. In most situations, the driver's license is suspended shortly after arrest through the administrative process. This suspension happens regardless of whether the criminal case has even begun.

Vehicle impoundment, court-ordered classes, and financial obligations often follow quickly. For many people, the legal system begins to impose consequences before there is any opportunity to contest the charge. This places pressure on defendants at a moment when they may not yet understand their rights or legal options.

In Duval County and across Northeast Florida, DUI cases are prosecuted aggressively. Prosecutors frequently pursue the highest penalties available based on the facts. Without legal protection in place early, many people fall into plea agreements before understanding the full impact those agreements will carry for years.

### **A DUI charge is not the same as a conviction**

An arrest creates fear, but it does not determine the final outcome. A DUI charge is an accusation, not proof of guilt. Prosecutors still must establish every legal element of impairment beyond a reasonable doubt.

Many DUI cases rely on technical evidence that is far from perfect. Breath machines require proper calibration. Blood draws must follow strict protocols. Field sobriety tests depend heavily on officer interpretation. Even the initial traffic stop must meet constitutional standards. When any part of that chain breaks, the entire case can weaken.

DUI defenses are built from details. No two cases share identical facts, and no two defenses work the same way. Before a list of defenses even becomes relevant, an attorney first examines how the stop occurred, how testing was performed, and how evidence was preserved. Many defenses only come into focus after the full record is reviewed. What appears solid on the surface often looks very different under legal scrutiny.

Common DUI defenses may involve:

- **Illegal traffic stop:** A stop made without lawful justification can result in suppressed evidence.
- **Breath or blood test errors:** Improper maintenance, calibration issues, or medical interference can distort results.

- **Unreliable field sobriety testing:** Poor lighting, uneven ground, or improper instructions compromise accuracy.
- **Constitutional violations:** Unlawful searches or denial of counsel can weaken the prosecution's case.
- **Insufficient proof of impairment:** Observation alone does not always satisfy the burden of proof.

Presenting these issues effectively requires a trained legal mind. Without that insight, people often assume the case against them is stronger than it actually is. This is why early legal guidance can be the difference between conviction and freedom.

### **Contact Weldon Law Group, PLLC, for a free DUI consultation**

Florida DUI law is unforgiving. Legal representation changes that dynamic. Whether a DUI is charged as a misdemeanor or a felony, the consequences can follow a person for years. [Weldon Law Group, PLLC](#) provides focused DUI defense for people arrested in Jacksonville and throughout Northeast Florida. The firm fights to protect driving privileges, limit criminal penalties, and preserve long-term stability.

[Attorney Ian Weldon](#) brings the experience of more than a decade as a Jacksonville public defender into every case. That background shapes how cases are defended, how negotiations are handled, and how evidence is tested under pressure.

We offer free consultations and Spanish-speaking services to ensure every client can access legal guidance without delay. A DUI arrest creates uncertainty. The right defense restores control. Those facing DUI charges in Northeast Florida do not have to face the system alone. If you were charged with a DUI, [contact us](#) today.