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CONTACT

Office of Representative Joe Casello

Troy Gras

Troy.Gras@myfloridahouse.gov

954.892.0083

Representative Joe Casello and Senator Lori Berman file bill to Close Loophole in Impaired Driving Statutes

TALLAHASSEE, Fla. - Florida has some of the weakest drug-impaired driving laws in the nation. Legislation filed this week (**[HB 549/SB 448](#)**) by **Representative Joe Casello (D-Boynton Beach)** and **Senator Lori Berman (D-Boca Raton)** would bring Florida in line with the vast majority of other states, closing large and serious loopholes in Florida's DUI and BUI Laws.

Drug-impaired driving is a well-known and growing problem. In 2021 traffic fatalities in Florida reached a record number of at least 3,740, which is a 56% increase from 2013, with at least 40% of traffic fatalities in 2021 related to impaired driving.

According to a 2020 study by the National Highway Traffic Safety Administration (NHTSA), in crashes that seriously or fatally injured drivers, 33% tested positive for cannabinoids, 14% for opioids, 9% for sedatives and 9% for stimulants. Tragically, there is no shortage of this issue in Florida as two of the five testing sites used for the study were in Jacksonville and Miami.

Under current Florida law, a driver can be found guilty of a DUI if they are in physical control of a vehicle under the influence of alcoholic beverages, chemical substances or certain "controlled substances," based on a list of substances in the Florida Statutes that cannot realistically keep up with the evolving drug epidemic. What "controlled substances" do not currently account for are many prescription and over-the-counter drugs that are known to impair drivers, despite warning labels and/or instructions by a doctor not to operate a vehicle. Current language also does not account for novel psychoactive compounds, or what's also commonly referred to as "designer drugs," that are often imported and sold on the black market. In 2022 in Palm Beach County, 37% of drug-impaired driving cases involved non-controlled impairing drugs. Current law also prohibits judges from issuing warrants for blood tests in misdemeanor cases which means DUI's are the only crime that defendants get to pick and choose the evidence used against them.

HB 549 and **SB 448** will create a more rational definition of drug-impaired driving

and boating by upgrading the current statute to include “or any other impairing substance, or combination thereof,” and granting judges the ability to issue warrants for blood tests in all DUI cases allowing prosecutors to have more tools in their toolbox to deal with drug-impaired drivers.

This legislation will not lead to more arrests; an officer or deputy must still have probable cause in order to arrest a motorist for impaired driving. This legislation simply strengthens Florida’s DUI and BUI laws and enables prosecutors to address impaired driving no matter what drug is causing the driver to be impaired. In addition, the law protects responsible users of prescribed medication by providing an “affirmative defense” for those taking these substances in accordance with a prescription or under the FL medical marijuana statute.

Representative Joe Casello stated, “I’m proud to sponsor this common-sense legislation in the Florida House. As a former firefighter, I saw firsthand the heartbreaking consequences of impaired driving and it’s time to close these loopholes in our laws”.

“There has been a glaring loophole in Florida’s laws that have allowed people to avoid prosecution for impaired driving. SB 448 and HB 549 would close that gap and protect all drivers by assuring that impaired drivers are prosecuted,” said **Senator Berman**.

Led by efforts within the Toxicology Lab in Palm Beach County, the bills have the support of Mothers Against Drunk Driving (MADD), Florida Prosecuting Attorneys Association, with numerous additional organizations pending endorsement. Larry Coggins, the MADD Florida Regional Executive Director stated, “On behalf of the nearly 1 million drunk driving victims MADD has served, MADD fully supports this proposed bill that will improve traffic safety by better addressing impaired driving.”

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