

From: [Arellano, Joey](#)
To: [Press](#)
Subject: FOR IMMEDIATE RELEASE: Representative Casello and Senator Berman File Bill to Close Loophole in Driving While Impaired Statutes
Date: Wednesday, October 13, 2021 2:10:36 PM

FOR IMMEDIATE RELEASE

October 13, 2021

CONTACT

Troy Gras
Office of Representative Joe Casello
Troy.Gras@myfloridahouse.gov
954-892-0083

Representative Joe Casello and Senator Lori Berman File Bill to Close Loophole in Driving While Impaired Statutes

TALLAHASSEE, Fla. - Legislation filed yesterday ([HB 271/SB 436](#)) by **Representative Joe Casello (D-Boynton Beach)** and **Senator Lori Berman (D-Delray Beach)** would bring Florida in line with 44 other states, closing a large and serious loophole in Florida's DUI Laws.

Drug-impaired driving is a well-known and growing problem. 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 in 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. In addition, current language 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.

[HB 271](#) and [SB 436](#) will create a more rational definition of drug-impaired driving by upgrading the current statute to include "or any other impairing substance, or combination thereof," 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 enables prosecutors to address impaired driving no matter what drug is causing the driver to be impaired.

A study in Palm Beach County, FL found that from January 2007 to February 2018, non-controlled impairing drugs were detected in 47% of routine drug impaired driving cases, often mixed with impairing controlled drugs. Currently, the majority of these cases are dismissed/thrown out due to the inability of prosecutors to prove which substance actually created the impairment.

"There has been a glaring loophole in Florida's laws that have allowed people to avoid

prosecution for impaired driving. SB 436 and HB 271 would close that gap and protect all drivers by assuring that impaired drivers are prosecuted,” said **Senator Berman**.

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 this loophole in our laws.”

Led by efforts within the Toxicology Lab in Palm Beach County, the bills have a wide variety of national, state, and local supporters that recognize the importance of addressing drug-impaired driving, including, but not limited to, the following:

- Fraternal Order of Police
- Florida Prosecuting Attorneys Association
- Mothers Against Drunk Drivers (MADD)
- AAA
- Florida Association of DUI Programs
- National Safety Council
- National Alliance to Stop Impaired Driving (NASID)
- Responsibility.org

###