

XI. Appendix B

Legal Consequences Associated with Alcohol and Drugs

FLORIDA STATUTES RELATING TO ALCOHOLIC BEVERAGES & DRUGS

562.111 Possession of alcoholic beverages by persons under 21

In Florida, it is illegal for someone under 21 to have in his or her possession alcoholic beverages. Punishment can include 60 days in jail and a \$500 fine. Additionally, the court can suspend or revoke your driver's license or driving privileges if you are under 21 and convicted of possession of alcoholic beverages.

316.193 Driving under the influence

In Florida, it is illegal to drive under the influence of alcoholic beverages or drugs. Depending on the circumstances, you could face up to a year imprisonment and a fine in excess of \$4,000. You could also lose your driving privileges for a long period of time and the impoundment of the vehicle you were driving. Regardless of the ultimate outcome of your case, if you are arrested for DUI, you will spend time locked up in jail and will not be released until at least 8 hours from the time you were arrested. DUI is a very serious offence in Florida and there are numerous other consequences, under this statute, if you are arrested and convicted for DUI, many of which could adversely affect you for a long period of time or for the rest of your life.

If you are involved in an accident while driving under the influence and someone sustains serious bodily injury, you could spend up to 5 years in prison.

If you are involved in an accident while driving under the influence and someone is killed, you could spend up to life in prison.

316.1936 Possession of open containers of alcoholic beverages in vehicles

It is also unlawful in Florida to possess an open container of an alcoholic beverage or drink an alcoholic beverage while operating a vehicle or while a passenger of a vehicle. In other words, whether you are under the influence while driving a vehicle or are just a passenger in a vehicle, you must not have an open container in your possession or drink any alcoholic beverage in that vehicle, even if that vehicle is parked or stopped. If you violate this statute, you may be required to pay a significant monetary fine.

856.011 Disorderly Intoxication

In Florida, it is illegal to drink any alcoholic beverage in a public place or in a public conveyance and cause a public disturbance. If you are convicted of even a first offence of disorderly intoxication, you could face up to 60 days in jail and a \$500 fine.

856.015 Open House Parties

If you allow a party to take place in your residence and if alcoholic beverages or drugs are possessed or used by a minor at that party, you could face up to 60 days in jail and a \$500 fine.

893.12 Sale of Drugs

The buying, selling, or manufacturer of drugs in Florida is a very serious offense. Depending upon the circumstance and quantity of drugs bought, sold or manufactured, you could be sentenced to spend many years in prison. In Florida, conviction of many drug offenses carry mandatory minimum sentences and if you are convicted, the court will have no discretion and you **must be sentenced to serve time in prison**. Depending on the quantity of drugs bought, sold or manufactured, these minimum mandatory sentences can range from a low of 3 years in prison to life imprisonment.

893.147 Use, possession, manufacture, delivery, transportation or advertisement of drug paraphernalia

In Florida, under certain circumstances, you can be convicted if you use or possess drug paraphernalia. The definition of drug paraphernalia is very broad and if the item is being used in relation to the use, possession, manufacture or sale of drugs, you could face an additional penalty or prison sentence just for possession of items which, if not connected to drugs, would be legal to use or possess. For example, if you possess a hypodermic syringe, with intent to use it in connection with drugs, you could face up to a year in jail for such possession, even if you were not convicted of using drugs. In some circumstances, violations of this statute could require you to serve up to 15 years in prison.

The above is not a complete listing of all laws in Florida relating to the use of alcoholic beverages and to the possession, sale or manufacture of drugs. The main point to understand is that the use or abuse of alcoholic beverages and the possession, use or manufacture of illegal drugs can have serious and far reaching legal consequences, as well as health risks associated with alcohol and drugs.

FEDERAL STATUTES RELATING TO DRUGS

In addition to the State of Florida laws which you risk violating by the use, possession or sale of drugs, there are numerous federal laws, which in some cases, are even more stringent than those in Florida and which could require you to serve many years in a federal prison facility. For example, depending on the type of drug, even conviction of a first offense could result in a sentence to a federal prison for up to 20 years. Depending on the quantity of the drugs, even the sale of marijuana could carry a minimum mandatory sentence of up to 10 years in federal prison. Many federal statutes related to drugs could result in a sentence of life imprisonment in a federal prison.