

*H. Scott Fingerhut and Robert S. Reiff on*  
**Boating Under the Influence in Florida**  
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## Introduction <sup>1</sup>

In this excerpt from the new *LexisNexis Practice Guide: Florida DUI Law*, expert DUI defense attorney Robert Reiff describes Florida's approach to the problem of boating under the influence (BUI) and gives practical guidance on defending a BUI case.

### BUI in Florida--Overview

And so you thought it was safe to go back into the water? It is, so long as you are aware that drinking and driving (a boat) can get you arrested just as quickly at sea as it can on land. It is for this reason that Florida law expressly provides that “[i]t is the intent of the Legislature to encourage boaters to have a ‘designated driver’ who does not consume alcoholic beverages.” [Fla. Stat. § 327.35](#)(10).

Although your client will likely end up in the same court as if arrested for driving under the influence (DUI) ashore, this is not always the case. BUI is frequently investigated by the United States Coast Guard, the local police department, or Florida's Marine Patrol. Depending on where the vessel is being operated, it is potentially a federal offense. More often than not, though, BUI cases are brought in state courts and prosecuted by local state attorneys' offices.

[Fla. Stat. § 327.35](#) punishes operation of a vessel—a boat, jet ski, wave runner, whatever vessel you can think of—while under the influence of alcohol or chemical or controlled substances. *See State v. Davis*, 110 So. 3d 27 (Fla. 2d Dist. Ct. App. 2013). The statute provides that it is unlawful for any person to operate a vessel on the waters while in an intoxicated condition or under the influence of alcoholic beverages or some other controlled substance, to the extent that the person's normal faculties are impaired. *See Fla. Stat. § 327.35*. As with DUI, as the severity of the injuries increase, so does the nature of the charge, all the way up to BUI manslaughter.

Like driving a car, the operation of boats and other watercraft is a privilege that is to be exercised in a reasonable manner. In order to protect the public health and safety, it is essential then that similar laws be established to ensure a lawful and effective means of reducing the incidence of boating while impaired or intoxicated. Of course, the problem of BUI is magnified in coastal areas,

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<sup>1</sup> **Excerpted from:** H. Scott Fingerhut & Robert S. Reiff, *LexisNexis Practice Guide: Florida DUI Law*, Chapter 8, “Boating Under the Influence,” by Robert S. Reiff, Founder of the Law Offices of Robert S. Reiff, P.A. With his more than 30 years of experience representing clients accused of DUI and other criminal offenses, Mr. Reiff was the only DUI/DWI lawyer named by “Best Lawyers in Florida” for 2016 and was among just six attorneys selected as Super Lawyers in the Criminal Defense: DUI/DWI section for 2016.

particularly those depending on recreational boating for economic viability. See [Fla. Stat. § 327.35\(3\)](#).

Recreational boating has long been very popular and is increasingly so in this country. With the regular use of millions of recreational boats in the United States, the deadly combination of “recreational activities”—boating and drinking alcoholic beverages—are, unfortunately for many, inseparable. See International Association of Chiefs of Police Student Manual, *Improved Sobriety Testing for Boating/Alcohol Enforcement* 5.55 (IACP, Gaithersburg, Md. July 1988). Over time, researchers have come up with increasingly detailed statistics to demonstrate the danger of alcohol to boating safety. In short, a large percentage of all recreational boating fatalities involve the use of alcohol. It is all the more troublesome that watercraft folk generally lack operational expertise or the minimum level of competency that driver licensing seeks to ensure, compared with the relative ease with which most people drive a car. When considered along with the role that alcohol plays in phenomena associated with drowning, such as hypothermia and hyperventilation, it is easy to discern that things are different when an inebriated person hits the water.

To make matters worse, boaters traditionally carry alcohol with them on a normal outing. This is not something found in most jaunts to the country in your car—not even home from a bar, for that matter. Sadly, “[p]eople who would never consider drinking and driving think nothing of consuming alcoholic beverages during a day of boating,” and “few boaters are aware that drinking at the helm of a boat is as dangerous as drinking behind the wheel of a car.” See International Association of Chiefs of Police Student Manual, *Improved Sobriety Testing for Boating/Alcohol Enforcement* 5.55 (IACP, Gaithersburg, Md. July 1988).

Alcohol has been around throughout most of recorded history. It is our number one legal drug and approved intoxicant. Most of us consider alcohol use a right. Any attempt to change society’s attitudes about alcohol will be met with resistance. Changing attitudes about boating and alcohol will be especially difficult because of the common association of the two as a form of recreation and a source of relaxation and enjoyment. The boating public’s resistance to change is just one of the problems faced by the police and other officials charged with enforcing boating safety laws.

BUI law enforcement has thus become serious business, involving local police departments, particularly their marine patrol divisions, as well as the U.S. Coast Guard, the Florida Wildlife & Conservation Commission, the U.S. Department of Transportation, the National Transportation Safety Board, Natural Resources Police Departments and Divisions of Watercraft, even the National Highway Traffic Safety Administration and National Institute on Alcohol Abuse and Alcoholism.

Florida’s BUI laws track in large measure its DUI laws. Of course, defendants are subject to prosecution for non-alcohol related boating crimes too, such as vessel homicide. See, e.g., [Fla. Stat. § 782.072\(1\)](#) (proscribing the killing of a human being by the operation of a vessel by another in a reckless manner likely to cause the death of, or great bodily harm to, another). Willfully failing to stop and render aid after “committing” a vessel homicide will bring even harsher penalties. See, e.g., [Fla. Stat. § 782.072\(2\)](#); *Cardenas v. State*, [816 So. 2d 724](#) (Fla. 1st. Dist. Ct. App. 2002) (defendant properly convicted of BUI Manslaughter arising out of a collision between a fishing boat and a commercial barge). Florida’s “accident report privilege” also applies to preclude the use of

statements made by the operator of a boat who remains on the scene of an accident. See [Fla. Stat. §§ 327.30](#), 327.301. A boater's statutory duty to report accidents does not infringe upon the protection against self-incrimination. The accident report privilege prohibits statements made during an accident investigation from being used against the client in a subsequent criminal proceeding. See [Fla. Stat. § 327.301\(4\)](#). In Florida, for example, BUI law prohibits operating a vessel similarly as with DUI—with a blood- or breath-alcohol level of 0.08% or above. [Fla. Stat. § 327.35\(1\)\(b\)](#). Federal law requires that the state's blood- or breath-alcohol level be enforced. See [33 CFR 95.025](#) and [36 CFR 3.10](#). For non-recreational vessels, however, the federal standard is 0.04%—such as for crewmembers, pilots, and watchstanders, who are not regular members of a crew.

Ironically, while the remainder of the penalties are similar—probation, community service, counseling, impoundment or immobilization of the vessel upon conviction, and even mandatory terms of imprisonment for multiple offenders, there is no provision that the vessel operator's *automobile* license be suspended. Indeed, for now, the Department of Highway Safety & Motor Vehicles does not cross-reference BUI offenses to automobile driver license suspension, largely because there is no need for a license to operate a non-commercial vessel. But given the aggressive nature of alcohol legislation, such an event cannot be too far ahead on the horizon.

The DUI parallels abound. A BUI arrestee may request an independent test of the blood, just as in DUI, and “the arresting officer shall have the test performed.” [Fla. Stat. § 327.352\(1\)\(c\)](#). Adjudication of guilt may be mandatory for a person convicted of BUI or BUI manslaughter. [Fla. Stat. § 327.36](#). Similar definitions apply—to “operate” a vessel means being in actual physical control over or even steering a vessel being towed; an implied consent rule exists—the operator must be told that the refusal to submit to a breath or urine test will be admissible evidence and result in the imposition of the civil penalty; the same eight-hour hold requirement (to allow the offender to “sober up”) is in place; and penalties for the crime may increase if the operator's alcohol level was inordinately high or if there was a minor in the vessel at the time. [Fla. Stat. §§ 327.352\(1\)\(b\) & 327.3521](#). [Fla. Stat. § 327.35\(8\)](#). [Fla. Stat. § 327.35\(4\)](#).

Police may also request an operator's blood—just as with DUI—where an accident has caused the death or serious bodily injury of any human being, including the operator. [Fla. Stat. § 327.353](#). And the same presumptions of impairment usually apply as well. [Fla. Stat. § 327.254](#). Therefore, when blood is drawn, you should apply the same rules for challenging the admissibility and reliability of the evidence and must of course deal with “medical” blood (that which is drawn for medical treatment) versus “police” blood (that which is drawn for criminal investigation and potential prosecution purposes) as well. See also *Cameron v. State*, [804 So. 2d 338](#) (Fla. 4th Dist. Ct. App. 2001) (error to instruct jury on the statutory presumptions of impairment where the blood test results adduced were drawn by hospital personnel and did not comply with the testing procedure set forth in § 327.354(3)); *Morales v. State*, [785 So. 2d 612](#) (Fla. 3d. Dist. Ct. App. 2001) (in prosecution for BUI manslaughter, toxicologist's testimony was sufficient evidence of the presence of an anticoagulant in the vial that contained the defendant's blood); *Cardenas v. State*, [867 So. 2d 384](#) (Fla. 2004) (where prosecution failed to comply with statutory requirements for blood testing in BUI case, improper jury instruction concerning “presumption of impairment” did not require reversal of conviction when it did not rise to the level of fundamental error).

The state even suspends vessel operating privileges of minors found to have a breath-alcohol level of a mere .02% or higher or who refuse the chemical test altogether. [Fla. Stat. § 327.355](#). This is considered a non-criminal infraction and does not constitute an arrest. However, reinstatement of operating privileges comes only upon the completion of 50 hours of community service and an approved boater safety course.

#### Fourth Amendment Concepts on the Water

Unlike cases involving motor vehicles, the “stop” of a vessel is usually difficult to challenge. As a matter of course, the Coast Guard does not conduct random spot-checks, blockades, or checkpoints specifically designed to detect intoxicated operators. As on the highway, though, the Coast Guard is not shy about increasing enforcement during periods of increased patrol activities, such as the Memorial Day and Labor Day weekends in particular. By the same token, the Coast Guard specifically will not assign violation “quotas.” And the boardings are supposed to be as unobtrusive as possible. See Maritime Law Enforcement Boarding Officer/Boarding Team Member PQS, COMDTINST M16247.1A, §§ 5.a, 5.b. See also *Castella v. State*, [959 So. 2d 1285](#) (Fla.4th Dist. Ct. App. 2007) (based on the face-to-face interaction between the individuals and law enforcement officers in this case, fulfillment of a civic duty to provide an eyewitness report of a boating accident, and the exigencies of investigating a possible emergency situation, the individuals in this case were citizen informants upon whose information the deputies were entitled to rely without further corroboration when stopping defendant’s boat). However, random boardings for “equipment checks” are completely legal and thus, for all intents and purposes, indefensible in court. See, e.g., *United States v. Villamonte-Marquez*, [462 U.S. 579](#) (1983) (police “may stop and board any vessel, at any time, on any navigable waters accessible to the open sea, with no probable cause or reasonable suspicion to believe that there has been a crime”). See also *Saunders v. State*, [758 So. 2d 724](#) (Fla. 2d Dist. Ct. App. 2000) (same); [19 U.S.C. § 1581](#) (Boarding Vessels); [14 U.S.C. § 89](#) (Law Enforcement). According to [14 U.S.C. § 89](#), “The Coast Guard may make inquires, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States.” See *United States v. Hayes*, [653 F.2d 8](#) (1st Cir. 1981) (Coast Guard officers have plenary authority under Section 90 to stop and board vessels to conduct general safety and documentation inspections, without suspicion of criminal activity). However, under [Fla. Stat. § 327.70\(2\)\(b\)](#), “If a vessel properly displays a valid safety inspection decal created or approved by the division, a law enforcement officer may not stop the vessel for the sole purpose of inspecting the vessel for compliance with the safety equipment carriage and use requirements of this chapter unless there is reasonable suspicion that a violation of a safety equipment carriage or use requirement has occurred or is occurring. This subsection does not restrict a law enforcement officer from stopping a vessel for any other lawful purpose.”

Because boardings are rather routine—even if the officer may suspect worse as a practical matter—BUI cases usually rise or fall on your client’s performance of the field sobriety exercises and the interpretation thereof by the judge or jury.

[Fla. Stat. § 327.35](#) refers to the crime of “operating” a vessel under the influence. Cases have defined this to mean to “navigate or otherwise *use* a vessel,” which may make the statute ripe for challenge for constitutional vagueness and overbreadth, as it could be interpreted to punish a mere passenger as well. *State v. Corley*, [558 So. 2d 187](#) (Fla. 4th Dist. Ct. App. 1990); *State v. Kolacia*, [558 So. 2d 190](#) (Fla. 4th Dist. Ct. App. 1990).

As in all cases, make sure to inspect the charging document against your client. Take care to compare it with the statute to determine whether it punishes “intoxication,” rather than being “under the influence,” for intoxication means more than merely being under the influence of alcohol. *Cannon v. State*, [91 Fla. 214](#), [107 So. 360, 362](#) (Fla. 1926) (“[t]hough all persons intoxicated by the use of alcoholic liquors are ‘under the influence of intoxicating liquors,’ the reverse of the proposition is not true; for a person may be under the influence of intoxicating liquors without being *intoxicated*”) (emphasis in original); *Ingram v. Pettit*, [340 So. 2d 922, 924](#) (Fla. 1976) (“[i]n this context the term ‘while intoxicated’ ... is not synonymous with ‘while under the influence of intoxicating liquors.’ The term ‘intoxicated is stronger than and includes the term under the influence of intoxicating liquor’ ”). Make sure that the jury is properly instructed accordingly. Where an offense may be committed in various ways, the general rule is that the evidence must establish it to have been committed in the manner charged in the indictment.

You should familiarize yourself with the terminology and details of boating, such as distinctions made for foreign flagged recreational vessels, boating equipment requirements, and matters of right-of-way. To be as effective a practitioner as your client needs, you must be as comfortable with bow and stern, port and starboard, idle and no-wake zones—and precedent dealing therewith—as you are with an auto’s alleged unlawful speed or lane straddling.

### **Administrative Consequences of Refusing a Breath and/or Urine Test**

Distinct from DUI, the refusal to submit to a BUI breath test has a unique, independent consequence. Unlike in DUI cases, a separate *civil fine*, but not a driver’s license suspension, can be imposed for refusing to submit to a blood, breath, or urine test in a BUI case. [Fla. Stat. § 327.35215](#). The accused may challenge the fine before a county judge. If sustained, it is often a first degree misdemeanor to operate a vessel prior to paying the fine. The client is usually arrested for BUI *and* issued the civil fine for refusing the test to boot.

Federal law is a bit more complex. The Coast Guard uses its own version of implied consent, dictating that the operator must be told that the refusal to submit may terminate the voyage, will be admissible evidence against the operator at any administrative proceeding, at which time the operator will be presumed intoxicated, and result in the imposition of a civil penalty as well. The U.S. Coast Guard also provides that the intoxicated operator will be issued a civil citation, which will be referred to a Coast Guard hearing officer. Thereafter, the operator may be either detained in lieu of arrest, and transferred to state or local law enforcement officials, or arrested. Evidently, the federal officer is given leeway not to arrest where the operator does not pose a serious threat to safety. Under the Coast Guard directive, reasonable suspicion, plus a refusal to submit to testing, as directed, constitutes probable cause to arrest for BUI.

The Coast Guard's penalty procedures are set forth in Title 33 of the Code of Federal Regulations ([33 C.F.R. 1.07](#)). In accordance with these procedures, a civil penalty hearing officer for the Coast Guard Hearing Office will hold a hearing to determine if the operator of a vessel refused to submit to a breath or urine test. The maximum civil penalty that may currently be assessed for refusing to submit to such tests is \$5,000. A person who is penalized under this federal regulation is entitled to examine all materials in the Coast Guard's case file and request a hearing or submit written evidence in lieu of a formal hearing. The person must do so within 30 days of receipt of notification of the civil assessment from the Coast Guard hearing officer. If the assessed fails to respond within 30 days of receipt of notification of the assessment, the case will be decided by the hearing officer based upon the evidence contained in the record.

### **BUIs and the Preliminary Breath Test**

A very important consideration in the defense of many BUIs is the use of pre-arrest breath tests. Florida requires, as with DUI, that chemical tests for alcohol content *follow* a lawful arrest. See [Fla. Stat. § 327.352\(1\)\(a\)2](#). If offered, you may expect that your local marine patrol, even the Coast Guard, will use the closest police department's breath testing equipment to conduct any post-arrest breath testing if they do not maintain their own equipment. As such, you should be on the lookout for BUI officers' use of a preliminary breath test (PBT). This is something *you* need to ask about; you may not find out about it in discovery, and your client may not pay very much attention to it because of the supposedly casual nature in which it is administered.

Marine officers are often trained that it is appropriate to use an ALCO Sensor—a small hand-held box—just to see if they are on the right track. On the “street,” this would likely be interpreted as a “cheat” on the probable cause affidavit. After all, why would an officer use the box if the officer truly believes a driver is impaired? However, due to the likelihood that traditional physical sobriety exercises cannot be offered on the water (if your client could “walk the line” on the water, then a BUI charge would be of little concern), and because a “flushed face,” “bloodshot eyes,” and “an unsteady gait” are often the usual result of even a non-alcoholic day on the water, the use of PBTs has been indoctrinated in BUI law enforcement.

Predictably, the threshold for conducting a BUI investigation is remarkably lower than for DUI. Before directing that a recreational boater submit to sobriety exercises, boarding officers must be able to articulate either reasonable suspicion that the operator is intoxicated or evidence that a marine casualty has occurred.

According to the Coast Guard, sobriety exercises are to be conducted during all boardings involving possible violations and, when possible, the exercises should be done in conjunction with the ALCO Sensor III blood-alcohol content (BAC) tests. In order to determine an operator's BAC, the Coast Guard expressly notes that it will use a breath test that will be administered *in the field* using an authorized breathalyzer that will provide a reliable measure of intoxication based on BAC. The breathalyzer is to be used by Coast Guard boarding officers when available and conditions permit. The ALCO Sensor III and standard/calibration kits manufactured by Intoximeters, Inc., are the only BAC equipment authorized for use. Maritime Law Enforcement Boarding Officer/Boarding Team Member PQS, COMDTINST M16247.1A, §§ 4.a.(2), 4.b.(1), 4.b.(2). Perhaps the reason for the use of



the ALCO Sensor is the officer's anticipated delay in reaching the intoxicated operator and then, after the stop, deciding what to do with the watercraft, driving back to shore, dealing with cargo, loading the watercraft, and trailering it to the nearest breath testing facility. All of this may take several hours, as the suspect's blood-alcohol level dissipates. Nevertheless, the law is the law, so the venue of prosecution is often the most critical decision on your client's behalf, for a federal prosecution will most likely permit evidence of a pre-arrest breath test.

It is important to keep in mind that a PBT result is inadmissible in court. See [Fla. Stat. § 327.352\(1\)\(a\)2](#). You should challenge the probable cause for arrest without it. And you should challenge any post-arrest breath testing as an unauthorized "second" test, for the implied consent laws impose but a single examination upon the operator as a condition of arrest.

### U.S. Coast Guard's Unique View of BUI Cases

Apart from the statutory aspects of BUI, the training and methodology of an officer's BUI arrest protocol differ vastly from the local beat cop's DUI bust on the highway. Because of the specialized knowledge required of boating law enforcement, officers are trained not only to process a suspect for arrest, but to "choose appropriate descriptive terms to convey relevant observations of evidence of a boating/alcohol violation." International Association of Chiefs of Police Student Manual, *Improved Sobriety Testing for Boating/Alcohol Enforcement* 5.59 (IACP, Gaithersburg, Md. July 1988).

This ties in nicely with what the U.S. Coast Guard calls "environmental stressors," whose effects on an operator's ability to handle a boat safely have been studied by the Coast Guard in considerable detail. Such "stressors" include sun, wind, glare, vibration, and noise—of the craft and the water—and impact significantly upon the operator's peripheral vision, balance, depth perception, and information processing. Indeed, each of these may be affected from the very first sip of alcohol. After all, the ability to judge speed and distance, and to track moving objects, is paramount, particularly on the open water where there are no traffic signals or lane markers—factors worsened all the more at night. See International Association of Chiefs of Police Student Manual, *Improved Sobriety Testing for Boating/Alcohol Enforcement* 5.55 (IACP, Gaithersburg, Md. July 1988).

In fact, because of BUI's many unique and challenging aspects, the Coast Guard has developed a protocol that, over time, has been slowly adopted by many of the local state police departments with whom the Coast Guard associates in prosecuting these cases. The Coast Guard employs two distinct and independent standards for determining a boater's intoxication: a BAC standard; and a behavioral standard. The Coast Guard's definition of "impairment," *i.e.*, the behavioral standard, is described this way:

A BUI violation also occurs when an individual is operating any vessel and the effect of the intoxicant(s) consumed on that individual's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation. This behavioral standard is based on the premise that intoxication may be caused by non-alcoholic drugs, or a combination of drugs and alcohol where the BAC level is not exceeded. The behavioral standard is also applicable to individuals who, even

though their blood alcohol level is below the established limit, are particularly susceptible to the effects of alcohol. The behavioral standard facilitates enforcement action against seriously impaired individuals who do not fail the applicable BAC standard.

Maritime Law Enforcement Boarding Officer/Boarding Team Member PQS, COMDTINST M16247.1A, § 4.a.(2). The Coast Guard's observation as to the behavioral standard for BUI is important because it provides an insider's view of what the U.S. Coast Guard considers sufficient probable cause to arrest.

### Use of Physical Sobriety Exercises in BUI Case

When it comes to sobriety exercises, the investigation of boating under the influence cases is different. Indeed, the Coast Guard has prepared a multi-part "afloat battery" and a shorter version for "ashore" investigations. It is easy to imagine how difficult it is to perform sobriety exercises on a rocking ship. Balance tests are worthless, truly, when given on "sea legs," and most folks have at least some, if not a lot of, difficulty balancing for long periods of time after leaving the water.

"Street" officers are trained to detect drunk drivers and are familiar with the convenience of lane markings, speed limits, traffic control devices, and "normal" driving patterns. Marine officers do not enjoy such luxuries. Thus, the signs of possible impairment may be more subtle at sea—and the Coast Guard has been known to use factors such as an operator's failure to use lights after sunset, overloading the watercraft, making a wake in a "no wake" zone, even allowing a passenger to ride on the bow or transom. To state the obvious, all of these "factors" seem to be just as prevalent for non-impaired boaters.

It is imperative that you appreciate your client's unique physiology in defending an "impairment" case. As stated, "environmental stressors," such as sun, glare, chop, vibrations, fatigue, wind, and noise—elements that an automobile driver do not face to any significant degree—all add up. They have a cumulative effect on the body similar to alcohol, in that they impair judgment, small muscle motor skills, coordination, and balance, i.e., they intensify alcohol's well-recognized effects. You must therefore be aware that a blood-alcohol level *below* the legal limit, when combined with some of these stressors, will make an operator *appear* impaired and under the influence of alcohol, when truly the operator is not. So, if the arresting officer was not able to distinguish between the signs of alcohol impairment distinct from environmental stressors, you must. See International Association of Chiefs of Police Student Manual, *Improved Sobriety Testing for Boating/Alcohol Enforcement* 5.55 (IACP, Gaithersburg, Md. July 1988).

In recognition of the fact that many of the standard physical field sobriety exercises for DUI are not suitable for the boating environment, waterborne exercises have been specially designed to be administered with the operator sitting down, arms at the sides, feet in front and together. They then divide the operator's attention, just like the psychophysical tests administered ashore.

The waterborne exercises include: the modified Romberg balance exercise (seated)-time estimation (usually 30 seconds), the theory being that the more intoxicated the operator, the more



miscalculated the estimate (predicted to be over, rather than under, the time limit); the modified Romberg balance exercise (seated)-alphabet count (sometimes saying every *other* letter, without a time limit); the finger-to-nose exercise (the correct manner is tip of the finger to tip of the nose, not pad to tip, as is commonly thought); horizontal gaze nystagmus; and, as stated, the preliminary breath test. The Coast Guard will also sometimes offer a BUI suspect: a backwards counting test, which requires the suspect to count backwards from 25 to 1; a finger count test, which requires the suspect to touch each finger with the thumb while counting forward and backwards; and the palm pat test, which requires the suspect to turn the hands from palm to palm over in a certain manner, while counting 1, 2, 1, 2, and so on, and speeding up until told to stop. In addition, an officer always has the ability to take the operator ashore to have land-based exercises performed.

## Conclusion

The topic of BUI and many other topics relating to operating a vehicle while under the influence of alcohol in Florida are thoroughly reviewed in the new *LexisNexis Practice Guide: Florida DUI Law*. In addition to setting forth the law and relevant authorities, the Practice Guide includes extensive practical guidance from its expert authors, such as practice tips, checklists, and forms.

For more on DUI offenses in Florida, see [LexisNexis Practice Guide: Florida DUI Law](#)

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**About the Authors.** H. Scott Fingerhut and Robert S. Reiff, are the authors of the *LexisNexis Practice Guide: Florida DUI Law*.

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