

# Celebrate The Holidays Safely

Celebrating the holiday season is the best time to enjoy the spirit of the holidays, whether it may be New Years Eve, 4<sup>th</sup> of July (Independence Day) or any other holiday throughout the year. Unfortunately, holiday celebrations can turn tragic.

If you plan on celebrating New Years Eve (or any other holiday throughout the year) and plan on drinking, please either designate a driver or call a taxi to take you home. If you have a hotel room (or a friend's place) to spend the night, do so. Besides, a night at the Hilton Downtown St. Petersburg Bayfront or any other hotel – even if it's expensive during New Years Eve – is still much cheaper than the consequences that you would face if you decide to drink and drive as mentioned below.

The Florida Highway Patrol (along with sheriffs and police agencies in the Tampa Bay region including the St. Petersburg Police Department, the Pinellas County Sheriff's Office, the Tampa Police Department and the Hillsborough County Sheriff's Office among the law enforcement agencies) will be patrolling major roads including Interstate 275. During holiday periods such as New Years Eve sobriety checkpoints are established.

If a law enforcement officer – this includes a Florida Highway Patrol trooper, a deputy sheriff or a police officer – suspects that you are impaired, expect to be given a field sobriety test while you are stopped. This is one test you cannot refuse; it is part of your driving privileges as implied consent.

Do you know what implied consent is? When you hold that Florida Drivers License in your hand, the State of Florida does not give it to you on a whim. Besides passing the written and driving tests, you have given implied consent right there at the driver license office which means that if you are pulled over on suspicion of driving under the influence, you will take a breath test to see if you are impaired. Refuse that breath test and you will pay for it in the form of a driver license suspension for one year on the first refusal and 18 months on any subsequent refusal.

If you are caught under the influence, expect to ring in the new year (or spending the rest of the holiday) wearing a pair of steel nickel plated handcuffs (double locked and behind your back), being placed in the back seat of the cruiser, and being transported to the county jail<sup>1</sup> depending on where you are caught - at least until you are sober enough. That means you will not be able to bond out until you are sober enough.

## ***The legal limit in the State of Florida is .08***

Add to that fines, court costs, attorneys fees, driver license revocation, possible jail term depending on your record, and absolutely no withholding of adjudication of guilt - if you're caught and convicted, it will haunt your driving record for the rest of your life as Florida law prohibits judges from withholding adjudication of guilt on DUI.

Let's look at these a little closely with a little help from the folks over at the Florida Department of Highway Safety and Motor Vehicles at their [DUI information page](#). This is if you are caught for the *first time*:

---

<sup>1</sup> In Pinellas County, you will be transported to the Pinellas County Jail on 49<sup>th</sup> Street North. In Hillsborough County, you will be transported to the main Hillsborough County Jail on Orient Road.

**Fines:** Not less than \$500 and not more than \$1,000. If you blow a .15 or more on the breathalyzer then the fines increase to not less than \$1,000 and not more than \$2,000. That's a couple car loan payments for starters. How are you going to explain your late car loan payment to your credit union?

**Community Service:** Mandatory 50 hours of community service or additional fine at the rate of \$10 per hour. Imagine spending your weekends at some kind of community service project rather than doing something you like, and you got to work during the week.

**Imprisonment:** Up to 6 months in the county jail at the discretion of the judge. If you blow a .15 or more on the breathalyzer then it's up to 9 months. Do you want to spend half a year at least in a facility where your freedom of movement is restricted and in a jail cell? Those jail cell locks are not your typical house locks or hotel room locks.

**Probation:** Up to one year, which can include a mixture of both imprisonment and probation.

**DUI School:** Mandatory DUI school before you get your driver's license back, no ifs, ands or buts. DUI school can be quite costly!

**Ignition Interlock:** On the first DUI conviction, it can be ordered by the judge but if you blow more than 0.15 and above or if you have a child in your car regardless of the result, you will be required by the court to install a device that will prevent the vehicle from starting if you are intoxicated called an ignition interlock. These devices are not cheap: \$12.00 for the interlock fee, \$70.00 to have the device installed, \$67.50 for monthly monitoring and calibration, and either a \$100.00 refundable deposit or a \$5.00 insurance charge.

In addition, your driver license – even if you are lucky to get a hardship license – will have a restriction code of P, which means you must have an ignition interlock in the car. It will be on there for the duration of the court order.

The ignition interlock requirement increases on each subsequent DUI conviction. Be convicted of DUI four or more times and it is mandatory ignition interlock on your car for at least 5 years, and it is a condition to hold a hardship drivers license.

**Impoundment of Motor Vehicle:** Your vehicle is taken away from you for 10 days, and don't expect to get it back if the judge send you to jail for DUI. The 10 days start when you are released, **not** when you are sentenced. Imagine that luxury SUV you like so much is now impounded all because of your decision to drink and drive.

Did you have a rental car? You will have a lot of explaining to do to your rental car company when you have to tell them that their car got impounded all because of your decision to drink and drive.

**Property Damage:** If you damage any property while you are under the influence, then the charges become a first degree Misdemeanor punishable by a fine of up to \$1,000 and/or up to one year in the county jail.

**Bodily Injury as a result of DUI:** Now we're talking serious Felony charges. Fines of up to \$5,000 and/or up to five years in the custody of the Florida Department of Corrections. You

got that right, state correctional institution somewhere in Florida in the middle of nowhere, in some Florida town you never heard of such as Raiford.

**Loss of Life as a result of DUI:** This is a very serious matter here. Now we're talking second degree Felony charges with a \$10,000 fine and/or 15 years in the custody of the Florida Department of Corrections. ***This is DUI/Manslaughter.*** *Just ask the man in Tampa who took my grandmother's life on 25 May 1990 on South Westshore Blvd and West Leila Avenue.*

**Drivers License:** At least six months revocation of your driving privilege. That means your ticket to drive is taken away from you. However, if you are convicted of DUI/Manslaughter then the drivers license revocation is **permanent**.

Besides, that Florida Drivers License you hold is a privilege granted to you by the State of Florida. You do **not** have a right to a Florida Drivers License.

**Driving Record:** If you are convicted of DUI, you are adjudicated guilty of DUI. That means you will have a DUI record for the rest of your life, as Florida law prohibits judges from withholding adjudication of guilt for any DUI offense. This means your insurance rates will go right through the roof, so much that some insurance companies have the right to refuse to insure you. This also means you can lose your job and have plenty of difficulty finding another job (after all, nearly all employment applications ask you if you have been convicted of a crime including DUI).

### **Are completion of court sanctions the end of your nightmare?**

If you think it's all over from paying your fines, serving your jail/prison time, serving your probation, performing your community service and doing anything that is required of you by the court, think again. There are more consequences that can haunt you long after it's all said and done:

**Consequences of your Employment:** Let's say you work for the City of St. Petersburg and a part of your duties and responsibilities require the operation of a motor vehicle on a daily basis on the job. What would happen is that, upon notification of your arrest for DUI you will be immediately relieved of all duties that involve driving and reassigned to duties that do not involve driving. If for some reason you cannot be reassigned to non-driving duties then you will be placed on judicial leave of absence for a maximum of 45 days pending the outcome of your DUI case. Placement on judicial leave of absence with the City of St. Petersburg is unpaid leave: You will be expected to use whatever you got left in your vacation leave account.

Whether you are allowed to return to your duties at the City is dependent on the outcome of your DUI case. If you are lucky and end up on probation, you will be expected to complete the mandatory DUI school as mentioned earlier before the State of Florida will restore your driving privileges on a business and/or employment basis. If you end up incarcerated you will more than likely end up either on leave of absence or end up terminated from employment depending on the severity of the sentence.

The consequences of employment in most other governmental agencies are quite similar to the City of St. Petersburg's. On the other side of the coin, in the private sector a DUI arrest can lead straight into an unpaid leave of absence and, if convicted, immediate termination of employment. Again, it depends on the kind of job you do and the position of trust you are given as a result of your employment. (Remember, Florida is an employment-at-will

state as far as employment in the private sector is concerned – an employer can terminate you even if you are arrested for DUI).

**Travel to Canada:** You will not be able to visit Canada for a period of time if you are convicted of DUI in Florida or another state. From what I understand DUI in Canada is an indictable (felony) offense. Want proof? See the [Citizenship and Immigration Canada website](#) for more information on the impact of travel to Canada following a DUI conviction.

When you cross the border into Canada, the Canadian immigration officer has access to the fact that you were convicted for DUI in Florida or another state. Information-sharing treaties between the United States and Canada allow for this. To legally enter Canada after your DUI conviction (provided you have served your jail/prison time and/or probation and paid your fines) you have to apply for permission way in advance and pay a hefty fee, and then again admission to Canada is not guaranteed.<sup>2</sup>

**Future employment:** On any employment application, it asks this question:

*Have you been convicted of any offense excluding minor traffic violations?*

How are you going to explain to a future employer that you have been convicted of a DUI? What if the position you are seeking requires driving as part of the job? This is a question that you must answer truthfully on an employment application; employers do conduct background checks as part of the employment process. If you try to check “no” after the fact that you have been convicted of DUI, your application for employment will be no longer considered when the background check comes back with your DUI conviction on it. This is called falsification of application, and the consequences range from the fact that your application will no longer be considered to, if you are already employed, termination.

**Renting a car in the future:** Practically no car rental company will rent to you for a period of time if it is discovered that you have a recent conviction for DUI. If you think checking your driving record takes time, think again: Practically all the major car rental companies – Dollar and Alamo to name a few – electronically check your record in seconds with the swipe of your drivers license. Imagine the embarrassment for you and your family when you find out that you cannot rent a car all because of that decision you made to drink and drive, and it is way more embarrassing than your credit card being declined.

**Auto Insurance:** As mentioned earlier your insurance rates will either skyrocket or you could be dropped by your insurance company altogether because of that decision you made to drink and drive. You will be regarded by most insurance companies as a high risk driver as driving records are checked by the insurance companies, both when you apply and when policy renewal time comes up.

**An anecdote to the consequences of drinking and driving:**

Finally, the cost of drunk driving can be a lot more than the Florida Highway Patrol trooper (or sheriff deputy or police officer) that arrests you and the jail, court date and fines/probation/jail that follow after conviction - it can be deadly and it can have lifetime consequences as described above. Total average cost of your first DUI: About \$20,000.00!

---

<sup>2</sup> Five years after completing your sentence (prison and/or probation), you may apply for what is called “deemed rehabilitation”, but this is up to the Canadian immigration officer to make that determination. These determinations are made at the border rather than in advance.

You could use that \$20,000.00 on buying a luxury new car or that down payment for the new home you wanted; now you can't because of the costs you incurred.

It can cost way more than \$20,000.00 if you have been involved in an accident as a result of your decision to drive while you are intoxicated. Your insurance will end up reimbursing what it costs the other party to repair or replace their vehicle as well as other property that was damaged.<sup>3</sup> If bodily injury has resulted your insurance company will end up paying the other party's medical costs. All these costs do run substantially more than the average cost of your first DUI.

Please, folks, do yourself a favor and if you had even one drink, don't get behind the wheel and drive! Stay the night at a friend's house or at a hotel rather than trying to get home.

© 2010 Edward Ringwald

---

<sup>3</sup> For example, let's say you had an accident while you were under the influence and you damaged that Draw Bridge Ahead warning sign out there on Gulf Blvd. at Johns Pass. The Florida DOT will expect your insurance company to pay the full costs of replacing that sign. Besides, traffic signs such as a Draw Bridge Ahead warning sign or the Interstate 275 shield are not cheap – there are costs involved in fabricating, shipment, parts and labor in installing these signs. Signs with blinkers are more expensive.