**Tips for avoiding a Tampa DUI Charge**

The best and the most obvious way to avoid a Tampa DUI charge is, of course, not to drive if you have had anything to drink. Keep in mind, though, that just because you have had something to drink, that does not revoke your right to drive. However, if you have reached a level of intoxication, you legally cannot be in physical control of any motor vehicle.

  
*Image courtesy of: http://www.sxc.hu/photo/1360987*

**What is Physical Control?**

According to [Florida State Statutes](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0322/Sections/0322.25.html), "When court to forward license to department and report convictions; temporary reinstatement of driving privileges.— 322.25 (7) Any licensed driver convicted of driving, or being in the **actual physical control** of, a vehicle within this state while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, and whose license and driving privilege have been revoked as provided in subsection (1) may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers and the driver is otherwise eligible for reinstatement of the driving privilege as provided by s. 322.282."

The statute above is important, but it is also confusing to the average driver with no law enforcement or legal experience. Actual physical control is defined as any individual who is impaired and is either physically in or on a vehicle. Even though they are not in the vehicle or actually driving the vehicle, they could be deemed as having the capacity to do so. Therefore, the officer has proven actual physical control of a vehicle and can charge the driver with a DUI. However, if the individual is nowhere near the vehicle or if the keys are not in their possession, this charge can be avoided.

**Remember the Fundamentals of Driving**

There are no hard and fast tips toward avoiding a Tampa DUI charge aside from reducing risks by remembering the basic fundamentals of driving. An officer will pull you over if you are violating traffic laws such as

* Failure to use a turn signal.
* Exceeding the posted speed limit.
* Failure to remain in one lane without weaving or swerving.
* Failure to make a complete stop as posted stop signs or stop lights.

In addition to other traffic violations, these mistakes are what draw the attention of police offices and will encourage them to pull you over. If after the stop the officer smells alcohol on your breath, be prepared for a DUI arrest to occur based upon your traffic violations and their belief you are intoxicated. If you are not drunk and you have been drinking, it is a good idea to follow the basic principles of driving to avoid careless mistakes and avoid charges.

  
*Image courtesy of: http://www.sxc.hu/photo/1337577*

**Here are some additional tips to avoid charges:**

* Avoid all distractions while driving, including the temptation to talk on your cell phone or answer text messages. Turn your phone off if you are concerned about driving with distractions.
* Do not neglect the basic rules of the road and make sure you are obeying all traffic laws.
* Find a designated driver if you feel tipsy or “buzzed” because these feelings are indicators that you have had a little too much to drink and you could be impaired.

**The Bottom Line**

Even if you believe you have not had too much to drink, that does not hold much weight with a police officer who believes otherwise. Therefore, drivers should be as careful as possible when it comes to their decision to have a few drinks and then get behind the wheel of a vehicle. There is nothing wrong with going out and having fun, but the fun ends when you make the mistake of driving after consuming too much alcohol. If you have any doubts at all, do not drive.