

29.1 DISORDERLY INTOXICATION

§ 856.011, Fla. Stat.

To prove the crime of Disorderly Intoxication, the State must prove the following two elements beyond a reasonable doubt:

Give a or b as applicable.

- a.
 1. (Defendant) was intoxicated, and
 2. [He] [She] endangered the safety of another [person] [property].]
- b.
 1. (Defendant) was intoxicated or drank any alcoholic beverage in a [public place] [in or upon a public conveyance] and
 2. [He] [She] caused a public disturbance.]

Definition

"Intoxication" means more than merely being under the influence of an alcoholic beverage. Intoxication means that the defendant must have been so affected from the drinking of an alcoholic beverage as to have lost or been deprived of the normal control of either [his] [her] body or [his] [her] mental faculties, or both. Intoxication is synonymous with "drunk."

Optional Definition

A "public place" is a place where the public has a right to be and to go.

The defendant's admission that [he] [she] drank an alcoholic beverage is not sufficient by itself to prove beyond a reasonable doubt that [he] [she] was under the influence of an alcoholic beverage but this admission may be taken into consideration along with other evidence.

Lesser Included Offenses

No lesser included offenses have been identified for this offense.

Comment

This instruction was adopted in 1981.