

## TRAFFIC CITATIONS

**The amount of the traffic fine varies from County to County.** Traffic violations are usually factual disputes where the judge determines the credibility of the officer, the driver and any witnesses. If the judge rules against you, the fine and court costs can be increased up to \$500 for a basic infraction or up to \$1,000 if in a school zone or construction area.

## SPEED TRAPS

Be careful if your travel plans include passing through the Cities of Waldo and Lawtey, located northeast of Gainesville. AAA designated both as "traffic traps." The prices of speeding tickets are doubled in school zones. The speed limit signs also vary from **35 to 55 MPH** over short distances. The vehicle should be going the posted speed limit when it reaches the sign.

## CONSENT SEARCHES

You do not have to consent to a search of your vehicle during a routine traffic stop. If you do consent to a search, you waive your constitutional protection against unreasonable search and seizures. Many students who are stopped for routine traffic violations are arrested for more serious charges because evidence of illegal drugs, weapons, or alcohol violations is in "plain view" of the police officer. A search warrant is **not required** when such evidence is in plain view.

## DRUG-SNIFFING DOGS

Florida law permits the search of a vehicle without a warrant following an alert by specially trained dogs. A K-9 unit may arrive shortly after you are stopped for a traffic violation. Law enforcement is not legally able to detain you longer than the time necessary to issue a traffic ticket.

## MOVE OVER ACT

If you are driving on an interstate or roadway with multiple lanes of travel in the same direction, and you approach an emergency or law enforcement vehicle parked along the roadway, you must



vacate the lane closest to vehicle **as soon as it is safe to do so**. If you are not able to safely move over you must slow down to a speed of 20

MPH below the posted speed limit unless directed otherwise by a law enforcement officer.

-On a two-lane roadway, you are required to slow to a speed that is 20 miles per hour **less than** the posted speed limit.

-If the speed limit is 20 miles per hour or less, you must slow down to 5 MPH.

## THINKING OF NOT PAYING A TICKET?

Failure to pay the fine can result in a suspension of your driver's license until the fine and all applicable late fees, clearance fees, and reinstatement fees are paid. The majority of states in the U.S. agree to suspend drivers' licenses when tickets are not paid in other states. Florida routinely suspends Florida driver's licenses upon notification of convictions in other states.

## OUT OF STATE TICKETS

If you have a Florida license and receive a ticket in another state, they will send the ticket information upon conviction to the Florida Department of Motor Vehicles and it will be added to your driving record. You will receive points on your license if the ticket is a pointable violation according to Florida Statutes. Florida does not permit any traffic school or program to remove points for a ticket received in another state.

## Spring Break Survival Guide



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**UF** UNIVERSITY of  
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STUDENT LEGAL SERVICES  
3500 J WAYNE REITZ UNION  
P.O. BOX 118505  
GAINESVILLE, FL  
32611-8505

(352) 392-LAWS (5297)

[WWW.STUDENTLEGALSERVICES.UFL.EDU](http://WWW.STUDENTLEGALSERVICES.UFL.EDU)



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### DISCLAIMER

*This brochure is to provide general information only and should not be used as legal advice. If you have a legal issue, contact an attorney to discuss your specific case.*

## UNDERAGE POSSESSION OF ALCOHOL

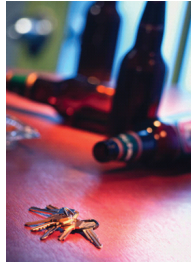
It is illegal to **possess** or consume an alcoholic beverage if you are under 21. The drink does not have to be yours. Simply **holding or touching** it is enough. You do not have to consume it and law enforcement does not have to breathalyze you.

## MARIJUANA & DRUG PARAPHERNALIA

The most common ways to get caught are smoking in residence halls and in your vehicle. The odor of marijuana may be probable cause to search the room or vehicle. **A conviction for possession of a controlled substance, even a small amount, may result in the loss of Federal financial aid and the loss of your driver's license.**

## DUI

The State can prove its case by a breath, blood or urine test **OR** a field sobriety test. Refusal to submit to a breath, blood or urine test will result in a 1-year DL suspension. If you blowover the legal limit, then your license will be suspended for 6 months. Upon conviction, your license will be suspended for an additional 6 months. It is a valid DUI charge when you are in **actual physical control** of the vehicle, which includes sleeping it off in your car with the keys in the ignition.



## UNDERAGE DRINKING AND DRIVING

If you are under 21 and have a BAL > .02, it is an automatic suspension of your driver's license for 6 months. It is an administrative suspension that will appear on your driving record.

## FAKE ID

Use of another's driver's license or identification card is a **misdemeanor**. It is a **felony** if the ID is not lawfully produced or issued (i.e. ID bought on the Internet). Officers have computers in their cruisers and can run your ID to verify your identity. If your friend falsely claims their driver's license is lost or stolen to get a duplicate ID for you to use, it is a **misdemeanor**.

## OPEN CONTAINER

Many cities and counties regulate public consumption of alcohol by prohibiting consumption or possession of open containers of alcohol on **streets, sidewalks, parking lots, or beaches**. It may be deemed a **criminal offense** depending on the circumstances and the city or county ordinance. An open container is any bottle or can which has been opened or any flask, cup, or glass that contains any amount of alcohol.

## THEFT

Charges are based on the value of the items taken. It is a misdemeanor if the value is <\$300 and a felony if the value is >\$300. You may also be liable for Civil Theft of up to 3 times the value of the items or \$200, whichever is greater plus court costs and attorney's fees. Most stores will **trespass** the offender from the premises. The trespass is generally for a year and extends to the whole mall or shopping center, including the parking lots. It is a crime to violate a trespass notice.

## TRESPASS

A theme park, store, bar or nightclub can require you to leave (trespass you from) the premises. Failure to leave or returning to the location can be a crime.

## RESISTING ARREST WITHOUT VIOLENCE

It is a crime to interfere with law enforcement officers in the performance of their duties. That can include disturbing the officers as they question your friend.

## OFFICER DISCRETION

Law enforcement **DOES NOT** have to give you a warning first. If there is a criminal offense, the



officer has the option of physically arresting you and booking you into jail. We recommend that you cooperate if possible and not give the officers a hard time to **avoid spending the night in jail.**

## MUGSHOTS

If you are physically booked into jail, the mugshot and arrest information will likely show up on the various mugshot websites. It can be a costly process to remove the arrest information from each website and bury the information in the search engine results.

## SILENCE IS GOLDEN

You have the right to remain silent...**USE IT!** If law enforcement has a reasonable suspicion that you are involved in a crime, they can ask for your name and identification. However, you have the right to remain silent about the facts of the case and to speak to an attorney.

