



STUDENT LEGAL SERVICES

Serving Students since 1979

Spring Break, Legally

By avoiding common mistakes, your Spring Break memories can be free of costly tickets and criminal arrests. Some tips:

- ❖ **Traffic Stops** lead both to traffic tickets and arrests for more serious offenses. Keep in mind:
 - An officer does not need a warrant or consent when items such as drugs, paraphernalia or open containers of alcohol are clearly visible to the officer.
 - You have the right to refuse consent to a search during a stop.
 - An officer can make you wait a reasonable amount of time during a stop to have a drug dog sniff your vehicle. Florida courts have said that this is around 20 minutes.
 - Many jurisdictions that are popular Spring Break destinations, including the Orlando area, step up traffic enforcement during the time period when most Spring Breaks occur, including so-called “speed traps.” Drive carefully and inspect your vehicle to make sure that all of your lights are working.
 - Please refer to our Police Stops & Searches brochure for more information.
- ❖ **Traffic Tickets**
 - Many states have reciprocity for traffic fines, meaning that a ticket from another state that remains unpaid can lead to your Florida license being suspended.
 - Texting While Driving is a new secondary offense that can lead to you being ticketed. Officers almost always can find a primary offense to pull you over for – for example, a license plate frame obscuring part of the plate, erratic driving and the like.
 - You only get five opportunities per lifetime and once per year to elect to take a traffic class to avoid points on your license.
 - Insurance companies cannot raise your rates or drop your insurance for a non-criminal citation unless you were speeding by more than 15 mph or if it is your second citation within 18 months.
 - Do not refuse to sign a citation! It’s a misdemeanor to do so!
 - Speeding over 30 mph of the speed limit is a criminal offense!
- ❖ **DUIs**
 - You are guilty of driving under the influence, if you are driving or in actual physical control of a vehicle and:
 - You are under the influence of alcoholic beverages or chemical substances to the extent that “your normal faculties are impaired”; OR
 - You have a blood-alcohol or breath-alcohol level of .08 or higher.

Questions?

Make an appointment with UCF’s Student Legal Services! 407-823-2538 or stulegal@ucf.edu

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- First offense – arrest, fined up to \$1000 and can be imprisoned up to 6 months.
- Second offense – arrest, fined up to \$2,000 and jailed up to 9 months, ignition locking device for at least one year.
- Penalties increase if you have a blood or breath alcohol level greater than .15 or if there is a passenger under the age of 18 in the vehicle.
- ❖ **Under Age Drinking and .02s**
 - You must be 21 to purchase, consume, or possess alcohol. First offense underage possession of alcohol is a crime punishable by 60 days in jail and a fine of \$500.00. A second conviction is punishable by up to 1 year in jail and \$1,000.00 in fines.
 - Do not hold a “friend’s” drink or have a cooler where both alcoholic and non-alcoholic beverages are stored.
 - You can also have your license suspended if you drink and drive under the age of 21, even if you are not impaired. If your blood or breath alcohol level of .02 or higher and driving, your license will be suspended for six months. If you refuse to submit to the breath test, your license will be suspended for one year.
- ❖ Many municipalities have varying **ordinances** on where “open containers” of alcohol are allowed and what items are allowed on the beach. Most jurisdictions post signs warning you of these issues, but if you are traveling to an area you are unfamiliar with, you may want to check on <http://www.municode.com/> for any applicable city and/or county ordinances. Most state parks prohibit alcoholic beverages.
- ❖ **Fake IDs**
 - Using someone else’s driver’s license or state identification card is a crime punishable by 60 days in jail and a \$500 fine.
 - Allowing someone else to use your ID is also a crime punishable by 60 days in jail and a \$500 fine.
 - Possession of a driver’s license or state identification card not produced lawfully by the appropriate governmental agency is a felony punishable by five years in prison and a \$5,000 fine.
 - Identifying yourself to a police officer with a fake or someone else’s ID may constitute resisting arrest or obstructing an officer, a first degree misdemeanor punishable by one year in jail and a fine of \$1,000.00. Signing another person’s name to a traffic ticket is a 3rd degree felony punishable by up to 5 years in prison and \$5,000 fine.

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