

# Florida Spring Break

# Survival Guide

Traffic Law

Alcohol Related Law

Drug Law

Criminal Procedures

City Ordinances



## Have Fun & Stay Safe

The following information may be helpful in planning your break activities. By avoiding common mistakes, your spring break memories can be free of costly tickets and criminal arrests.

We hope you will have a safe and enjoyable Florida Spring Break

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## For Further Information

This publication is for educational purposes only and is not a substitute for legal advice from an attorney. This publication is available online at the University of Central Florida Student Legal Services Home Page: <http://pegasus.cc.ucf.edu/~stulegal>.

The Florida Legislature's home page, Online Sunshine, has the full text of all Florida Statutes: <http://www.leg.state.fl.us>. City and county Ordinances are available through the Municipal Code Corporation: <http://www.municode.com>.

# Florida Traffic Law

Many students who are stopped for routine traffic violations are arrested for more serious charges because a police officer observes evidence of illegal drugs, weapons, or alcohol in “plain view.” A search warrant is not required when such evidence is in plain view.

## **Buckle up for Safety -- or else!**

Florida requires drivers and passengers to buckle up. Drivers may be issued a ticket costing \$73.00 to \$90.00. Passengers may be issued a ticket costing \$43.00 to \$60.00.

## **Prepare for long trips**

Be certain that all your lights and turn signals are operating properly.

## **Bicycles**

Florida law classifies bicycles as vehicles. When you ride a bicycle on a street you must obey all traffic control signs and signals. You must stop at stop signs and red lights. You must travel in the right-hand lane. You must travel in the correct direction on one-way streets. To ride at night, you must have a headlight and a tail light or rear reflector.

You will be stopped and ticketed for any such violations. The prices of such tickets are \$73.00 to \$90.00 depending on the county. Failure to pay the fine will result in a suspension of your driver's license until the fine and all applicable late fees, clearance fees, and reinstatement fees are paid.

## **Thinking of not paying your ticket?**

The majority of states in the U.S. agree to suspend drivers' licenses when tickets are not paid in other states. Florida also routinely suspends Florida driver's licenses upon notification of convictions in other states. Your state may do the same.

## **Rollerblading**

It is illegal to skate on roadways under Florida law. Cities and counties may also prohibit rollerblading, skating, and skate boarding in certain additional areas such as parking lots and shopping centers. Signs are usually posted.

## **Mopeds and Motorcycles**

To operate a moped legally in Florida, you need a valid driver's license. If the engine displacement is more than 50 cubic centimeters, a special motorcycle endorsement is required. Driving without the required endorsement is a crime punishable by 60 days in jail and a fine of \$500.00.

If the “moped” cannot be pedaled like a bicycle, the “moped” is considered a motorcycle. Helmets are legally optional for moped riders 16 years of age or older. For your personal safety, helmets are always recommended, even for bicyclists.

Neither motorcycles nor mopeds may be driven on sidewalks. Mopeds may be pedaled solely by human power on sidewalks.

<h2 style="margin: 0;">Maximum speed limits</h2> <p style="margin: 0;">Unless otherwise posted</p> <ul style="list-style-type: none"> <li>• 30 mph in business or residence districts</li> <li>• 55 mph in all other locations</li> <li>• 70 mph on limited access highways</li> <li>• 65 mph outside urban areas of 5,000 or more population</li> </ul>
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## Cost of Speeding Tickets

Other than speeding, moving violations carry a fine of \$73.00 to \$90.00 depending on the county. If you contest any ticket, the price may be increased to \$500.00! (If contesting a speeding ticket in a school zone or construction zone, it may be increased to \$1000.)

You may also be ordered to take driving school, which will incur additional costs ranging from \$25 to \$50.

The cost of a speeding ticket is determined by the miles per hour over the limit. Prices are doubled in school zones or designated construction areas. The following chart summarizes the price of speeding tickets.

MPH OVER LIMIT	MIN.	MAX.	SCHOOL ZONE & CONSTRUCTION AREA
1-5	Warning	Warning	\$50
6-9	\$25	\$55	\$50-110
10-14	\$100	\$130	\$200-260
15-19	\$125	\$155	\$250-310
20-29	\$150	\$180	\$300-360
30-or more	\$250	\$280	\$500-560

## Speed Traps

Be very careful if your travel plans include passing through the City of Waldo, located 14 miles northeast of Gainesville on State Road 24 and Highway 301. The American Automobile Association has designated Waldo as a “traffic trap.” Waldo has a school zone with a 15-mph speed limit. Look for signs with flashing yellow lights typical of all school zones. The prices of speeding tickets are doubled in school zones.

Lawtey, Chiefland, and Sumter County are also areas where speed limits are strictly enforced. When driving on a beach is permitted, speed limits are strictly enforced.

## 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. No police officer ever stated, "Well, since you are willing to let me search you, you must not be hiding anything."

## Drug Sniffing Dogs

Florida law permits the search of a vehicle without consent following an alert by specially trained dogs. In some communities, a dog unit may arrive shortly after you are stopped for a traffic violation. You may not be legally detained longer than the time necessary for the officer to issue a traffic ticket unless the officer has reasonable suspicion to believe you are committing a crime.

## Alcohol Related Florida Law

## Open Containers

Florida prohibits open containers of alcoholic beverages in motor vehicles. Drivers receive a moving violation of \$73.00 to \$90.00. Passengers receive a non-moving violation of \$43.00 to \$60.00. (Fla. Stat. 316.1936)

If the open container is in the physical control of a passenger, the passenger is cited. If the open container is not in the physical control of a passenger, the driver gets cited.

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. An open container is any bottle or can which has been opened, or any flask, cup, or glass that contains any amount of alcohol.

If the police see you holding such an open container on any street, sidewalk, parking lot, or beach, you can be arrested for violation of the open container ordinance even if you are 21 years of age or older. If you are not 21 years of age or older, you can expect to be charged with the misdemeanor charge of possession of alcohol by a person under 21 years of age. If you have a fake id, you may receive still another charge. Under Florida's revised fake id statutes, many fake id charges are felonies punishable by 5 years in prison and a \$5,000.00 fine!

In Florida most open container violations and all first offense underage possession of alcohol are punishable by a maximum of 60 days in jail and a fine of \$500.00.

Key West, Clearwater, Ft. Lauderdale, Anastasia State Park, Crescent Beach, Daytona Beach, and Hollywood prohibit open containers on their beaches. Panama City allows drinking on the

beach, but not on roadways or in public parking lots. Panama City may prohibit glass containers of any kind on the beach.

## **“Signs, signs, everywhere are signs...”**

Cities and counties generally post signs at entrances to beaches and parks listing prohibited activities. By Florida law, alcohol is prohibited in most state parks. Please look for signs to avoid problems.

## **Underage Drinking**

You must be 21 years of age 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 \$1000.00 in fines.

## **Underage drinking and driving**

If you are under 21 years of age with a blood or breath alcohol level of .02 or higher, your license will be suspended for 6 months. If you refuse to submit to the breath test, your license will be suspended for one year. If you weigh less than 240 pounds, one 12-ounce beer, 5 ounces of wine, or one ounce of liquor may put you over this limit. The suspension is for 6 months and is effective immediately but the notice you receive allows you to drive for 10 days after the stop. (Fla Stat. 322.2616)

## **Fake id's**

Effective October 1, 1997, Florida's "fake id" laws were amended to clarify that possession of any driver's license or state identification card not produced lawfully by the appropriate governmental agency is a felony punishable by 5 years in prison and a \$5,000.00 fine. (Fla Stat. 322.212)

Lending your driver's license or state identification card to a friend is a crime punishable by 60 days in jail and a \$500.00 fine. Using someone else's driver's license or state identification card is a crime punishable by 60 days in jail and a \$500.00 fine. Both parties may have their driver's license suspended for one year. (Fla Stat. 322.051, 322. 32, 322.27)

Identifying yourself to a police officer with a fake id is a violation of the laws cited above. It may also constitute resisting arrest or obstructing an officer. This is a violation of Florida Statute 843.02 and 901.36, which is 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 \$5000.00 fine.

Effective July 1, 1999, if you give a police officer a false name or use fake identification upon being arrested or legally detained, you are guilty of a first-degree misdemeanor punishable by one year in jail and a fine of \$1,000.00 for violating Florida's new statute 901.36. If your unlawful use of someone else's name or identification results in that person being adversely affected, you are guilty of a felony punishable by 5 years in prison and a fine of \$5,000.00. You may also be

ordered to make financial restitution to the person adversely affected. One point should be clear: if you are stopped by the police, it is a very bad idea to give the police officer a false name or false identification. While underage possession of alcohol is a crime, giving a police officer a false name or false identification is legally much more serious.

Finally, carrying a fake id in a wallet with a real id can possibly lead to arrest for example if a police officer sees your "other" identification during a routine traffic stop, you may be arrested for possession of the fake id.

## **DUI**

The State of Florida is very tough on driving under the influence. Currently the mandatory minimum penalties include fines and costs of over \$750.00, DUI school, substance abuse screening, 50 hours of community service, and two 6 month driver's license suspensions: one effective the day of the arrest; the other upon conviction. You can also expect your insurance to be cancelled or the rates to skyrocket.

As stated in Florida Statute 316.193(1), you are guilty of driving under the influence and subject to mandatory minimum penalties stated above if you are driving or in actual physical control of a vehicle and:

(a) You are under the influence of alcoholic beverages or chemical substances to the extent that "your normal faculties are impaired"

**OR**

(b) You have a blood-alcohol or breath-alcohol level of .08 or higher.

If you take a blood or breath test and results are above .08, you will likely be convicted if the test results are admitted into evidence. If you refuse to take a blood or breath test, your driver's license will be suspended for one year. If you previously refused (from a prior event), a second refusal is a crime.

The arresting police officer will prepare a written report of your appearance, demeanor, and behavior, including the results of field sobriety tests. You may be convicted without a blood or breath test if this evidence convinces the jury that you were under the influence to the extent that your normal faculties were impaired.

If you are obviously intoxicated, the refusal may simply increase the length of your suspension. The only airtight defense to DUI is simple: If you drink, don't drive!

## **License suspended, cancelled, disqualified or revoked?**

If your license is revoked, cancelled, suspended or disqualified and you drive or are in actual physical control of a vehicle with knowledge of the suspension, cancellation, revocation or disqualification you commit a second-degree misdemeanor (Max penalty is 60 days in jail and \$500.00 in fines) for the first offense. Each additional offense raises the degree of penalty. Therefore, the second offense is a first-degree misdemeanor (Max penalty: 1 year in jail, \$1,000.00 fines), and the third offense can be prosecuted as a third-degree felony (Max penalty: 5 years in prison and \$5,000.00 fines).

If the officer believes you do not have knowledge of the suspension, cancellation, or revocation, the officer can give you a non-criminal traffic infraction, which carries with it 3 points.

If you get either the criminal or non-criminal ticket, and your license was suspended for failure to pay a ticket, failure to appear in court, or failure to attend driver improvement course, then you have the option to clear up the ticket **prior to your court date**. Go to the clerk of the court in the county where you got the ticket, show proof of the reinstatement and clear up the charge without points and without having to go to court. This option is only available once in a 12-month period.

If your license is revoked, cancelled, suspended or disqualified and you possess the license with knowledge of the suspension, cancellation, revocation or disqualification you commit a second-degree misdemeanor (Max penalty 60 days jail, \$500.00 fines) for the first offense. It is not a defense to this charge that you were not driving. Florida law requires that a person turn in any revoked, cancelled, suspended or disqualified license upon learning of such suspension, cancellation, revocation or disqualification.

## Florida Drug Law

A conviction for a possession offense will result in a 2-year driver's license revocation, even if an automobile was not involved in the offense. A plea of No Contest or Guilty to a possession offense will cause you to lose financial aid eligibility for at least one year.

### Marijuana

Cannabis and all other illegal drugs are classified and regulated in Chapter 893, Drug Abuse Prevention and Control, Florida Statutes. Most simple possession charges are third-degree felonies punishable by 5 years in prison and a fine of \$5,000.00.

Possession of less than 20 grams of cannabis is a first-degree misdemeanor punishable by up to 1 year in jail and a fine of \$1,000.00. Possession of paraphernalia is also a first-degree misdemeanor punishable by 1 year in jail and a fine of \$1000.00.

### “Roofies”

Flunitrazepam is a very powerful tranquilizer marketed overseas under the brand name Rohypnol. Possession of Flunitrazepam is a felony punishable by 5 years in prison and a fine of \$5,000.00.

Slipping a roofie into someone's drink constitutes delivery of a controlled substance punishable by 15 years in prison and a fine of \$10,000.00.

Having sex with a person dosed without their consent constitutes sexual battery or rape punishable by 30 years in prison and a fine of \$10,000.00.

## **Nitrous Oxide a.k.a. “whippits”**

It is a second-degree misdemeanor (Max penalty 60 days in jail, \$500 in fines) to inhale, possess with the intent to inhale, buy, sell, or transfer to inhale an amount of nitrous oxide less than 16 grams. Distribution, selling, purchasing, possessing, or transferring more than 16 grams of nitrous oxide is a felony of the third degree punishable by up to 5 years in prison and \$5,000.00 fines.

# Florida Traffic and Criminal Law Procedures

## **Traffic Court/Driving School/Affidavit of Defense**

For most moving violations, you have 30 days to elect one of three options. You might want to consult with an attorney to determine which choice is your best option.

1. Pay the ticket and receive points.
2. Elect to attend defensive driving school and avoid points. You must pay “court costs.” Court costs consist of the base ticket price minus 18% plus \$13.00 to \$30.00. Typically, you will have 60 days to complete school. This option may not be practical or effective in your home state.
3. Contest the ticket. Contesting the ticket subjects you to a fine not to exceed \$500.00. South Florida has attorneys who specialize in traffic ticket defense. Florida law permits nonresidents to file an Affidavit of Defense in lieu of personal appearance. You must contact the local court and post a bond to file an Affidavit of Defense. You should consult an attorney for assistance.

## **Deferred Prosecution/Pre-Trial Diversion/Pre-Trial Intervention**

You definitely need to consult an attorney if you have been arrested. Florida has 67 counties and legal options vary widely from county to county.

Some spring break communities are experimenting with special court sessions with community service sentences to be served immediately. As long as the judge withholds adjudication of guilt, you have not been formally convicted of a crime.

Other communities may have Deferred Prosecution, Pre-Trial Diversion, or Pre-Trial Intervention programs. What these programs have in common is the dismissal of the criminal charges upon payment of a fine or completion of community service hours.

## **Will the arrest be on my permanent record?**

Yes. Even if the charges against you are dropped or dismissed, the fact that you were arrested or charged still exists in Florida public records available to anyone and everyone. While Florida law permits some arrest records to be sealed or expunged under certain circumstances, there will always be some record of the arrest.

Florida law requires the disclosure of sealed and expunged arrest records for certain applications such as applications for admission to the practice of law and applications for licensure or employment in sensitive positions having direct contact with children, the developmentally disabled, the aged, or the elderly, including, but not limited to school teachers, foster parents, and daycare owners, operators, and employees. Failing to disclose sealed or expunged arrest records in such applications is unlawful and grounds for denial or termination of employment or licensure.

Since your state may be even more strict than Florida in requiring disclosure of arrest records, if you have been arrested in Florida you will need an experienced attorney from your state to advise you on your legal obligation in completing employment, graduate school, or professional license applications, even if the arrest records have been sealed or expunged. In many cases, denying arrest for a minor offense may be viewed as far more serious indication of a lack of sound moral character than the offense itself!

## **Other Crimes and Consequences**

### **Burglary**

Subject to certain exceptions, Burglary is defined as entering a dwelling, a structure, or a conveyance with the intent to commit an offense therein. Therefore, be aware that an individual standing outside of a car that punches a person sitting in a car commits both the offense of Battery and the offense of Burglary. Be also aware that the penalty for burglary, depending upon the facts, can be punished by up to life in prison.

### **Theft**

A first time theft offense, where the value of the item is less than \$100.00 is up to 60 days in jail and a fine of up to \$500.00. A second offense or where the property is valued at \$100.00 or more, but less than \$300.00 is punishable by up to 1 year in jail and \$1,000.00 in fines. A third offense, or where the value is \$300.00 or more, is punishable by up to 5 years in prison and \$5,000.00 in fines.

Theft includes altering or removing a Universal Product Code (UPC).

Additionally, upon the first conviction the court can suspend the individual's driver's license for up to 6 months. A second suspension shall be for one year. This law applies even if a vehicle was not involved in the theft.

## Use of two-way communication devices

It is a third-degree felony (punishable by up to 5 years in prison and \$5,000.00 in fines) to use any two-way communication device to facilitate or further the commission of any felony. Therefore, if a person uses a walkie-talkie to assist in committing a theft of over \$300.00, then that person could be prosecuted for both the third-degree felony of grand-theft and the third-degree felony of unlawful use of a two-way communication device.

## City Ordinances

*These laws are designed for your safety and the safety of others.  
Please obey them!*

### Clearwater Beach

In Clearwater, the only beach widely used by the public is Clearwater Beach. It is a public beach and has numerous metered parking spaces available on a first come basis. Since Clearwater Beach is basically tourist oriented, they do have a very strict enforcement posture along with a very extensive list of local ordinances. They are most often enforced as they are most often violated.

- **Alcoholic beverages** are not permitted on the beach, in parking lots or in public (includes consumption and possession).
- **Glass containers** are not permitted on the beach.
- **Fires** are not permitted on the beach.
- **Dogs** are not permitted on the beach.
- **Boats** are not permitted on the beach or near swimming areas on the beach.
- **All public parking** is metered and strictly enforced by use of parking tickets. Most major parking lots close at 10:00 p.m.
- **No vehicles** are permitted on the sand.
- **Diving or jumping** from bridges and/or piers is not permitted.
- **Overnight sleeping** on the beach or any public owned area is not permitted.
- **Soliciting** on the beach and in public is not permitted.
- **Disorderly conduct** is an all-encompassing city ordinance with provisions too numerous to list. Use common sense and behave yourself.
- **Changing clothes** in public is not permitted.
- **Nude swimming** is not permitted.
- **T-back bathing suits** are not permitted. (This ordinance is rarely enforced.)
- **Loud noise and/or unusual noises** are prohibited (including horn blowing).
- **Rough play** is not permitted (including Frisbee, football, etc.)
- **City and county parks** are posted as to when they are opened and closed to the public. These hours are strictly enforced.

- **For further information**, contact your area lifeguards or the Clearwater Police Department Public Information Line at (727) 562-4333.

The enforcement policy is a strict one. Any and all violations may result in either a summons (city ordinance violation) or an arrest. There are plain-clothes officers that patrol the beach.

## The City of Daytona Beach

The Daytona Beach area has become one of the largest resort centers in the nation. Each year, they are host to thousands of fun- and sun-seeking vacationers, race fans, and conventioners. In order to maintain a city that you will enjoy visiting again and one that our citizens are proud of, certain laws and regulations must be observed by everyone. Please obey them.

### Traffic and Beach Safety:

- A motorist may turn right on a red signal after coming to a full stop, except if a sign indicates **“No Turn On Red”**.
- The speed limit on the Beach is **10 miles per hour** at all times.
- When driving on the beach, the motorist **must not drive in the water or soft sand**.
- The motorist must slow down in rainy weather and turn the vehicle’s driving lights on.
- **A yellow painted curb or “NO Parking”** sign indicates “NO Parking” areas on the Daytona Beach Resort area.
- When on the Beach, sunbathers should not recline or sit so as to interfere with traffic. It is advisable to recline in the soft sand area behind the parked cars.
- **Balls and Frisbees** should not be thrown across traffic lanes.
- **Pedestrians** always have the **right-of-way on the Beach**, but you are urged to cross with caution.

### Motorcycle Safety:

- **Motorcycle** riders must obey all **general traffic rules and regulations**.
- Motorcycles must be equipped **with sock mufflers**. Mufflers should be in good working order to prevent excessive or **unusual noise or smoke**. Mufflers that are cutout or bypassed are prohibited.
- Motorcycle **handlebars** must not be **more than 15 inches** above the portion of the seat occupied by the driver.
- Approved motorcycle **safety helmets** must be worn when riding anywhere in the area except on the Atlantic Ocean Beach.
- **Headlights** must be in operation at all times. Headlights are required to be positioned no higher than 54” and no lower than 24” from the ground.
- **Trail lamps** are required to be positioned not lower than 20” from the ground and no higher than 72”.
- **Horn** and rear view mirror are required.
- **Footrests** are required for both rider and passenger.

## Ordinances:

- The carrying or consuming of an open **alcoholic beverage** (including beer) is prohibited on the Beach and City streets.
- **Hitchhiking** is prohibited within the city limits of Daytona Beach.
- **Littering** is prohibited.
- **Dogs** are not permitted at any time on the Beach.
- **Sleeping** on the public streets or parks at any time or on the Atlantic Ocean Beach at night is prohibited.
- **Camping** on the Atlantic Ocean Beach is prohibited.
- It is illegal to “**Stop, Stand, or Park any Vehicle**” on the Atlantic Ocean Beach between the hours of 3:00am and 5:30am.
- **Swimming** within 100 yards of an ocean pier is prohibited.
- **Advertising** of any type of soliciting without a license is prohibited.
- **Trespassing** on Motel property where you are not registered as a Guest may result in your arrest.
- It is unlawful for any person under the **age of 21** to **possess alcoholic beverages**
- It is unlawful for any person to **misrepresent or mistake** their age to buy alcoholic beverages.
- Florida Law provides that an individual arrested may be released on a reasonable bond as the arrestee concludes the booking procedure. Anyone incarcerated will be afforded a first appearance hearing in front of a Judge within 24 hours after arrest.
- The People of Daytona Beach will be happy to have you visit here at any time. All we ask is that you obey the law and respect the rights of others, as we are sure you do in your hometown.

### COMMUNITY RELATIONS SECTION DAYTONA BEACH POLICE DEPARTMENT

## Flagler Beach, Anastasia State Park, and Crescent Beach

### Flagler Beach:

There is no city ordinance against alcoholic beverages on the beach -- BUT **NO** consumption of alcohol within 100 feet of any establishment that sells alcoholic beverages will be allowed. Camping and/or sleeping is prohibited on the beach. You should check with the State Park for camping regulations in the park area. Dogs are prohibited except in designated areas, and they must be on a leash at all times.

### Anastasia State Park - St. Augustine:

Anastasia State Recreation Area was first opened to the public in 1949 and since that time has become one of Florida’s busiest state parks. Anastasia is located off A1A, just 1 1/2 miles from historic downtown St. Augustine.

- **Alcoholic Beverages** are not permitted on the beach, in parking lots or in public (including consumption and possession).

- **Camping** on the beach is prohibited.
- The **speed limit** on the beach is 10 miles per hour at all times.
- **Glass containers** are not permitted on the beach.
- **Dogs** are not permitted at any time on the beach.
- **Open fires** are not permitted on the beach.
- Automobile Beach Entry Fee: \$1.00 for driver and \$.50 for each passenger.
- **No beach privileges** after sundown without permit.
- **Loud noise** and/or unusual noises are prohibited (including “boom boxes” or loud music).

### ALL LAWS ARE STRICTLY ENFORCED

For further information, contact:

Flagler Beach Police Department  
800 South Daytona Avenue  
Flagler Beach

#### Crescent Beach - St. Augustine:

- **Alcoholic Beverages** are not permitted on the beach, in parking lots or in public (includes consumption and possession). There is a \$50.00 fine for this violation.
- **Camping** on the Beach is prohibited.
- **Advertising** of any type or soliciting without a license is prohibited.
- **Glass or plastic** containers are prohibited.
- **Fires** are not permitted on the beach, but you can have small cookouts if you bring your own small grill and clean up afterwards.
- **Pets** must be on a leash on weekends and holidays from March 1 through September 30.
- **One-way beach traffic** (southbound only) during weekends and holidays from March 1 through September 30.
- The speed limit on the Beach is **10 miles per hour** at all times.
- There is a **Ramp fee**.

For additional information, consult area Lifeguards.

#### Ft. Lauderdale

- **Alcoholic beverages** are not permitted on the beach, in parking lots or in public areas (includes consumption and possession). (Broward County Ordinance 3.2)
- **Camping** and/or Sleeping on the Beach are prohibited.
- **Swimming** beyond 50 yards from shore is prohibited.
- **Boats** are not allowed within 100 yards of the shore.
- Rough play is not permitted (including **Frisbee, football, etc.**) except in designated areas.
- The Beach is open all night for swimming, but again, **NO SLEEPING ON BEACHES**.
- **Dogs** are not permitted at any time on the Beach.
- **Nude** swimming and/or nude sunbathing are not permitted.
- **Picnics** are not allowed except in designated areas.

- If planning to **skin dive or scuba dive**, check with the lifeguard first.
- **Wind surfing or surfing** is not permitted except in designated areas. Ordinances are strictly enforced.

## Hollywood

Section 7 1/2-4. Certain acts prohibited on beach.

It shall be unlawful for any person to do any acts hereinafter set out upon the Hollywood beach hereinabove described in section 7 1/2-3, to wit:

- To **bathe or swim** beyond a safe depth in the ocean as from time to time indicated, determined or regulated by the City of Hollywood. Maximum distance for swimming from the shore shall not exceed fifty (50) yards.
- **Surf-fishing** in municipal beach area between the hours of 8:00 a.m. and 6:00 p.m.
- To launch any type boat within the municipal beach area with the exception of a designated launch area to be used for pleasure craft and boats being used by agencies for the protection and safety of the public.
- To use a **surfboard, canoe, boat or non-inflatable raft** in the municipal beach area except in designated area.
- To bathe or swim in designated surfing and **boat launching areas**.
- To use any inflatable rafts, inner tubes, water wings or any other floating or inflated object of any kind during severe water or weather conditions.
- To swim, bathe, or participate in other water activities in the proximity of jetties, groins, or other hazards, or sit, stand, or perform any activities on these structures.
- To **spearfish or to use any tool** which might be considered dangerous within the bathing area of the municipal beach.
- To engage in or play ball or other games upon the public beaches, wherein an object is used that reasonably might endanger persons present upon said beach.
- To build or maintain a fire upon the beach, except in areas designated for such.
- To consume and/or carry any cup, glass, can, bottle, or other open or uncovered container of any alcoholic beverage upon the beach, boardwalk, bandshell, public picnic areas, or in any adjacent structures or facilities.
- To misuse, damage, injure, or destroy any structure, vehicle or equipment provided by the City of Hollywood in connection with the operation of the municipal beach area.
- **Bicycle riding** shall be permitted on the boardwalk between the hours of 5:00a.m. to 10:00a.m. and 4:00p.m. to 8:00p.m..
- To drive or operate any vehicle upon the boardwalk or beach, provided that this provision shall not apply to regular employees of the City working under the direction and the supervision of the City.
- To have or **carry any animal, bird or reptile, or to feed seagulls or pigeons** within | the beach boardwalk or public picnic areas.
- To bring upon the public beach or to carry, hold, possess, eat, drink upon the public beach any food, beverage, candy or confections, except upon the boardwalk between Georgia Street and Simms Street, or upon areas designated and posted as picnic areas.
- To **skateboard** upon the boardwalk.

- To roller-skate upon the boardwalk, except where permitted by posted signs that indicate a certain area is available for roller-skating.

## Orlando

### CRIMINAL ACTION

#### City/County Ordinance Violations:

- Considered same as criminal misdemeanors, but prosecuted by city or county attorney
- Punishable by fine up to \$500 or jail up to 60 days or both.
- Cruising in the city of Orlando, driving past a traffic control point 4 or more times within a two hour period is prohibited on designated streets

#### Curfew/Loitering:

- City of Orlando prohibits minors under age 18 on the street after 12 midnight
- City ordinance also prohibits anyone from being in an area called Wall Street Plaza after midnight, near Church Street Station

#### Driving Under the Influence:

- Criminal charge pursuant to Florida Statute 316.193; blood alcohol level of .08 or above
- Court is required to adjudicate defendant guilty; no withhold of adjudication is permitted per Florida Statute 316.656
- Pretrial intervention/deferred prosecution is NOT available for DUI offenses due to above statute.
- If the defendant is under 21 and found to have a blood alcohol level of .02 or above, driver's license can be suspended immediately per Florida Statute 322.2616; this may be in lieu of or in addition to criminal charge for DUI or criminal charge for underage drinking; this is strictly an administrative action.

#### Open Container/Possession of Alcohol:

- Florida Statute: open container of alcohol constitutes a non-moving traffic violation. NOTE: There are open container ordinances in the city of Orlando and Orange County - criminal penalty.
- Underage Drinking, per Florida Statute 562.111, is a second degree misdemeanor

#### Skateboarding:

- In the city of Orlando, skateboarding on streets, sidewalks, alleys or public parking lots is prohibited

### CRIMINAL PENALTIES

## Pre Trial Diversion:

- Also known as “deferred prosecution”; defined in Florida Statute 948.08
- For misdemeanors in Orange County, requires 6 months probation, \$300 costs of supervision, 40 hours community service and class attendance (dependent on offense)
- For felonies in Orange County, requires 9 months probation, \$450 costs of supervision, 112 hours of community service and class attendance, dependent on offense.
- Can be utilized one time only; cannot receive public defender if using this program
- If completed, record can be expunged

## Nolo Contendere/ No Contest Plea:

- Sentencing occurs at arraignment
- Record can be sealed only after completion of sentence

## **NON-CRIMINAL ACTION**

### Traffic Tickets:

- Failure to sign a traffic citation is a second-degree misdemeanor
- Fines are doubled for speeding in a school zone or a construction zone if roadwork is occurring
- Speeding up to 5 miles over the speed limit results in a warning only if stopped.

### Parking:

- In Orange County, parking in a handicapped parking space is a \$250 fine
- For any non-criminal traffic infraction, options are as follows:
  - Pay the fine within 30 days after the date of the citation
  - Opt to go to driving school; reduced fine, no points on license, must pay for driving school
  - Request a hearing; can submit your defense in writing for the court to consider on a form “Affidavit of Defense”
  - Can plead no contest at hearing; if no prior tickets in past year, no points, fine, court costs = \$35. Court may also order completion of driving school.
  - Orange County offers a payment plan option to pay traffic fines; you must fill out a financial affidavit and establish a plan with a financial counselor
  - Traffic fines may be paid with a credit card in Orange County

## **Panama City Beach**

### Most Common Vehicle Laws Enforced:

- Passing on shoulder of roadway or through parking lots
- Allowing passengers on exterior of vehicle; all passengers must be in a seat or sitting inside the bed of a truck
- No over loading vehicles

- No open containers (alcoholic beverages) in vehicle
- No loud stereos - "Boom" vehicles are looked at very closely
- No stopping in the roadway or slowing down enough to hold up traffic
- Just drive like a reasonable person

#### Most Common Reasons to Get Arrested:

- Under-age drinking & giving alcoholic beverages to a person under 21 years of age
- Possession of an open alcoholic beverage on roadway or on shoulder of roadway or while in a public parking lot
- Running or standing in traffic
- Urinating in public
- Fighting or causing disturbance

#### Helping Hints for Staying at Our Beaches:

- Keep all drinking in your rooms or on the beach and you probably won't get messed with
- Don't act in a manner to draw attention to you or your group
- The motels here won't hesitate a bit to throw you or your whole room out, so don't defraud your motel by allowing unregistered guests to stay or party in your room
- Treat motel employees and owners with respect. They can put you on the streets whenever they want, and there isn't anything you can do about it -- So Be Nice!
- DO NOT climb on the balconies of these motels! They will break! People have DIED as a result!
- If you have a problem, call the Panama City Beach Police Department. Do not take matters into your own hands.
- If a police officer contacts you, show a good attitude. A bad attitude may get you into trouble. A good attitude may get you OUT of trouble.
- Treat others like you would want to be treated
- Just use common sense

***The Panama City Police Department enjoys having all spring breakers come and visit us.  
We're here to help and keep you safe; please help us in our efforts.  
We look forward to seeing everyone!***