

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 12, 2008

REGULATION TITLE:
Traffic & Parking: Jurisdiction; Appeals

REGULATION NO.:
6C1-3.015

SUMMARY: The deadline for filing an appeal of a parking violation has been changed to thirty calendar days from twenty business days. The composition of a University Hearing Authority (which hear second appeals of citations) has been changed to a chairperson, one university employee and one student from a chairperson, two university employees and two students. The composition of the Suspension Appeals Authority is changed from three members selected from university employees and employees of Shands Teaching Hospital and a chairperson to three individuals (one chairperson, one university employee, and one student). A person whose vehicle has been impounded shall have a right a Probable Cause Hearing before an impartial hearing officer, but will no longer have the option of having the hearing before a committee.

AUTHORITY: BOG Resolution dated January 7, 2003.

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Ed Poppell, Vice President for Business Affairs

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-3.015 ~~Finance and Administration~~; Traffic & Parking; Jurisdiction; Appeals.

(1) The Alachua County Court has jurisdiction over all criminal traffic violations and all traffic infractions as defined in Florida Statutes, Chapter 316.

(2) The University Traffic Authority, which consists of the Student Traffic Court, the Staff and Faculty Traffic Authority, the University Hearing Authorities, and the Suspension Appeals Authority, as described in this [regulation](#)~~rule~~, has jurisdiction over all violations of the University rules and regulations governing traffic, parking and vehicle registration on campus.

(3) No person who is delinquent in the payment of a penalty is permitted to register his/her vehicle for operation on the campus. No student who is delinquent in the payment of a penalty is permitted to register at ~~the state U~~university, to receive a degree, or to obtain an academic transcript during such delinquency.

(4) CITATION APPEALS PROCEDURE:

(a) Persons who wish to appeal the citation of a parking violation must file a Statement of Appeal with Transportation and Parking Services within ~~thirty~~~~twenty~~ (320) ~~calendar~~~~business~~ days from the date of the citation. Failure to file an appeal within the ~~thirty~~~~twenty~~ (320) ~~calendar~~~~business~~ days of the date of the citation will result in ~~the person's~~ forfeiture of the right to appeal the citation. A Statement of Appeal shall include the appellant's name, mailing address, University identification number (if applicable) and citation number and should include all information concerning the circumstances of the cited offense as well as the basis claimed for requesting dismissal of the charges.

(b) An Administrative Hearing Officer who is a member of the Student Traffic Court (for students) or the Staff and Faculty Traffic Authority (for all faculty, staff or visitors) will adjudicate the initial appeal of a parking citation.

(c) If the initial ruling by the Administrative Hearing ~~O~~fficer is unacceptable to the appellant, a second appeal may be requested before a University Hearing Authority. The Statement of Appeal to a University Hearing Authority must be filed with Transportation and Parking Services within ~~thirty~~^{twenty} (20) ~~calendar~~^{business} days from the date of the decision of the Administrative Hearing Officer. Failure to file the appeal within thirty (30) calendar days ~~in a timely manner~~ will result in ~~the person's~~ forfeiture of the right to appeal the citation to a University Hearing Authority. Transportation and Parking Services will place the Statement of Appeal on the agenda of the earliest possible scheduled meeting of a University Hearing Authority and shall give the appellant written notice of the date, time and location of the hearing at which the Authority will consider the case. During the course of the hearing by the Authority, the appellant shall have an opportunity to present evidence in support of the information contained in the Statement of Appeal. ~~In order~~ Prior to requesting a hearing, the appellant will be required to pay ~~the~~^{his or her} parking citation. This payment will be refunded to the individual if the University Hearing Authority rules in the appellant's favor.

(d) Requests for continuances of the scheduled hearing date are discouraged, but will be granted only once upon written notification to the ~~Administrative Hearing Officer or~~ chair of the assigned University Hearing Authority of extenuating circumstances justifying a continuance at least 24 hours prior to the scheduled hearing time. Persons failing to obtain a continuance and who do not appear for their scheduled hearing will forfeit their right to a hearing and shall have their appeal adjudicated upon the record before the Authority.

(5) STUDENT TRAFFIC COURT, through its duly appointed Administrative Hearing Officer, shall have jurisdiction over the initial appeal of citations issued to students. The Student Traffic Court, a division of Student Government, will consist of a Chief Justice and twelve other student Administrative Hearing Officers appointed by the Student Body President with the consultation of the Vice President of Student Affairs.

In those cases in which a student files an appeal, a Student Traffic Court Administrative Hearing Officer determines whether such student is guilty or innocent of the charge. The Administrative Hearing Officer ~~may~~~~will~~ reduce the monetary or restrictive penalty if he or she finds that the violation does not represent a repeated pattern of behavior by the violator, full imposition of the monetary or restrictive penalty would result in unnecessary hardship or burden, or reduction would be in the best interest of the University.

(6) THE STAFF AND FACULTY TRAFFIC AUTHORITY shall have jurisdiction over the initial appeal of citations issued to all employees and visitors. The Staff and Faculty Traffic Authority will consist of employee (as defined in [Regulation](#)~~Rule~~ 6C1-3.006) Administrative Hearing Officers appointed by the President of the University or the President's designee.

In those cases in which an employee or visitor files an appeal, an Administrative Hearing Officer from the Staff and Faculty Traffic Authority determines whether such person is guilty or innocent of the charge. The Administrative Hearing Officer ~~may~~~~will~~ reduce the monetary or restrictive penalty if he or she finds that the violation does not represent a repeated pattern of behavior by the violator, full imposition of the monetary or restrictive penalty would result in unnecessary hardship or burden, or reduction would be in the best interest of the University.

(7) UNIVERSITY HEARING AUTHORITIES shall have jurisdiction over the second appeal of all citations ~~issues to all faculty, staff, students and visitors~~. Each University Hearing Authority shall consist of three (3) individuals including a chairperson, ~~one~~^{two} university employees and ~~one~~^{two} students, all of whom are Administrative Hearing Officers. ~~One-half of the chairpersons shall be student Administrative Hearing Officers, and one-half shall be employee Administrative Hearing Officers.~~ Members of each University Hearing Authority will be selected by the Vice President of Business Affairs~~Finance and Administration~~ or the Vice President's designee.

In those cases in which a person files an appeal of the decision of an Administrative Hearing Officer, the person may choose to be present at the meeting of the University Hearing Authority to which the appeal is assigned and shall have the opportunity to present evidence in support of the information contained in the Statement of Appeal. The University Hearing Authority determines whether the individual is guilty or innocent of the charge. The University Hearing Authority ~~may~~^{will} reduce the monetary or restrictive penalty if it finds that the violation does not represent a repeated pattern of behavior by the violator, full imposition of the monetary or restrictive penalty would result in unnecessary hardship or burden, or reduction would be in the best interest of the University. A simple majority of the University Hearing Authority will constitute a quorum, and decisions of a majority of such quorum shall be final.

(8) THE SUSPENSION APPEALS AUTHORITY shall have jurisdiction over all staff, faculty and students whose driving and parking privileges have been suspended pursuant to Regulation~~Rule~~ 6C1-3.014(4). The Authority shall be appointed by the President or the President's designee~~of the University~~. It shall consist of three (3) individuals including a chairperson, one employee and one students, all of whom are Administrative Hearing Officers.

~~and three (3) members selected from staff, faculty and Technical, Executive, Administrative, and Managerial Support (TEAMS) personnel of the University and employees of Shands Teaching Hospital and Clinics, Inc. One member of the Authority will be appointed chairperson by the President.~~ Three members of the Authority will constitute a quorum and decisions of a majority of such quorum shall be final.

(9) IMPOUNDMENT APPEAL PROCEDURE

(a) ~~A p~~Persons whose vehicle has been impounded shall have the right to a ~~P~~probable ~~C~~ause ~~H~~earing before an impartial hearing officer ~~or committee~~ appointed by the President or the President's designee provided a ~~timely~~ request is made within fifteen (15) calendar days from the date of impoundment~~therefor~~. The purpose of the hearing is to determine if there is probable cause for continued detention of the vehicle. No hearing will be held unless requested in writing by the owner of the vehicle or his/her agent at the University Police Department or Transportation and Parking Services. The hearing shall be held within seventy-two (72) hours from receipt of said written request. In lieu of the ~~P~~probable ~~C~~ause ~~H~~earing, or pending such hearing, or if probable cause is found at such hearing, the owner of the vehicle or his/her agent may obtain release of the vehicle by paying the impound charges and delinquent fines.

(b) If the hearing officer ~~or committee~~ finds probable cause to impound the vehicle, the individual is then given the prerogative of appealing the citation to a University Hearing Authority.

(c) If no probable cause is found to impound the vehicle, it shall be released without requiring the owner to pay impound charges. If the vehicle was previously released upon payment, as provided in paragraph (9)(a) above, such payment shall be refunded.

(d) Failure to request a ~~P~~probable ~~C~~ause ~~H~~earing within fifteen (15) calendar days from the date ~~the notice~~ of impoundment ~~is received~~ constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impound charges and delinquent fines.

Specific Authority: BOG Resolution dated January 7, 2003 ~~1001.74(4), 1006.66(2) FS.~~

~~Law Implemented 1001.74(35), 1006.66 FS.~~

History--New 9-29-75, Amended 8-19-79, 8-12-82, 3-6-85, Formerly 6C1-3.15, Amended 2-9-87, 5-14-87, 4-27-88, 4-23-89, 5-7-92, 5-19-93, 7-11-94, 4-30-95, 6-28-98, 6-7-00, 1-11-05.

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