

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 13, 2009

REGULATION TITLE:
Traffic & Parking: Jurisdiction; Appeals

REGULATION NO.:
6C1-3.015

SUMMARY: The change provides that a paid citation may be refunded in whole or part on a reappeal if so directed by the University's Hearing Authority.

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 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, 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 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 (30) calendar days from the date of the citation. Failure to file an appeal within the thirty (30) calendar days of the date of the citation will result in 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 Officer is unacceptable to the appellant, a reappeal ~~second appeal~~ may be requested before a University Hearing Authority. The Statement of Reappeal ~~Appeal~~ to a University Hearing Authority must be filed with Transportation and Parking Services within thirty (30) calendar days from the date of the decision of the Administrative Hearing Officer. Failure to file the reappeal ~~appeal~~ within thirty (30) calendar days will result in forfeiture of the right to reappeal ~~appeal~~ the citation to a University Hearing Authority. Transportation and Parking Services will place the Statement of Reappeal ~~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~~ Reappeal. Prior to requesting a hearing, the appellant will be required to pay the parking citation. This payment will be refunded to the individual in full or in part pursuant to ~~if the University Hearing Authority's decision 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 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 the ~~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 not guilty ~~innocent~~ of the charge. The Administrative Hearing Officer may 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 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 not guilty ~~innocent~~ of the charge. The Administrative Hearing Officer may 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 reappeal ~~second appeal~~ of all citations. Each University Hearing Authority shall consist of three (3) individuals including a chairperson, one ~~u~~University employee and one student, all of whom are Administrative Hearing Officers. Members of each University Hearing Authority will be selected by the Vice President of Business Affairs or the Vice President's designee.

In those cases in which a person files a reappeal ~~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 reappeal ~~appeal~~ is assigned and shall have the opportunity to present evidence in support of the information contained in the Statement of ~~Appeal~~ Reappeal. The University Hearing Authority determines whether the individual is guilty or not guilty ~~innocent~~ of the charge. The University Hearing Authority may 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 6C1-3.014(4). The Authority shall be appointed by the President or the President's designee. It shall consist of three (3) individuals including a chairperson, one employee and one student, all of whom are Administrative Hearing Officers. 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 person whose vehicle has been impounded shall have the right to a Probable Cause Hearing before an impartial hearing officer appointed by the President or the President's designee provided a request is made within fifteen (15) calendar days from the date of impoundment. The purpose of the hearing is to determine if there was ~~is~~ probable cause for impoundment ~~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 three (3) business days ~~seventy-two (72) hours~~ from receipt of said written request. In lieu of the Probable Cause Hearing, 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 all delinquent fines.

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

(c) If the Hearing officer finds that there was not ~~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 Probable Cause Hearing within fifteen (15) calendar days from the date of impoundment constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impound charges and all delinquent fines.

Specific Authority: BOG Resolution dated January 7, 2003.

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, 3-14-08 (BOT approval),_____.