

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 7, 2019

REGULATION TITLE:
Lost or Abandoned Property

REGULATION NO.:
3.0051

SUMMARY: The proposed regulation amendment includes the necessary statutory changes related to the University’s disposal or use of lost or abandoned property and updates the definition of “Campus”.

AUTHORITY: BOG Regulation 1.001

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 AMENDMENT IS: Stephanie M. Fisher, Legal Assistant II, 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 AMENDMENT: Alan M. West, Assistant Vice President and University Controller

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

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

3.0051 Lost or Abandoned Property.

(1) For the purposes of this regulation, the following definitions shall apply:

(a) ~~“University campus” or “eCampus” shall include all University-occupied or -controlled lands located within the state of Florida, those lands located in the City of Gainesville, Florida, occupied or controlled by the University of Florida, and bounded generally by 13th Street on the east, University Avenue on the north, 34th Street on the west and Archer Road on the south, along with any other educational or residential facilities occupied or controlled by the University within Alachua County, Florida.~~

(b) “Date of notification” is defined as the date on which an identified owner of lost or abandoned property is notified by the Property Custodian that such property is in custody and informed of the location and means by which the property may be released. If notification is by mail, the date of notification is five business days after the date the letter is mailed.

(c) “Date of receipt” is defined as the date lost or abandoned property comes into the custody of the Property Custodian as recorded by the Property Custodian.

(d) “Discarded items” are defined as tangible personal property and other personal objects left on campus that have no identifiable owner, no appreciable value, and no apparent intrinsic value to the rightful owner. Discarded items are not subject to the procedures set forth in this rule.

(e) “Lost or abandoned property” is defined as tangible personal property with some appreciable value or apparent intrinsic value to the rightful owner that has been mislaid

or deposited on campus and left unattended, including vehicles that are deemed abandoned in accordance with subsection (2) of this rule. Lost or abandoned property may or may not have an identifiable owner.

(f) “Notice of impoundment” is defined as a letter sent by the University of Florida Police Department (University Police Department) to the registered owner of an impounded vehicle via certified mail or a notice posted on the vehicle pursuant to Regulation 3.0131 notifying the registered owner that the vehicle has been impounded and stating the place and means by which the vehicle’s release may be secured.

(g) “Property custodian” is defined as the individual(s) designated by the University President to manage the transfer, storage, and disposal of property lost or abandoned on campus in accordance with Section 705.18, Fla. Stat.; persons designated by the Property Custodian to carry out any of these duties.

(2) Property Deemed Abandoned. A vehicle that has been impounded pursuant to Regulation 3.013 will be deemed abandoned if not claimed and released pursuant to subsection 3.015(9) within thirty (30) calendar days from the date of impoundment or fifteen (15) days from the date of receipt of the notice of impoundment, whichever is later, or, if the impoundment has been appealed pursuant to subsection 3.015(9), within thirty (30) calendar days from the date of the probable cause hearing, or if the probable cause determination is appealed, within thirty (30) calendar days from the date of the final determination. The date the vehicle is deemed abandoned in accordance with the above shall be recorded by the Property Custodian as the date of receipt of abandoned property for purposes of this regulation. Property deemed abandoned shall be treated as abandoned property under the procedures set forth in subsection (3) of this regulation.

(3) Procedures.

(a) All reports pertaining to missing, lost, stolen or abandoned property that is or may be located on campus shall be made to the University Police Department.

(b) All lost or abandoned property found on campus shall be delivered to the Property Custodian who shall record the date of receipt of the property and retain custody of the property until disposed of in accordance with this regulation.

(c) If the rightful owner of the property is identifiable, the Property Custodian shall make reasonable efforts to contact and notify the rightful owner of the location and means by which the property may be released.

(d) In determining whether the rightful owner is identifiable, the Property Custodian shall compare outstanding reports made to the University Police Department of missing, lost, or stolen property to the property in custody. Property that appears to be recovered stolen property may be retained by the University Police Department as necessary for evidentiary and/or investigative purposes.

(e) If lost or abandoned property is not claimed by the rightful owner within thirty (30) calendar days from the date of receipt recorded by the Property Custodian, or a longer period of time as may be deemed appropriate by the Property Custodian, ~~such property will be sold at public auction in accordance~~ the University will dispose or make use of such property in accordance with Section 705.18, Fla. Stat. The rightful owner of such property may reclaim the property at any time prior to the University's disposition or use.~~to sale.~~

~~(f) — Notice of the auction shall be provided in accordance with Section 705.18, Fla. Stat., and shall be published no less than two (2) weeks prior to the auction and shall~~

~~include a description of the items to be auctioned.~~

~~(g)(f)~~ Any lost or abandoned property claimed by the rightful owner shall be released subject to any applicable liens, fees, fines, and reasonable costs of transport, storage and sale.

~~(h) — If lost or abandoned property that is made available for sale at auction pursuant to Section 705.18 Fla. Stat. and this Regulation is not sold at such auction, the Property Custodian shall either retain the property for university use, donate it to a charitable organization, or discard it.~~

Authority: BOG Regulation 1.001.

History: New 7-19-05, Amended 3-30-07. Formerly 6C1-3.0051, Amended 3-23-18

(technical changes only), Amended _____.