

PROCEDURE FOR SUBMITTING WRITTEN COMMENTS CONCERNING THE PROPOSED REGULATION:

ANY PERSON MAY SUBMIT WRITTEN COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT, OR REPEAL BY 5 PM ON TUESDAY, MARCH 28, 2006, TO:

Wendy S. Morris, General Counsel
10501 FGCU Blvd. South
Fort Myers, Florida 33965-6565
Phone: (239) 590-1101; Fax (239) 590-1010
Email: wmorris@fgcu.edu

A COPY OF THIS NOTICE AND THE PROPOSED REGULATION IS POSTED ON THE WEB AT: <http://www.fgcu.edu/generalcounsel/governance.asp>

Florida Gulf Coast University Regulation
Chapter 6C10-8, Parking and Traffic Regulations

6C10-8.001. General.

(1) This ~~rule~~ Chapter applies to all persons who operate or park a ~~motor~~ vehicle on property owned or controlled by ~~the~~ Florida Gulf Coast University. All Lee County, Florida, traffic and parking ordinances which are not in conflict or inconsistent with University ~~regulations~~rules and all provisions of Chapter 316, Florida Statutes, Florida Uniform Traffic Control Law, shall extend and be applicable to the University's premises. The operation and parking of a motor vehicles on University property ~~are~~ is a privileges and not a rights ~~which are available only through compliance with these rules~~. Application for and acceptance of a decal or permit shall be deemed an acknowledgment of the requirements of, and an agreement to adhere to, these ~~regulations~~rules.

(2) University parking and traffic ~~regulations~~rules are enforced twenty-four hours a day, each day of the calendar year. Copies of these ~~regulations~~rules and a schedule of fees and fines are available at the University Police and Safety Department and the Cashier's Office. The University assumes no liability for damage to vehicles parked or operated on University premises. Any such damage is a risk assumed by the owner or operator of the vehicle. The issuance of a decal or permit does not guarantee a place to park.

(3) The following are definitions of words and phrases used in the regulations governing traffic, parking and registration of vehicles on the Florida Gulf Coast University campus.

(a) Abandoned Vehicle -- Any vehicle left parked on campus for more than three (3) consecutive days. A vehicle left in a parking garage for more than forty-eight (48) consecutive hours is considered abandoned.

(b) Business Day – Any day other than a Saturday, Sunday, University holiday or a day in which the University is closed due to a natural disaster or other hazardous conditions. If a time limit expires on a non-business day it shall be extended to 5 p.m. of the next business day.

(c) Day – A calendar day unless otherwise noted.

(d) Decal – A decal is a sticker affixed to a vehicle authorizing the parking of a vehicle on the University campus for a limited period of time in authorized areas.

(e) Immobilized Vehicle – A vehicle that is rendered inoperable by a lawfully attached mechanical device such as a “boot” or clamp device.

(f) Impounded Vehicle – A vehicle that has been towed away from the place in which it was parked and held in legal custody.

(g) Motor Vehicle – Any self-propelled vehicle not operated upon the rails or guideway and includes any automobiles, motorcycles, motor scooters, mopeds, motorized disability access vehicles, or electric personal assistive mobility devices.

(h) Park or Parking – The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of loading or unloading merchandise or passengers.

(i) Parking Services Division –The unit within the University Police and Safety Department that is responsible for issuing decals and permits for parking on campus and for collecting parking fees and fines. It is located on the University campus in the Campus Support Complex. Office hours are Monday thru Friday from 8:00 AM to 5:00 PM except on University holidays. The phone number is (239) 590-1912, and the email address is parkingservices@fgcu.edu.

(j) Parking Space – Areas governed by the University parking regulations with spaces delineated by white, yellow or blue striping, a parking meter, signage or physical barriers delineating parking parameters.

(k) Permit –A permit is a hangtag authorizing the parking of a vehicle on the University campus for a limited period of time in authorized areas.

(l) Reserved Space – An individual parking space, appropriately marked for a particular license tag number, individual, University position or unit.

(m) State Vehicles – Vehicles bearing a duly issued license tag of the State of Florida or a political subdivision thereof.

(n) University Police and Safety Department – The University unit responsible for providing law enforcement, security, traffic control, disaster-planning and emergency response. The Department is authorized to enforce the laws of the State of Florida, the traffic and parking ordinances of Lee County, Florida which are not in conflict with this Chapter, and the regulations of Florida Gulf Coast University. The Department provides routine and emergency services to the University. The Department is located on the University campus in the Campus Support Complex. The phone number for routine services is (239) 590-1900, and the emergency number is (239) 590-1911. The Parking Services Division is a component of the University Policy and Safety Department.

(o) University Traffic Appeals Board – The University authority established in Regulation 6C10-8.006, Enforcement, to review and render final decisions regarding appeals of traffic and parking citations.

(p) Vehicle –Any conveyance used to transport passengers, merchandise, livestock or equipment.

*Specific Authority: Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees ("BOG Regulation Development Procedure"). Law Implemented: Chapter 316, 1001.74 (35) & (39), 1006.66, FS.
History--New 7-10-97, Amended 9-4-02,_____.*

6C10-8.002. Authority of University Police.

University Police are sworn law enforcement officers in accordance with Chapter 943, Florida Statutes, who are authorized and empowered to:

- (1) Enforce these regulations~~rules~~ and to provide for the safety of all persons on University property;
- (2) Make arrests, issue citations, and seek the assistance of, and cooperate with, other law enforcement agencies in carrying out their police functions;
- (3) Pursue violators off campus to make arrests;
- (4) Enforce all State of Florida laws and Lee County, Florida traffic and parking ordinances which are not in conflict or inconsistent with these regulations~~rules~~; and perform any other act authorized by law; and
- (5) Employ civilian personnel as Police Service Aides (PSA), Safety Officers (SO) and Parking Enforcement Aides (PEA) who have been trained in the enforcement of this Chapter~~rule~~ and are authorized by such training to enforce the provisions thereof~~this rule~~.

*Specific Authority: BOG Regulation Development Procedure. Law Implemented: 1001.74 (35) & (39), 1006.66, Chapter 943, FS.
History--New 7-10-97, Amended 10-4-00.*

6C10-8.003. Registration of Vehicles.

- (1) Any motor vehicle, except disability access vehicles or personal assistive mobility devices, that is owned, leased or operated by a student, faculty or staff member, administrator, concession employee or any other person who

regularly operates a motor vehicle on University property must be registered with the University and display a validly issued University parking decal or permit. Vehicles which make temporary and brief stops at one or more points on University premises including but not limited to, marked delivery trucks, utility service vehicles, vehicles for hire and buses are exempt from registration. Contractors and contractor personnel who are engaged in University construction projects are also exempt when engaged in work provided that they are parked at specified locations on project sites.

(2) Unless a grace period has been established by the President or designee, and is in effect, vehicle registrations expire on the date indicated on the decal or permit. Notice of a grace period shall be given by publication in the student newspaper and in postings in and around campus.

(3) Decals and permits are issued according to the classifications contained in these regulations ~~rules~~. A decal or permit will be issued by the Parking Services Division of University Police and Safety Department upon the following conditions:

(a) The owner or driver registers the vehicle with the Parking Services Division of the University Police and Safety Department;

(b) The owner or driver pays the appropriate fee and provides proof of the decal or permit classification to which he or she is entitled;

(c) The owner or driver settles all outstanding traffic and parking fines and fees;

(d) Parking privileges have not been revoked for the owner or driver; and,

(e) When two (or more) persons who are employed by, or are students at, the University, reside in the same household and drive separate vehicles, each is required to register and purchase a decal or permit. If two (or more) persons travel together in one vehicle, only one decal or permit is required.

Specific Authority: BOG Development Procedure. Law Implemented: 1001.74 (35) & (39), 1006.66, 1009.24(12)(p), FS. History-- New 7-10-97, Amended 10-4-00, _____.

6C10-8.004. Decal and Permit Fees.

(1) Effective July 1, 2006, ~~t~~The annual registration fee for decals and permits is provided below:

<u>(a) Three or More Wheels Hanging Permit:</u>	<u>Affixed</u>	<u>Hanging</u>
General Lot Parking (students)	<u>No Charge</u>	<u>Provided for in transportation access fee.</u>
General Lot Parking (non-students)	\$100 75.00	\$75.00
Faculty/Staff Lot Parking	\$100 75.00	\$75.00
Faculty/Staff Reserved Space Parking	\$45 300.00	\$300.00

<u>(b) Two Wheels Affixed Decal:</u>	<u>Affixed</u>	<u>Hanging</u>
General Lot Parking (students)	<u>No Charge</u>	<u>Provided for in transportation access fee.</u>
General Lot Parking (non-students)	\$25.00	N/A
Faculty/Staff Lot Parking	\$25.00	N/A

(c) The special event permit fee is provided below:
 General Lot Parking \$1.00 per day per vehicle

(2) Term Registration. Effective July 1, 2006, ~~w~~With the exception of faculty/staff reserved parking, ~~decals and permits can be purchased on a per term basis for a fee of \$430.00 per term. An applicant for vehicle registration will be issued either an affixed decal or a hanging permit if available for the category of vehicle being registered as indicated by the chart above.~~

(3) Transferability. Decals are non-transferable. Permits are transferable to any other four-wheeled vehicle that is registered in accordance with this ~~regulation rule~~ and is owned, leased or operated by the applicant. Special event permit fees shall be waived for vehicles displaying valid annual or term parking decals/permits

(4) Sales Tax. All decal and permit registration fees include the required State of Florida sales tax.

(5) Proration of Purchase Price. The purchase price of an annual or term permit or decal will be prorated on a bi-weekly basis over the applicable time period. The prorated price will be determined at the time of purchase.

(6) Retired Faculty/Staff. Persons with Florida Gulf Coast University retired status who are no longer receiving any form of financial compensation for active employment are eligible to register and obtain the same parking privileges as if still employed by the University, except that retired employees are not eligible to purchase reserved spaces.

(7) Adjunct Faculty. Persons employed by Florida Gulf Coast University as adjunct faculty are eligible to obtain a faculty/staff term parking permit for the applicable term at no charge. For purposes of this provision, adjunct faculty are defined as instructors hired on a per semester basis whose responsibilities are limited to those duties related to classroom instruction and student assessment. Such persons are appointed on a temporary basis for one academic term at a time and possess no continuing contractual or other employment relationship with the University.

Specific Authority: BOG Regulation Development Procedure. Law Implemented: [1001.74\(35\)](#), [\(39\)](#), [1006.66](#), [1009.24\(12\)\(p\)](#) FS. History--New 7-10-97, Amended 10-4-00, 9-4-02, 7-2-03, 1-8-04, _____.

6C10-8.005. Regulations.

(1) Decal/Permit Registration; Replacements; Refunds

(a) If a ~~vehicle-registered vehicle by an affixed decal~~ is sold, traded, or destroyed or if the affixed decal is defaced, the original registrant may obtain a replacement decal for a fee of \$~~105.00~~ upon presenting the original decal (or remains thereof, where possible), along with the new vehicle registration (if applicable), to the University Police and Safety Department or the Cashier's Office.

(b) All lost, stolen or defaced decals or permits should be reported to the University Police and Safety Department.

(c) Lost or stolen decals or permits will not be replaced and the registrant will be required to purchase a new decal or permit.

(d) Refunds of Registration Fee. Refund requests may be submitted to the Division of Parking Services as set forth below. Refunds will not be given in cash.

1. Refunds to Students. A full refund will be issued for affixed decals or hanging permits sold in the current term if returned intact before the last day of Drop/Add for that term and if the student is no longer enrolled in any course at the University. Refund checks will be mailed to students at the address recorded in the Registrar's Office. ~~No cash refunds will be given by the University Police and Safety Department or the Cashier's Office.~~

2. Refunds to Faculty/Staff. One twelfth (1/12) of the annual price for each unused month may be refunded on an annual decal. Refunds must be requested by the 5th of the month in order for the month to be considered unused. No refunds will be issued unless the permit or decal (or remains thereof, where possible) are returned to the Parking Services Division.

(e) University employees may elect to have vehicle registration fees deducted from their paychecks through payroll deduction.

(f) Temporary permits may be issued under the following circumstances:

1. When the registered vehicle is undergoing repairs and the registrant is driving a loaner or rental vehicle.
2. When a University unit~~college or department~~ is hosting a special event such as a seminar or meeting on University property; or
3. When a University unit~~college or department~~ employs temporary or seasonal personnel for a duration of no more than two weeks. Where the duration of temporary or seasonal employment is more than two weeks, the cost of a term decal or permit shall be prorated and assessed.

(2) Decal/Permit Display. Decals and permits shall be displayed according to the following regulations:

(a) All persons who park motor vehicles on University premises shall display either a valid decal or permit.

(b) Decals shall be permanently affixed midway down the left side of the windshield of four wheeled motor vehicles or as otherwise directed by the University Police and Safety Department at the time of registration depending upon vehicle configuration.

(c) A hanging style permit shall be displayed at all times while on campus on the rear view mirror with the permit number facing outward.

(d) Decals shall be permanently affixed to the rear fender of two-wheeled vehicles, or if there is no fender, as directed by the University Police at the time of registration.

(e) No person shall transfer a decal or permit to another person, alter a decal or permit, falsify documents to obtain a decal or permit or to otherwise possess, obtain or display a decal or permit that is not registered in his or her name. Any such act constitutes decal/permit fraud.

(3) ~~Traffic Regulations~~Rules. For purposes of Rule Chapter 6C10-8, F.A.C., motorcycles, motor scooters, mopeds, bicycles and motorized disability access vehicles are considered to be motor vehicles. The ~~o~~Operation of motor vehicles on University roadways and in parking areas~~lots~~ is subject to the following regulations:

(a) Pedestrians and wildlife have the right-of-way over motor vehicles. Pedestrians must use crosswalks when crossing a roadway.

(b) The speed limit in all parking lots is 15 miles per hour and the speed limit on roadways is 30 miles an hour, unless otherwise posted. The speed limit in parking garages is 5 miles per hour, unless otherwise posted.

(c) Motorists and pedestrians shall follow and obey all traffic signs and devices and orders given by University ~~P~~police. Directions given by University ~~P~~police supersede posted regulations and traffic signals.

(d) University ~~P~~police may erect barriers on roadways and in parking lots from time to time to prevent the entry of vehicles. No person shall move or remove barriers or enter into barricaded areas~~barricaded by police~~.

(e) No motor vehicles, other than police, emergency or service vehicles, ~~and motorized disability access~~ shall be operated or parked on grass, walkways, sidewalks, fire hydrant areas, service areas, or other prohibited zones, except where specifically permitted by signage.

(f) No person shall alter, deface or remove any traffic control device or sign.

(g) No second person shall ride on a motorcycle, motor scooter, or bicycle unless the vehicle is designed and equipped with a seat for a second person.

(h) All vehicular accidents, which occur on University property shall be reported to the University Police and Safety Department.

(4) Parking ~~Regulations~~Rules.

(a) Posted signs, wheel stops and other markings designate the various parking areas on campus. Temporary parking areas may be designated by the University by placement of delineating signs, wheel stops or other identifying marks. Parking areas may be restricted by classification, time or purpose. Parking areas restricted by classification, time or purpose shall be considered "no parking" zones to those individuals who do not fall within the restriction of the classification. The following parking restrictions are found in areas on the University's premises:

1. Disabled;
2. Motorcycle/moped/bicycle;
3. State Vehicles;
4. Loading Zone;
5. Visitor;
6. Faculty/Staff ~~Lot~~;
7. ~~Faculty/Staff~~ Reserved;
8. Short Term;-
9. Housing;
10. Service Vehicle;
11. Fire Lane;
12. Head-In;
13. Compact Vehicle;
14. Golf Cart;
15. Metered Parking;
16. Gated; and
17. Garage.

(b) The following ~~regulations~~rules apply to the parking of motor vehicles on University property:

1. All vehicles must park in marked parking spaces.
2. Visitors must obtain a visitor's parking permit from the University Police Department and may park in any ~~delineated~~ visitor-designated or unmarked space, unless otherwise directed by University police.
3. No vehicle shall be parked in more than one space at a time or in a manner that straddles the marked lines of a parking space.
4. No ~~motor~~ vehicle shall be parked or left standing in a manner that blocks the egress or ingress of another vehicle; ~~i.e., double parking~~.

5. ~~Motor~~ Vehicles shall not be parked or left standing in such a way as to create a hazard or an obstruction with the free movement of vehicular or pedestrian traffic.

6. No vehicle shall be parked or left standing on grass, sidewalks, or on the street, unless otherwise permitted by signage.

7. A person who must leave a ~~motor~~ vehicle overnight on University premises due to mechanical failure, flat tire, lack of fuel and the like, must notify the University Police and Safety Department. Any abandoned vehicle ~~left parked on campus for more than three consecutive days and nights, without notification to the University Police and Safety Department,~~ shall be ~~deemed abandoned~~ and subject to towing, impoundment and disposal at the owner's expense. Disabled vehicles shall be reported immediately to the University Police and Safety Department.

8. No major repairs to vehicles shall be performed on University property.

9. Loading zones shall be used only for the purposes of loading and unloading vehicles and only for the time limit permitted by signage.

10. No person shall park in any restricted parking space (~~i.e., handicapped parking, state vehicles~~) unless the person or vehicle satisfies the terms of the restriction.

~~11. Persons with temporary disabilities may obtain special permits to park in spaces designated for handicapped parking from the University Police and Safety Department upon presentation of medical documentation. Vehicles parked in disabled accessible handicapped spaces without either state-issued disabled accessible handicapped parking permits or University issued handicapped parking permits are subject to being towed and impounded in addition to any other penalty provided by Regulation [Rule 6C10-8.006, F.A.C.](#)~~

~~12.~~ Any parking space within an assigned lot that is not reserved for a particular kind of parking is open on a first come basis to students, faculty, staff or other registrants.

~~13.~~ Parking a vehicle on University premises following failure to pay or appeal any citation for a University decal, parking or traffic infraction within the time provided, or parking on University premises with a revoked decal or permit shall be considered illegal parking and subject the vehicle to towing and impoundment or immobilization at the owner's expense in addition to any other penalty or fine provided by ~~Regulation~~ Rule 6C10-8.006, F.A.C.

~~14.~~ Motorcycles, motor scooters, mopeds, and bicycles shall be parked only in special racks or designated areas and shall not occupy spaces designated for automobiles.

~~15.~~ Residential students are prohibited from parking in all academic parking lots between 7 a.m. and 7 p.m. Monday through Friday.

16. Parking Garage. The University reserves the right to close parking garages during posted nighttime hours. All vehicles must be removed before garage closure. After a garage is officially closed, all remaining vehicles will be cited as parking in a reserved space and can be towed and impounded. The use of skateboards, roller-skates, in line skates, or similar devices, are prohibited in parking garages.

Specific Authority: BOG Regulation Development Procedure. Law Implemented: [1001.74\(35\) & \(39\)](#), [1006.66](#), [1009.24\(12\)\(p\) FS](#). History--New 7-10-97, Amended 10-4-00, 7-2-03, _____.

6C10-8.006. Enforcement.

(1) Violations. Failure to abide by any provision of these regulations~~rules~~ shall be deemed a University traffic infraction. University traffic infractions are enforced through use of written warnings, citations and fines, towing and impoundment, immobilization and any other means authorized by this Chapter~~rule~~.

(2) Citations. All University Police Department employees (sworn officers, PSA's, PEA's, or Safety Officers) have the authority to issue written University citations to persons who violate Lee County, Florida or University decal/permit and parking regulations. State of Florida Uniform Traffic Citations are issued for moving violations, which are returnable to the Lee County Court for appearance and payment of fines. State of Florida Uniform Traffic Citations may carry higher fines or penalties and cannot be appealed through the University's administrative processes.

(a) Schedule of Fines. The schedule below establishes fines for University traffic infractions:

If Paid within Five (5) Days	
Decal/Permit Violations	
(Except Decal/Permit Fraud)	\$2015.00
Decal/Permit Fraud	\$100.00
Parking Violations:	
General Violations (Except Handicapped)	\$2015.00
Disabled Accessible Space Handicapped Parking Violations	\$200.00
Reserved Space Violations	\$100.00
University Traffic Violations	\$2015.00

(b) If Payment Received after Five (5) Days

Decal/Permit Violations (Except Decal/Permit Fraud)	\$3025.00
Decal/Permit Fraud	\$125.00
Parking Violations	
General Violations (Except Handicapped)	\$3025.00
Disabled Accessible Space Handicapped Parking Violations	\$225.00
Reserved Space Violations	\$110.00
University Traffic Violations	\$3025.00
Late Fee:	25% of amount due.

(c) Vehicles, which remain parked in time restricted parking spaces such as Loading Zones beyond the time allowed, are subject to additional citations. Any vehicle, which remains in violation of any other provision of these regulations twenty-four (24) hours beyond the time of the original citation, is subject to additional citations.

(d) Administrative Action. In addition to the accrual of a fine and a late fee, the University is authorized to take administrative action if a University traffic citation is not paid or appealed within the time provided in these regulations. Such administrative action includes withholding of grades, degrees and/or transcripts; revocation of parking privileges; turning the citation over for collection, and/or towing and impoundment or immobilization of the person's vehicle.

(e) Permit Revocation. A person who has been accused of decal/permit fraud or who falsifies or misrepresents information when applying for or exercising parking and traffic privileges is subject to revocation of parking privileges, if such charges were sustained.

(3) Responsibility for Citations. The person(s) in whose name a decal/permit is registered or in whose name a vehicle is registered with the Department of Highway Safety and Motor Vehicles, shall be held responsible for citations issued to a vehicle unless he or she furnishes the University Police Department with evidence that the vehicle was, at the time of the University Traffic Infraction, in the care, custody or control of another person.

(4) Procedures for Payment of Fines and Appeals.

(a) A person who has been issued a University traffic citation has five (5) University business days from the date of its issuance to settle the citation either by paying the designated fine or by filing an appeal. If payment is not made or an appeal instituted within the allotted time, a late charge shall be assessed. If the fine and fee are not paid within ten (10) days from the date the citation is issued, then the University will turn the matter over to the University's Cashier's Office for collection, in which case the person shall also be responsible for paying reasonable costs of collection.

1. Payment of Fines. Fines can be paid in person or by mail at the Cashier's Office during regular University business hours. All payments should include the payor's ~~social security number~~ full name, the cited vehicle's license tag number and the citation number.

2. Appeals of Citations. Appeals of citations for University traffic infractions are instituted by filing a written appeal with the Director of University Police and Safety Department or a designee on Form UPD #1001 (4/0697) which is incorporated by reference into this ~~regulation~~rule. Forms may be obtained at the University Police and Safety Department, Division of Parking Services. Faculty/staff and students shall file appeals electronically through the Division of Parking Services website at <http://admin.fgcu.edu/police/appeals.html>. Lack of parking spaces or the failure of others to observe these ~~regulations~~rules shall not be valid defenses to violation of the University's parking and traffic ~~regulations~~rules. The appeal shall include a current and accurate address where notices can be sent and received. The Director of University Police or designee shall make a determination whether to grant the appeal within ~~fourteen (14)~~14 days of receipt of the appeal. If the appeal is denied by the Director of University Police or designee, then the appeal shall be forwarded, as completed, to the University Traffic Appeals Board for hearing and resolution within thirty (30) days at its next scheduled meeting.

3. University Traffic and Appeals Board. The University Traffic Appeals Board consists of ~~six~~five members who are appointed by the University President for two-year staggered terms. The membership of the Board shall include ~~two~~ representatives from ~~the following:~~ student government, one faculty member, one Administrative and Professional employee, one USPS employee and one additional member appointed at large by the President. The student, faculty, Administrative and Professional and USPS representatives will be nominated by their respective governance structures. The Director of University Police and Safety Department shall be an ex officio member of the Traffic Appeals Board. The University Traffic Appeals Board shall have the authority to hear and resolve appeals of University traffic infractions including cases of permit revocation.

a. Upon receipt of an appeal, the Board shall set a time and date for hearing and provide the appellant with at least five (5) University business days advance written notice. Failure of the appellant to appear at the hearing shall result in dismissal of the appeal.

b. At the hearing, the Traffic Appeals Board shall consider any facts or evidence, which ~~is~~is relevant to its determination of the appeal. The board may request additional information prior to rendering its decision and may hear the testimony of the appellant, witnesses or the citing officer. The board may modify the penalties provided in Section 6C10-8.006. Such modification may include a reduction in penalty or a warning to the appellant. The board shall render a decision within thirty (30) days of the close of the hearing and notify the appellant in writing.

c. The decision to grant or deny an appeal shall be in writing and contain findings supporting the board's determination. The decision of the Traffic Appeals Board is final without further right of review. When an appeal is denied, the fine assessed for the violation shall be paid within five (5) calendar days of notification to the appellant or a late fee of 25 percent will be assessed. The appellant will also be subject to any other administrative action authorized by these ~~regulations~~rules to collect all outstanding fines and fees.

(5) Towing and Impoundment; Vehicle Immobilization.

(a) Towing and Impoundment. The University is authorized to tow and impound any vehicle, which is found to be parked in violation of this ~~rule~~Chapter. The towing and impoundment of a vehicle shall be used as a last resort under the following conditions: the vehicle is abandoned per Regulation 6C10-8.001(3)(a)5(4)(b)7.; the vehicle is parked in a disabled accessible~~handicapped~~ or reserved space for which it is not permitted; the vehicle is creating a hazardous parking condition; the parking decal/permit is fraudulent; or the registrant is deemed a chronic violator in

that they have obtained three or more citations during a school term which have remained unpaid or unsatisfied during that term.

(b) Immobilization. As an alternative to towing and impoundment, the University may immobilize a vehicle by attaching a “boot” or similar wheel lock device when there are two (2) or more University traffic or parking citations outstanding against the vehicle and timely action has not been taken to pay or appeal the citations. A vehicle may also be immobilized when it is found to display a lost, stolen, forged or altered University parking decal or permit. At the time of attachment, a notice shall be affixed to the vehicle which states the sum of outstanding fines and fees that must be satisfied before the wheel lock will be removed and the location where the moneys can be paid. A ~~\$3~~20.00 immobilization fee shall be charged in addition to all other fines and fees which are due and owing.

(c) Release of Vehicle. All outstanding fines and fees against the vehicle must be satisfied before a vehicle will be released from impoundment or immobilization. A person whose vehicle has been towed and impounded or immobilized may challenge the validity of the action by filing a written appeal to the University Traffic Appeals Board within ten (10) days of the date the vehicle was released, using UPD Form #1001~~2~~ (4/0~~6~~97). The Director of University Police and Safety or designee shall review and determine whether an immediate release of the vehicle is warranted. If the subsequent appeal to the University Traffic Appeals Board is granted, the University shall refund the amount charged for towing and impoundment of the vehicle.

Specific Authority: BOG Regulation Development Procedure. Law Implemented: 1001.74 (35) & (39), 1006.66, 1009.24(12)(p), FS. History-- New 7-10-97, Amended 10-4-00,_____.

**FLORIDA GULF COAST UNIVERSITY
NOTICE OF APPEAL UNIVERSITY PARKING CITATION**

Please Print:

Filing/Submission Date _____

Citation No: _____

Citation Date _____

Name: _____

Address: _____

City: _____

Daytime Phone No.: _____

Apt. No.: _____

State: _____ Zip: _____

Decal/Permit No.: _____

Check one:

I wish to appear in person. I wish to submit a written statement.

I appeal the above parking citation for the reasons outlined below.

I certify that the statements made above are true and correct to the best of my knowledge and belief. The appeal constitutes my agreement to abide by the decision of the University Traffic Appeals Board.

Appellant's Signature: _____

Official Use Only

UNIVERSITY POLICE AND SAFETY DEPARTMENT

Appeal Approved

Appeal Disapproved, forward to Appeals Board

Signature: Director, University Police and Safety or Designee

Date: _____

UNIVERSITY TRAFFIC AND APPEALS BOARD

After reviewing the above case, it is the decision of the Appeals Board that the following disposition be made:

Guilty.

Appeal Dismissed for failure to appear.

Not Guilty.

Reduction of Penalty.

Change to Warning.

Continuance to _____.

Payment due in this case: \$ _____

Please remit all fines within ten (10) calendar days from the date of this hearing to **Finance and Accounting, Florida Gulf Coast University, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565.**

FAILURE TO PAY WITHIN THE PRESCRIBED TIME WILL RESULT IN LATE CHARGES BEING IMPOSED AND POSSIBLE TOWING OR IMPOUNDMENT OF VEHICLE.

Signature of University Traffic Appeals Board Chair or Designee

Date: _____

White/Yellow Copies: Campus Police and Safety Pink Copy: Appellant
Form UPD 1001 (4/06); FGCU Regulations Chapter 6C10-8, Parking and Traffic