



Effective Date
of Regulation:

REGULATION: FGCU-PR8.006

10/21/08

Parking and Traffic Enforcement

(1) Violations. Failure to abide by any provision of these regulations 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.

(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.

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

| | |
|---|----------|
| If Paid within Ten (10) Days of Citation | |
| Decal/Permit Violations (Except Decal/Permit Fraud) | \$ 30.00 |
| Decal/Permit Fraud | \$100.00 |
| Parking Violations: | |
| General Violations | \$ 30.00 |
| Disabled Accessible Space Violations | \$200.00 |
| Reserved Space Violations | \$100.00 |
| University Traffic Violations | \$ 30.00 |

(b) If Payment Received after Ten (10) Days
A \$10.00 late fee will be assessed in addition to the above charge.

(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.

(4) Procedures for Payment of Fines and Appeals.

(a) A person who has been issued a University traffic citation has ten (10) 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 as follows:

a. For students, faculty members and staff, payments shall be made through the FGCU Gulflink account credit card payment system at www.fgcu.edu/gulflink; or

b. For members of the general public, payments shall be made by U.S. mail or in person to the FGCU Cashier's Office. Office hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m., except on University holidays. The phone number is (239) 590-1213. The University accepts the following forms of payment in U.S. Dollars: cash, major credit cards, and money orders, personal checks or cashier's checks that are drawn on institutions located in the United States of America. All payments shall include the payor's full name, the payor's university identification number if applicable, 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 Public Safety Department or a designee on Form UPD #1001 (Notice of Appeal) (10/08). 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 shall not be valid defenses to violation of the University's parking and traffic regulations. The appeal shall include a current and accurate address where notices can be sent and received. The Director of Public Safety or designee shall make a determination whether to grant the appeal within fourteen (14) days of receipt of the appeal. If the appeal is denied, then the appeal shall be forwarded, as completed, to the University Traffic Appeals Board for hearing and resolution within sixty (60) days.

3. University Traffic and Appeals Board. The University Traffic Appeals Board consists of six members who are appointed by the University President for two-year staggered terms. The membership of the Board shall include two representatives from student government, one faculty member, one Administrative and Professional employee, one Support Personnel employee and one additional member appointed at large by the President. The student, faculty, Administrative and Professional and Support Personnel representatives will be nominated by their respective governance structures. The Director of Public Safety or a designee 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 place, time and date for hearing and provide the appellant with at least three (3) days advance written notice if the appellant indicated a desire to attend the meeting. 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 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 Regulation FGCU-PR8.006. 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 ten (10) days of notification to the appellant or a late fee of \$10.00 will be assessed. The appellant will also be subject to any other administrative action authorized by these regulations 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 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 FGCU-PR8.001(3)(a); the vehicle is parked in a disabled accessible 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 \$30.00 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 (Notice of Appeal University Parking Citation (10/08)). The Director of Public 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.

Action by Florida Gulf Coast University Board of Trustees:

Approved 10/21/08

Law Implemented:

§§1001.74, 1006.66, 1009.24(12)(p), FS.

History of Regulation:

New 4/18/06; Amended 4/17/07; 10/21/08

Effective Date of Regulation:

10/21/08