

**Florida Polytechnic University
Board of Trustees
May 15, 2014**

Subject: Rule 6C13-1.003 Parking on University Property

Proposed Board Action

Approve the revised **Rule 6C13-1.003 Parking on University Property** for purposes of publishing a Notice of Change and filing with the Department of State for final adoption.

Background Information

The proposed rule on Parking on University Property was voted on and approved by the Operations Committee on March 17, 2014. At the April 8, 2014 Board meeting the Board approved the publication of the Notice of Proposed Rule for the rule. The Notice of Proposed Rule was posted in The Lakeland Ledger and placed on the University's website on April 17, 2014. The University did not receive any requests for a hearing on the proposed rule during the 21 day period required by statute. However, there was a request for changes by staff, when staff reviewed the parking regulation and transportation access fee.

The staff is recommending two changes. First, rather than charge all students \$8.00 per credit hour for the transportation access fee, which would include one free student parking decal, staff recommends that the better approach would be to charge all students a \$3.00 per credit hour for the transportation access fee and charge only those students needing a decal the decal registration fee (\$115 annual/ \$60 semester). Second, many employees will be primarily assigned to work at locations other than the main campus but may occasionally need to park on the main campus when attending events and meetings. Staff is recommending that those employees be charged a \$10.00 decal registration fee to cover the costs of registering those employees' vehicles and providing them with decals rather than being charged the full decal registration fee. The changes are in red on the revised rule.

If the revised rule is approved by the Board of Trustees, the next step in the rulemaking process will be to publish a Notice of Change in the Lakeland Ledger and on the University's website. 21 days after the date of publication, the University will file the revised rule with the Department of State for final adoption. The rule shall be deemed adopted on the date it is filed with the Department of State and will become effective 20 days after being filed.

Supporting Documentation:

Revised Rule 6C13-1.003 Parking on University Property, which incorporates Form PT #1, 'Parking Citation and Towing/Vehicle Immobilization Appeal Form'

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6C13-1.003 Parking on University Property.

(1) **General.** This rule is applicable to all persons who park a motor vehicle on the campus of Florida Polytechnic University (the “campus”). All Polk County parking ordinances which are not in conflict with or not inconsistent with University rules and all provisions of Chapter 316, Florida Statutes, shall extend and be applicable to the campus. Copies of the University parking and traffic rules are available on the Florida Polytechnic University web site. The University assumes no liability for vehicles parked or operated on the campus or University property. The issuance of a decal or hangtag (collectively referred to as “decal”) or permit does not guarantee a place to park.

(2) **Registration of Motor Vehicles.** Vehicles used by University employees, students, (full or part-time), concessionaire employees and others who regularly park a vehicle on campus must be registered with the University on or before the first day the vehicle is on campus, unless exempt from this requirement elsewhere in this rule. Vehicle registrations expire on the expiration date indicated on the decal or permit. A motor vehicle parked on the campus must display a valid University parking decal or permit. Use of a motor vehicle on the campus or University property is a privilege, not a right and is made available only under this rule.

The following persons are not required to register their vehicles with the University:

(a) Representatives of news media on official business.

(b) Members of the Florida Polytechnic University Board of Trustees who are on campus to attend meetings and functions of the Board of Trustees. Trustees are issued special permits which must be prominently displayed in their vehicles.

(c) Members of the Florida Polytechnic University Foundation Board of Directors who are on campus to attend meetings and functions of the Foundation. Directors are issued special permits which must be prominently displayed in their vehicles.

(d) Visitors, however, visitors must pay the applicable parking fee, unless a complimentary parking permit has been provided, and may only park in areas designated for visitors.

(3) **Persons Required to Have Decals.**

(a) **Employees.** University employees and employees of contracted services operating on campus must obtain a parking decal for each vehicle which is, or may be, parked on the campus. Decals are issued according to the classifications contained in this rule. A decal will be issued to such employees provided the following conditions are met:

1. The employee registers the vehicle with the University.

2. The employee, unless otherwise exempt, pays the appropriate fee and provides proof of eligibility for the requested decal classification.

3. The employee has settled all outstanding parking and traffic fines and fees prior to the decal being issued.

When two or more University employees reside in the same household and register more than one vehicle, each is required to purchase a separate original decal; duplicate decals will not be issued for either person except upon proof of replacement of the originally registered vehicle.

(b) **Students.** ~~Students will pay a Transportation Access Fee as provided in University regulation. This fee covers access to University provided transportation and entitles the student to a parking decal for the semester.~~ Students must obtain a parking decal for each vehicle that is parked on campus. The University will issue a student a parking decal provided the following conditions are met:

1. The student is currently enrolled at the University ~~and pays the appropriate decal registration fee.~~

2. The student provides a valid vehicle registration for the vehicle on which the decal will be placed.

3. The student has settled all outstanding parking and traffic fines and fees prior to the decal being issued.

(4) **Decal Classifications.** The issuance of decals is restricted to the classifications specified in this rule. The following decal classifications are in effect:

(a) **Student** – A student decal is issued to those persons who are currently enrolled as students and have paid the Transportation Access Fee. For purposes of this rule, a person is considered to be a student regardless of the number of hours or courses for which he or she is enrolled at the University.

(b) **Employee** – An employee decal is available to University employees and employees of contracted vendors or contractors operating on campus. A single semester decal (fall, spring, or summer) is available during an academic school year to employees who do not wish to purchase an annual decal.

(c) **Premium**- A premium decal is available to University employees who wish to have access to parking spaces in premium parking areas.

(d) **Duplicate/Replacement** -- A Duplicate/Replacement decal is available to persons who have an original decal for that semester or academic year and the original decal was lost or stolen. The address on the vehicle registration for the additional vehicle must be the same as that on the registration of the vehicle listed on the original decal application. A vehicle with a duplicate decal is not permitted on campus at the same time as the vehicle with the original decal. The cost of the Duplicate/Replacement decal is \$15.00.

(5) **Decal Registration Fees.**

(a) The following are the registration fees for **annual employee** decals, exclusive of sales tax:

<u>Student Decal</u>	<u>\$115.00</u>
<u>Employee Decal (Annual base pay less than \$25,000)</u>	<u>\$200.00</u>
<u>Employee Decal (Annual base pay \$25,000 - \$35,000)</u>	<u>\$225.00</u>
<u>Employee Decal (Annual base pay more than \$35,000)</u>	<u>\$250.00</u>
<u>Premium Decal</u>	<u>\$500.00</u>
<u>Adjunct Faculty</u>	<u>\$100.00</u>
<u>Special Employee Decal*</u>	<u>\$ 10.00</u>

*Special Employee Decals are available only to employees whose primary assignment is at a location other than the main campus.

(b) The following are the registration fees for **single semester** (fall, spring, or summer) **employee** decals, exclusive of sales tax:

<u>Student Decal</u>	<u>\$ 60.00</u>
<u>Employee Decal (Annual base pay less than \$25,000)</u>	<u>\$ 80.00</u>
<u>Employee Decal (Annual base pay \$25,000 - \$35,000)</u>	<u>\$ 90.00</u>
<u>Employee Decal (Annual base pay more than \$35,000)</u>	<u>\$100.00</u>
<u>Premium Decal</u>	<u>\$200.00</u>
<u>Adjunct Faculty</u>	<u>\$ 50.00</u>

(c) **Decal Registration Fees are Non-Refundable.** All decal registration fees are non-refundable except for instances where a person has mistakenly made an overpayment, and the request for refund is made within the same academic year in which the overpayment was made.

(6) **Display of Decal or Permit.**

(a) Each driver who regularly parks a vehicle on campus shall display a valid decal or permit. It is the responsibility of the driver to properly display the decal or permit. Failure to display the decal or permit correctly may result in a violation for not having a valid decal or permit.

(b) Decals shall also be permanently affixed in the manner directed by the University.

(c) The entire decal or permit must be displayed unaltered.

(d) It is a violation of this rule to alter a decal or permit, falsify documents to obtain a decal or permit or otherwise obtain or display a decal or permit in violation of this rule. Any such act shall constitute decal fraud and will cause the decal or permit to be revoked.

(7) **Permits and Permit Fees.**

(a) The University may issue temporary permits to those persons who require temporary parking authorization and who are not otherwise required by this rule or by contract to obtain decals. Permits must be applied for and are issued for durations that are commensurate with their purposes. Permits may or may not require the payment of permit fees as provided below.

(b) The circumstances under which a permit rather than a decal may be issued include, but are not limited to, parking on the campus for occasional business-related purposes; parking on the campus for attendance at conferences and meetings; and parking by visitors who are not otherwise required to obtain a decal. Any person who has a current decal and needs to temporarily park another vehicle on campus must obtain a temporary parking permit for the temporary vehicle. Departments hosting events on campus which will require additional visitor parking for guests must obtain visitor permits from the Department of Parking and Transportation for each vehicle per day. Departments are encouraged to post directional signs for such events.

(c) Specific visitor, vendor and contractor permits will be issued by the University upon payment of a fee as follows:

1. Visitor Permit Fees. \$5.00 per day.

2. Vendor and Contractor Permit Fees. All vendors and contractors conducting business on campus are required to purchase a contractor permit; however, if the vendor or contractor's business on campus is of a daily and ongoing nature that exceeds 90 days, vendor or contractor will not be issued permits but will be required to purchase employee decals as provided above. The following are the permit fees, exclusive of sales tax:

30-day permit \$25.00

60-day permit \$50.00

90-day permit \$75.00

(8) Parking Areas.

(a) Designation and Restricted Areas. Posted signs, bumper blocks, and other markings designate the various parking areas on campus. 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 or the classification. Individuals parking in areas so restricted are still required to obtain the appropriate decal or permit. The following parking restrictions are found on the campus:

Student

Employee

Premium

Metered

Motorcycle/Motorbike/Moped

Reserved

State Vehicles

Time Limited Parking

Visitor

Loading Zone

Handicapped/Disabled

Golf Cart

Changes in designated parking areas are effective at such time as signage or other identifying markings are posted.

(b) Parking Meters. Metered parking is enforced daily, from 7:00 a.m. to 10:00 p.m. including weekends and holidays. If a meter is malfunctioning, parking in that metered space is prohibited. A current decal or permit does not entitle the driver to park in a metered parking space without paying the appropriate meter fee.

(c) Handicapped/Disabled Parking. Parking areas designated as disabled or handicapped are enforced at all times and a current state issued disabled placard/hang-tag or license plate must be visible and properly displayed on the vehicle along with the University decal or permit.

(d) Parking in Non-Designated Areas. Parking on lawns, landscaped areas, sidewalks, or other areas not specifically designated by signs or curb markings as parking areas is a violation. The absence of a "No Parking" sign does not mean parking is permissible in an area. No motor vehicles, other than police vehicles, emergency vehicles, service or repair vehicles, or golf-carts, may be parked at any time

on the walkways, grass, service areas, driveways or other prohibited zones, except where specifically permitted by signage. No motor vehicle, motorcycle or other type of vehicle, including a bicycle, shall be parked in such a way as to create a hazard or obstruction to traffic or access. Temporary parking areas may be designated in grass areas by the placement of delineating signs, bumper blocks or other identifying marks. Parking adjacent to any University building is prohibited except as identified by authorized signs.

(e) **Overnight Parking.** No person, other than a current campus housing resident whose vehicle is left in a parking lot, shall leave a vehicle parked overnight on University property without first notifying the Public Safety Department. Vehicles that are inoperable shall be reported immediately to the Public Safety Department. Vehicles left for more than three (3) consecutive days and nights, without prior notification to the Public Safety Department, or which are apparently abandoned are subject to towing, impoundment, and disposal at the vehicle owner's expense. The University does not assume any responsibility for motor vehicles or their contents while the vehicles are parked on University property. Vehicles registered to current housing residents may be left in parking lots during semester breaks but in no event for more than three weeks, unless the person has obtained the prior written permission of the Public Safety Department.

(f) **Vehicle Repair.** Major repairs to vehicles shall not be performed on the campus.

(g) **Double Parking.** Double-parking is not allowed at any time.

(h) Parking a vehicle on campus following failure to pay or appeal any citation for a university parking or traffic infraction within the time provided, or parking on campus with a revoked decal shall be considered illegal parking and the vehicle is subject to towing.

(i) **Parking Golf-carts.**

1. Golf-carts must be parked at least 8 feet from the entrance or exit of any building, except at loading docks or approved designated golf-cart parking spaces.

2. Golf-carts shall not be parked in any manner likely to obstruct or interfere with the flow of pedestrian or vehicular traffic in heavily traveled areas.

3. Golf-carts shall not be parked on pedestrian crosswalks.

(9) **Enforcement.**

(a) **Violations.** Failure to abide by any of the provisions of this rule shall be considered a university parking infraction. The University may enforce university parking infractions through use of warnings, citations and fines, vehicle immobilization, towing and any other means authorized by statute.

(b) **Citations.** The Public Safety Department and the Department of Parking and Transportation are authorized to issue written citations for violations of this rule. The Public Safety Department is also empowered to issue citations for violations of Chapter 316, Florida Statutes, and county ordinances. Only one citation per calendar day will be issued to a vehicle for each category of violation. Any vehicle which remains in violation of the same category of violation for more than one calendar day is subject to additional citations for the same. Violations of Chapter 316, Florida Statutes, and county ordinances are returnable to the Polk County Court and may carry higher fines or other penalties.

(c) **Schedule of Fines.** The schedule below establishes fines for the various categories of violations which are considered to be university parking infractions:

<u>No Decal/Permit</u>	<u>\$ 30.00</u>
<u>Parking on the Grass</u>	<u>\$ 20.00</u>
<u>Hazardous Parking</u>	<u>\$ 30.00</u>
<u>Overtime Parking (meter)</u>	<u>\$ 20.00</u>
<u>Restricted/Improper Parking</u>	<u>\$ 30.00</u>
<u>Unlawfully Parking in Handicap Space</u>	<u>\$250.00</u>
<u>Decal Fraud</u>	<u>\$100.00</u>
<u>Parking in Reserved space</u>	<u>\$ 30.00</u>
<u>Improper Display of Permit/Decal</u>	<u>\$ 20.00</u>

(d) **Late Payment Charges.** If a university citation is not paid or appealed in the time provided by this rule, a \$10.00 late charge shall be assessed in addition to the fine established for the violation.

The assessment of the late charge shall not preclude the University from enforcing these rules through alternative means. Additional fees will be assessed if the University has a collection agency collect the fines or charges.

(e) Remedies for Failure to Pay Fines or Charges. In addition to the assessment of a late payment charge, and other penalties as provided in this rule, the University has the following remedies when the fines or charges are not timely paid:

1. Revoke the vehicle owner or decal owner's parking and driving privileges on University property. A person whose parking privileges are revoked may not be issued a new parking decal until all prior outstanding citations are satisfied.

2. Prevent the vehicle owner or decal owner from registering as a student.

3. Withhold the vehicle owner or decal owner's transcripts or degrees.

4. Immobilize the vehicle.

5. Have the vehicle towed and impounded.

6. Take other action as necessary to collect the outstanding fines as delinquent accounts owed to the University such as the use of a collection agency.

(f) Impoundment/Immobilization Charges. Impoundment and vehicle immobilization charges vary according to the method of immobilization used, type of vehicle being impounded/immobilized and type of tow needed and cost of contract with the current towing company.

(10) Responsibility for Citations. If the vehicle is registered with the University, the person who registered the vehicle with the Department of Parking and Transportation ("decal owner") is responsible for all citations issued to that vehicle. If the vehicle has not been registered with the Department of Parking and Transportation, then the person(s) in whose name the vehicle is registered with the State Department of Highway Safety and Motor Vehicles ("vehicle owner") is responsible for citations issued to the vehicle. University employees operating University vehicles and golf-carts are responsible for any citations issued to such vehicle(s) while under their control.

(11) Deadline for Payment of Fines or Filing of Appeals. Citations must be either paid for or appealed within ten (10) business days from the date the citation was issued. If the payment or a request for an appeal is not received by the Department of Parking and Transportation within the ten business day period, the late charge shall be assessed, and the University may take any authorized action to enforce the penalty.

(12) Payment of Fines and Charges. Fines and charges may be paid by credit card through the Florida Polytechnic University web site or in person at the Department of Parking and Transportation by check, money order, cash payment, credit card, or the Florida Polytechnic University debit card. Alternatively, payments may be mailed to the Department of Parking and Transportation located on the campus; however, late fees shall be applied in the event payment is not received by the Department of Parking and Transportation within the time provided by these rules. All payments sent by mail should include the payee's University ID number, if any, and the citation number.

(13) Appeal Process and Procedures. Appeals of University-issued citations for parking infractions and towing/vehicle immobilization procedures and charges may be instituted by timely filing a written appeal with the Department of Parking and Transportation on Form PT #1, 'Parking Citation and Towing/Vehicle Immobilization Appeal Form' ("Appeal Form PT"), within ten business days of the date the citation was issued and according to the instructions provided on the form. This form is hereby incorporated by reference into this rule. Appeal Form PT may be obtained on the University's web site and at the Department of Parking and Transportation. County citations are not open to appeal through the University appeal process. County citations must be processed through the Polk County Court system. Inability to locate parking spaces or the failure of others to observe these rules shall not be considered to be valid defenses. The appellant shall provide a current and accurate email address where notices related to the appeal can be sent to and received by the appellant. If the appellant does not provide an email address on the Appeal Form PT, the notices will be sent to the mailing address provided by the appellant on the Appeal Form PT. Completed and signed Appeal Form PTs will be forwarded to an Appeal Hearing Officer for review and decision.

(a) **Appeal Hearing Officers.** An Appeal Hearing Officer or Officers will be appointed by the President or designee, and they are responsible for resolving appeals of citations for university-issued parking infractions and/or charges or procedures for towing, impounding, or immobilization of vehicles. It is intended that Appeal Hearing Officers will be members of the University Community.

(b) **Appeal Hearing Officer Procedures.** Appeal Hearing Officers receive and evaluate the written appeals. (An appeal from a person whose vehicle has been immobilized, towed and/or impounded will be reviewed within two business days of receipt of the written appeal.) Appeal Hearing Officers are guided by the Parking Rules and they shall consider any relevant circumstances, as articulated in the written appeal, in making their decisions. Appeal Hearing Officers may also request further information or interview the appellant, witnesses or the citing officer to assist in making a decision.

(c) **Appeal Hearing Officer Decisions.** Following consideration of the grounds for an appeal, the Appeal Hearing Officer makes a decision on the appeal. The Appeal Hearing Officer's decision shall contain findings of fact and be reduced to writing, and a copy shall be furnished to the appellant via email. The decision of the Appeal Hearing Officer is final without further right of review.

(d) **Appeal Denied.** Upon denial of an appeal, the fine or charges assessed shall be paid within ten (10) business days of the date of notification to the appellant or the late payment charge will be assessed.

(e) **Immobilization or Tow Appeal.** In lieu of the appeal, or pending such appeal, or if the appeal is denied, the owner of the vehicle or his/her authorized agent may obtain release of the vehicle by paying the citation(s), the immobilization and/or towing charges and any applicable delinquent fines. If the immobilization or tow appeal is granted, the University shall refund the amount charged for the immobilization or tow.

Specific Authority 1006.66 FS. Law Implemented 1006.66 FS., 1009.24(14)(r)

History—New- _____