

RULES OF
DEPARTMENT OF EDUCATION
DIVISION OF UNIVERSITIES
UNIVERSITY OF FLORIDA

6C1-3.015 Administrative Affairs; 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 rule, 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 a state 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 ninety (90) days from the issuance of the citation. Failure to file an appeal within the ninety (90) days of the issuance of the citation will result in the person's 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 second appeal may be requested before a University Hearing Authority. The Statement of Appeal to a University Hearing Authority must be filed with Transportation and Parking Services within thirty (30) days from the issuance of the decision of the Administrative Hearing Officer. Failure to file the appeal in a timely manner will result in the person's forfeiture of the right to appeal the citation to a University Parking Authority. Transportation and Parking Services will place the Statement of 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. In order to request a hearing, the appellant will be required to pay his or her parking citation. This payment will be refunded to the individual if the University Hearing Authority 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 Administrative Hearing Officer or 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 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.

(a) In those cases in which a student files an appeal, a Student Traffic Court Administrative Hearing Officer determines whether such student is guilty or innocent of the charge. The Administrative Hearing Officer will 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 Rule 6C1-3.006) Administrative Hearing Officers appointed by the President of the University or the President's designee.

(a) 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 innocent of the charge. The Administrative Hearing Officer will 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 second appeal of citations issues to all faculty, staff, students and visitors. Each University Hearing Authority shall consist of a chairperson, two university employees and two students, all of whom are Administrative Hearing Officers. One-half of the chairpersons shall be student Administrative Hearing Officers, and one-half shall be employee Administrative Hearing Officers. Members of each University Hearing Authority will be selected by the Vice President of Administrative Affairs or the Vice President's designee.

(a) In those cases in which a person files 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 appeal is assigned and shall have the opportunity to present evidence in support of the information contained in the Statement of Appeal. The University Hearing Authority determines whether the individual is guilty or innocent of the charge. The University Hearing Authority will 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 Rule 6C1-3.014(4). The Authority shall be appointed by the President of the University. It shall consist of three (3) students and three (3) members selected from staff, faculty and administrative and professional personnel of the University and employees of Shands Teaching Hospital and Clinics,

Inc. One member of the Authority will be appointed chairperson by the President. 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) Persons whose vehicle has been impounded shall have the right to a probable cause hearing before an impartial hearing officer or committee appointed by the President or the President's designee provided a timely request is made therefor. The purpose of the hearing is to determine if there is probable cause for 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 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 delinquent fines.

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

(c) If 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 subsection (9)(a) above, such payment shall be refunded.

(d) Failure to request a probable cause hearing within fifteen (15) calendar days from the date the notice of impoundment is received constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impound charges and delinquent fines.

Specific Authority 240.227(1), 240.264 FS.

Law Implemented 240.263(2), 240.264, 240.265, 240.266 FS.

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, 6-7-2000.