Agenda item

USF Board of Trustees
March 31, 2005

Issue: Proposed amendments to Rule 6C4-4.0023, F.A.C., “Driving and Parking on Campus” and the referenced, Tampa, St. Petersburg and Sarasota/Manatee parking brochures.

Proposed action: Approve revisions to the rule and the referenced 2005-2006 campus parking brochures.

Background information:

Section 120.54(3)(a), F.S., requires that the agency head approve the adoption, amendment or repeal of any rule prior to the agency giving notice of the intended action.

Section 1001.74(35), F.S., and the State of Florida Board of Governors Resolution (1/7/03) provide that each board of trustees may govern traffic on the grounds of their campus pursuant to s. 1006.66, F.S.

The USF brochures that include our parking rates, rules and regulations are referenced in the Rule, “Driving and Parking on Campus.” Section 120.54 (1)(i)1., Florida Statutes states that changes in the material referenced in a rule are not effective unless the rule is amended to incorporate the changes.

Thus the rule is being revised to update the Tampa, St. Petersburg and Sarasota/Manatee campuses parking rules and regulations and to clarify the necessity for the parking brochures. There are no new parking rates or increases in existing rates in the 2005-2006 campus parking brochures.

Workgroup Review: Fiscal Affairs/Executive Committee – March 31, 2005
Supporting documentation: Revised Rule 6C4-4.0023, F.A.C.; Tampa, St. Petersburg and Sarasota/Manatee revised parking brochures; Florida Statute 1006.66; Summaries of Revisions
Prepared by: Office of the General Counsel [813-974-2131]
1006.66 Regulation of traffic at universities.--

(1) As defined under this section:

(a) "Traffic," when used as a noun, means the use or occupancy of, and the movement in, on, or over, streets, ways, walks, roads, alleys, and parking areas by vehicles, pedestrians, or ridden or herded animals.

(b) "Adjacent municipality" means a municipality which is contiguous or adjacent to, or which contains within its boundaries all or part of the grounds of, a university; except that, if the grounds of a university are not within or contiguous to a municipality, "adjacent municipality" means the county seat of the county which contains within its boundaries all or part of the grounds of the university.

(c) "Grounds" includes all of the campus and grounds of the university, whether it be the campus proper or outlying or noncontiguous land of the university within the county.

(d) "Law enforcement officers" include municipal police, patrol officers, traffic officers, sheriffs, deputies, highway patrol officers, and county traffic officers assigned to duty on the grounds of the university; campus police, traffic officers, guards, parking patrollers, and other noncommissioned personnel designated for traffic purposes by the university; and other law enforcement officers as defined in s. 943.10(1).

(e) "University traffic infraction" means a noncriminal violation of university parking and traffic rules which is not included under s. 318.14 or s. 318.17 or any municipal ordinance, which is not punishable by incarceration, and for which there is no right to trial by jury or to court-appointed counsel.

(f) "Traffic authority" means an individual or a group of individuals at each university, authorized and appointed by the president of the university to adjudicate university traffic infractions.

(2) Each university board of trustees shall adopt rules that govern traffic on the grounds of the university; that provide penalties for the infraction of such traffic rules; and that the university finds necessary, convenient, or advisable for the safety or welfare of the students, faculty members, or other persons. Copies of the rules shall be posted at the university on public bulletin boards where notices are customarily posted, filed with the city clerk or corresponding municipal or county officer, and made available to any person requesting same. When adopted, the rules shall be enforceable as herein provided. All ordinances of the adjacent municipality relating to traffic that are not in conflict or inconsistent with the traffic rules adopted by the individual university shall extend and be applicable to the grounds of the university. The provisions of chapter 316 shall extend and be applicable to the grounds of the university, and the rules adopted by the individual university shall not conflict with any section of that chapter.

(3) Any person who violates any of those rules adopted by the individual institution shall be deemed to have committed a university traffic infraction and shall be fined or penalized as provided by the rules adopted by the institution. Any person who violates any traffic regulation enumerated in chapter 316 shall be charged, and the cause shall proceed, in accordance with chapters 316 and 318.
(4) A person charged with a university traffic infraction shall elect the option prescribed in paragraph (a) or the option prescribed in paragraph (b). If neither option is exercised within the prescribed time by the person charged with a university traffic infraction, an additional fine or penalty may be assessed, and shall be payable, in accordance with the rules of the university.

(a) The person charged may pay the applicable infraction fine, either by mail or in person, within the time period specified in the rules of the individual university. A schedule of infraction fines applicable to each university shall be adopted by the university.

(b) The person charged may elect to appear before the university traffic authority for administrative determination pursuant to procedures enumerated in the rules of such university.

(5) Each university is authorized to approve the establishment of a university traffic authority to hear violations of traffic rules. In such cases as come before the authority, the university traffic authority shall determine whether the person is guilty or not guilty of the charge. In the case of a finding of guilt, the authority shall, in its discretion, impose an appropriate penalty pursuant to subsection (3).

(6) This section shall provide the exclusive procedures for the adjudication of university traffic infractions.

(7) Moneys collected from parking assessments and infraction fines shall be deposited in appropriate funds and shall be used to defray the administrative and operating costs of the traffic and parking program at the institution, to provide for additional parking facilities on campus, or for student loan purposes.

History.--s. 336, ch. 2002-387.
Rule 6C4-4.0023 Driving and Parking on Campus

(1) PURPOSE:

The purpose of a structured and regulated parking system is to facilitate the activities of the University of South Florida (“University”), primarily instruction. The system of controlled and designated lots is designed to provide parking that will give students the ability to park close to their on-campus residence or to commute, faculty and staff access to classrooms and offices, and visitors the ability to participate in University activities.

(2) AUTHORIZATION:

The University of South Florida (“University”) strives to provide an adequate parking and transportation system for its employees, students and visitors. To meet this purpose, the University has developed parking regulations, in the form of University rules and parking brochures, as described in Section (5) of this rule. Compliance with these regulations is encouraged through fair and consistent enforcement. The University charges fees for use of its parking spaces in order to pay for the operation and maintenance of campus parking facilities and may assess a Transportation Fee, as described in subsection (3) of this rule, to provide an adequate transportation system for students. Due to the size of the staff and student bodies, the University does not guarantee parking to all students and staff paying for spaces. For those community members parking on campus, the University provides for, but does not guarantee, the safety and security of vehicles, property and persons within the University parking facilities. All persons of the University community holding a valid operators license may use properly registered motor vehicles, motor scooters, bicycles and other University approved mechanical conveyances on the campuses of the University of South Florida in accordance with the terms of these regulations.

(3) ENFORCEMENT:
(a) University Police are authorized to directly and immediately enforce these regulations on the University campuses, and to make arrests and to issue moving traffic citations on campus and off campus in cases where the offenses occur on campus.

(b) University Police, Parking Patrol Officers, Security Officers, or specially designated personnel are authorized to issue parking citations for parking and registration violations in accordance with these regulations twenty-four (24) hours a day/seven (7) days a week.

(4.3) TRANSPORTATION FEE PLAN:
To support the University transportation infrastructure and increase student access to transportation services, the University shall maintain a Transportation Access Fee Plan. The University President/designee may, from time to time, convene a Transportation Access Fee Committee. The Committee shall be composed of at least one-half student representatives appointed by the Student Body President/student body president. The remainder of the committee shall be appointed by the University President/designee. A chairperson shall be jointly appointed by the University President/designee and Student Body President/student body president and shall only vote in case of a tie. The Committee may recommend that fees or fee increases be assessed upon all courses and fundable credit hours taken by individuals at the University. The recommendations shall take effect if approved by the University President, after consultation with the Student Body President/student body president and approved by the University Board of Trustees.

(5.4) BROCHURES:
The University of South Florida brochures, 2005-2006 2003-2004, “Parking at the University of South Florida” (“Parking Brochure”) are incorporated into this rule by reference, and may be obtained at the local parking services office.
Specific Authority 1001.74(4) FS. Law Implemented 1006.66 FS. History–New 4-29-01, Amended 11-22-01, 5-9-02, 7-31-02, 08/07/03, 08/11/04, 00/00/05.

NAME OF PERSON ORIGINATING PROPOSED RULE REVISION: Jeffrey A. Mack, Director, Auxiliary Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE REVISION:

Carl Carlucci, Executive Vice President & CFO

DATE PROPOSED RULE REVISION APPROVED BY AGENCY HEAD___________.

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