

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION NO.: FIU-1105

REGULATION TITLE: University Traffic and Parking Regulations

SUMMARY: The regulation is being amended to reflect a 5% increase in virtual permits.

TEXT OF REGULATION: The full text of the proposed amendments can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, devillee@fiu.edu (305) 348-2103.

AUTHORITY: BOG Regulations 1.001(3)(k) and 7.003(9), and Section 1006.66 FS.

NAME OF PERSON INITIATING PROPOSED REGULATION: Kenneth Jessell, Chief Financial Officer and Senior Vice President.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REGULATION:

Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8 Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Phone: (305) 348-2103, Fax: (305) 348-3272.

DATE OF PUBLICATION: May 17, 2019

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW.

FIU-1105 University Traffic and Parking Regulations

1. **General.** This regulation is applicable to all persons who operate or park a motor vehicle on the campuses of Florida International University. Every motor vehicle parked in a non-meter space on University property must maintain a valid permit. All Miami-Dade County traffic and parking ordinances which are not in conflict or inconsistent with University regulations shall extend and be applicable to the University's campuses. The Department of Parking, [Sustainability](#) and Transportation is authorized and empowered to enforce all university traffic and parking regulations as per Florida Statute Section 1006.66. Copies of the University traffic and parking regulations are available from the Department of Parking, [Sustainability](#) and Transportation, and through the Florida International University web site URL <http://parking.fiu.edu>. The University assumes no liability for vehicles parked or operated on University property. The issuance of a permit does not guarantee space availability at a preferred location.
2. **Virtual Permits.** Florida International University is utilizing virtual parking permits for vehicles parking on its campuses.
3. **License Plate Recognition.** Florida International University utilizes license plate recognition hardware and software (LPR) for parking systems management.
4. **Registration of Motor Vehicles.** Vehicles used by members of the faculty, staff, students, (full or part-time), concessionaire employees and others who park at a non-metered location on campus must be registered with the Department of Parking, [Sustainability](#) and Transportation during the first day the vehicle is on campus. Registration can be completed online at URL <http://parking.fiu.edu> or at the Parking and Transportation Offices located at the Modesto A. Maidique (MMC) and Biscayne Bay Campuses (BBC).

a. Students Virtual Permit Classifications Include:

Students employed as faculty or staff at the University may elect to purchase a "STAFF" virtual permit at the cost according to the classification. A one semester virtual permit for each classification is available during an academic school year.

- i. Student – A "STUDENT" virtual permit will be issued by the Department of Parking, [Sustainability](#) and Transportation to each student who is currently enrolled and has paid the transportation access fee or meets the criteria established by Florida Statutes 1009.25; 1009.26 and 1009.265 governing Educational Scholarships, Fees and Financial Assistance, fee exemptions, fee waivers and State employee fee waivers. A Transportation Access Fee is assessed to all students per semester as part of their enrollment fees except for students registered for a fully online degree program, students using tuition waiver, or otherwise classified as exempt.
- ii. Resident Student - A "HOUSING" virtual permit will be granted to those students who reside in on-campus housing.

- iii. Housing Garage - An “H-GARAGE” daily or semester virtual permit will be issued to those who desire a higher level of parking service at the housing garage.
- iv. ROTC – A “ROTC” virtual permit is available to non-FIU students registered in the program.

b. Employee Virtual Permit Classifications Include:

A one semester, two semester or annual virtual permit for each classification is available during an academic school year. One semester and two semester permits will be valid from date of purchase and prorated accordingly. Annual permits are valid 365 days from date of purchase.

- i. Executive – An “EXEC” virtual permit is available to those employees who desire the highest level of parking service or convenience.
- ii. Administrative – An “ADMIN” virtual permit is available to those employees who desire a higher level of parking service.
- iii. Faculty – A “FACULTY” virtual permit is available to employees classified as regular or adjunct faculty members.
- iv. Staff – A “STAFF” virtual permit is available to employees classified as regular or temporary staff members.

c. Other Virtual Permit Classifications Include:

- i. Board of Trustees – A “BOT” virtual permit is available at no cost to members of the Florida International University Board of Trustees who are on campus to attend meetings and functions of the Board of Trustees.
- ii. Board of Directors – A “BOD” virtual permit is available at no cost to members of the Florida International University Foundation Board of Directors and the Research Foundation Board of Directors who are not FIU employees and who are on campus to attend meetings and functions of the Foundation.
- iii. Alumni – An “ALUM” virtual permit is available to FIU graduates who are not currently enrolled at the University. This entitles the holder to park in designated student spaces.
- iv. Vendors and Contractors - All vendors and contractors conducting business on campus are required to either purchase a staff virtual permit (at the lowest staff rate), a daily virtual permit, or a 30 day virtual permit.

5. Virtual Permit Registration Fees

- a. The following are the annual registration fees, exclusive of sales tax, for each virtual permit classification:

	<u>Original</u>
E	\$972.00 <u>\$1,020.60</u>
Admin	\$447.00 <u>\$469.35</u>
Faculty and Staff (Annual base pay over \$45,000)	\$254.00 <u>\$266.70</u>
Faculty and Staff (Annual base pay over \$35,000)	\$227.00 <u>\$238.35</u>
Faculty and Staff (Annual base pay over \$25,000)	\$155.00 <u>\$162.75</u>
Faculty and Staff (Annual base pay \$25,000 and under)	\$133.00 <u>\$139.65</u>
<u>AFSCME Tier 2</u>	<u>\$121.88</u>
<u>AFSCME Tier 1</u>	<u>\$111.36</u>
Alumni	\$260.00 <u>\$273.00</u>

- b. The following are the one semester registration fees, exclusive of sales tax, for each virtual permit classification:

	<u>Original</u>
E	\$616.00 <u>\$646.80</u>
Admin	\$286.00 <u>\$300.30</u>
Faculty and Staff (Annual base pay over \$45,000)	\$140.00 <u>\$147.00</u>
Faculty and Staff (Annual base pay over \$35,000)	\$24.00 <u>\$130.20</u>
Faculty and Staff (Annual base pay over \$25,000)	\$100.00 <u>\$105.00</u>
Faculty and Staff (Annual base pay \$25,000 and under)	\$ 84.00 <u>\$88.20</u>
ROTC Decal	\$57.00 <u>\$59.85</u>
Housing Garage Permit	\$160.00 <u>\$168.00</u> —
Student	
Fall	\$89.00 <u>\$93.45</u>
Spring	\$89.00 <u>\$93.45</u>
Summer A, B, or C	\$83.00 <u>\$87.15</u>

- c. The following are the two semester registration fees, exclusive of sales tax, for each virtual permit classification:

	<u>Original</u>
E	\$794.00 <u>\$833.70</u>
Admin	\$366.00 <u>\$384.30</u>
Faculty and Staff (Annual base pay over \$45,000)	\$197.00 <u>\$206.85</u>
Faculty and Staff (Annual base pay over \$35,000)	\$176.00 <u>\$184.80</u>
Faculty and Staff (Annual base pay over \$25,000)	\$128.00 <u>\$134.40</u>
Faculty and Staff (Annual base pay \$25,000 and under)	\$108.00 <u>\$113.40</u>
Housing Garage	\$320.00 <u>\$336.00</u>

- d. Multiple vehicles may be added to all virtual permits for \$15.00, but only one registered vehicle may be parked at FIU at any given time.
- e. The following is the virtual permit fee for vendors and contractors, exclusive of sales tax:

Daily virtual permit (Student Space)	\$2.00 <u>\$2.10</u>
Daily virtual permit (Faculty/Staff Space)	\$3.00 <u>\$3.15</u>
30-day permit	\$27.00 <u>\$28.35</u>

- f. Carpool permits. Carpool permits are available for those employees and students who register for the car sharing program. Please visit the Parking & Transportation website. All registrants must have a current FIU virtual permit and must be affiliated with the university.
- g. Metered Parking. Metered parking is available throughout the University at a cost of 25 cents per 15 minutes. A current FIU virtual permit does not entitle the driver to park in a metered parking space without paying the appropriate fee, unless otherwise specified on the permit.
- h. Change in Virtual Permit Status. Any employee requesting an upgrade in virtual permit classification shall pay the difference between the appropriate fee according to the classification currently in effect and the one being requested.
- i. Deactivated Virtual Permits. A virtual permit may be deactivated if the Transportation Access Fee is not paid for the current semester. Vehicles found on campus with a deactivated virtual permit, or multiple vehicles found on campus with the same virtual permit, will be ticketed and the vehicle is subject to immobilization and/or towing at vehicle owner's expense.

6. Permits, Traffic and Parking Regulations, Garage Parking and Golf Cart.

- a. Permit Regulations
 - i. Maintaining a Permit. Every motor vehicle parked on University property must maintain a valid permit or use metered parking.
 - ii. Disabled Permits. Parking areas designated as disabled are enforced at all times and a current state issued disabled placard/hang-tag and/or license plate must be visible and properly displayed. Misuse of a disabled placard may result in the immobilization and/or towing of the vehicle at owner's expense.
- b. Traffic and Parking Regulations
 - i. Speed Limit. The speed limit on University property is 25 miles per hour on main roads unless otherwise posted. The speed limit is 5 mph inside the garage and in surface lots.
 - ii. Right-of-Way. Pedestrians and wildlife have the right-of-way over motor vehicles, including golf-carts. Pedestrians must use crosswalks when crossing a roadway.
 - iii. Parking areas may be restricted by permit classification, time or purpose

and shall be considered no parking zones to those individuals who do not fall within the restriction of the permit classification. 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. Changes in designated parking areas shall become effective at such time as signage or other identifying markings are posted. The following parking restrictions are found in areas on the University’s campuses.

- | | |
|-------------------------------|-----------------------|
| a. Exec | j. Time Limit Parking |
| b. Admin | k. Housing Parking |
| c. Faculty/Staff | l. Service/Delivery |
| d. Student | m. Golf Cart |
| e. Metered | n. Carpool |
| f. Disabled | o. Electric Vehicle |
| g. Disabled Modified Vehicles | p. Clinic Spaces |
| h. Motorcycle/Motorbike/Moped | q. RCCL |
| i. State Vehicles | r. MCH |

- iv. Access vehicles. No motor vehicles, other than police, emergency, or golf carts may be operated or 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 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 shall be prohibited except as identified by authorized signs.
- v. Non-permitted vehicles left for more than three (3) consecutive days without prior approval from the Department of Parking, [Sustainability](#) and Transportation, or which are apparently abandoned shall be subject to immobilization, towing, and/or impoundment, and ultimately disposed of at the owner’s expense. The University does not assume any responsibility for motor vehicle or their contents while they are parked on campus. Major repairs to vehicles shall not be performed on either campus.
- vi. Skateboarding and rollerblading are prohibited in parking areas.

c. Golf-Cart Regulations

- i. Golf-carts are restricted by Florida International University for use on University premises only by University employees, volunteers, contractors, vendors or agents and are generally recognizable as a low speed or utility vehicle, such as, but not limited to, utility terrain vehicles, including all-terrain vehicles designed for work uses, and golf carts, club

car or conveyance. Please refer to the Golf Cart Policy posted at <http://policies.fiu.edu>.

- ii. Any person who accepts the privilege of operating a golf-cart on University premises is deemed, by so doing, to have the knowledge, training and skill to safely operate this vehicle and shall be fully accountable for their actions and the consequences thereof.
- iii. Golf-cart Enforcement. Golf-carts shall be operated in accordance with the following specific regulations:
 1. Golf-carts shall not be parked within 20 feet of the entrance or exit of any building, except at loading docks or designated golf-cart parking.
 2. Operators shall stop golf-carts at all blind intersections and sound their horns before proceeding.
 3. 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. This includes, persons in wheelchairs or mobility assistance devices. In addition, golf carts shall not park in the following areas: fire lanes, handicap parking, meter parking, on sidewalks or ramps that would impede handicap accessibility.
 4. Operators shall not bring a golf cart to rest for any period of time in the middle of roads and walkways.
 5. Golf-carts may be driven on sidewalks only where streets and/or parking lots are not available. Golf carts are not permitted in any red zones as identified on the maps which can be found at <http://policies.fiu.edu>
 6. Golf-carts shall not be driven through buildings or breezeways, covered walkways, landscaped areas or golf cart free red zones as identified on the maps which can be found at <http://policies.fiu.edu/files/781.pdf>. Golf carts shall not be driven through the Green Library breezeway or any other building except: 1) under circumstances of police or medical emergency, 2) in order to provide maintenance service to a location in a specific building or to grounds in which large amounts or heavy equipment and supplies, but not people, are being transported to the work site, 3) in order to make a delivery of large amounts or heavy materials which cannot be otherwise transported to a specific location in a building, 4) in order to assist a handicapped individual or, 5) when conducting a pre-approved University tours.
 7. Use of ear phones, eating, texting, or the use of any device that may hinder the proper and safe operation of golf carts is prohibited.

7. Enforcement

- a. Violations. Failure to abide by any of the provisions of these regulations 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. Towing fees vary according to type of vehicle. If a third party towing company is used, the charge will be contingent upon the towing company fees.

- b. Enforcement hours. Metered parking is enforced daily, from 7:00 a.m. to 10:00 p.m. including weekends and holidays. Parking areas designated as Faculty/Staff shall be enforced between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday, unless otherwise indicated by signage. Parking in all other areas, including Executive, Administrative and Disabled shall be observed and enforced at all times. Only one citation per day will be issued for each violation in the same location on the same vehicle.
- c. Schedule of Fines. The schedule below establishes fines for the various categories of violations which are considered to be university parking infractions:

Unlawfully Parked in Disabled Space	\$250.00
Virtual Permit Fraud	\$100.00
Immobilization Fee	\$50.00
Hazardous Parking	\$25.00
Restricted/Improper Parking	\$25.00
Golf-Cart Violation	\$25.00
Invalid Permit	\$20.00
Parking on Grass	\$20.00
Overtime Parking in Meters	\$20.00
Expired Permit	\$20.00
Deactivated Permit	\$20.00
Improper Permit Registration	\$20.00
Crosswalk Light Violation	\$20.00
Head-in Parking Only	\$15.00
Other	\$15.00

Parking in Unauthorized Areas

Restricted Executive/Admin	\$30.00
Restricted Faculty/Staff	\$25.00
Restricted Housing	\$25.00
No Carpool Permit	\$25.00
Restricted Electric Vehicle Space	\$25.00

- d. Late Fees. If a university citation is not paid or appealed in the time provided by this regulation, a \$5.00 late fee shall be assessed in addition to the fine established for the violation. The assessment of the late fee shall not preclude the University from enforcing these regulations through alternative means such as preventing registration, withholding transcripts, withholding of diploma, towing and/or

immobilizing the vehicle. Finally, the outstanding balance will be sent to a collection agency and additional fees will be assessed.

- e. Remedies for Failure to Pay Fines. In addition to the assessment of a late charge fee, and other penalties as provided in this regulation, the following remedies are available to the University:
 - i. Employee debt collection of outstanding parking fines from wages.
 - ii. Student debts may be referred to a collection agency.
 - iii. Prevent student registration.
 - iv. Withhold issuance of transcripts or degrees.
 - v. Use of vehicle immobilizer, tow and/or impound the person's vehicle.
 - vi. Take other action as permissible pursuant to the University collection policy
- f. Responsibility for Citations. The person who registers a motor vehicle with the Department of Parking, [Sustainability](#) and Transportation assumes responsibility for all citations issued to that vehicle. If the motor vehicle has not been registered with the Department of Parking, [Sustainability](#) and Transportation then the person(s) in whose name the motor vehicle is registered with the State Department of Highway Safety and Motor Vehicles shall be held responsible for citations issued to the vehicle. Employees of FIU operating state university vehicles and golf-carts shall be responsible for citations issued to such vehicle(s).
- g. Procedures for Payment of Fines and Appeals: A person to whom a citation has been issued shall have ten (10) business days from the date of issuance to respond to the citation either by paying the fine or by filing an appeal. If payment or request for an appeal is not received within the allotted time, a \$5.00 late fee shall be assessed, and the University may take any authorized action to enforce the penalty.
- h. Payment of Fines. Fines may be paid by credit card through the Florida International University web site URL <http://parking.fiu.edu> or in person at the Department of Parking, [Sustainability](#) and Transportation by check, money order, cash, the FIU One Card, or credit card. Alternatively, payments may be mailed to the Department of Parking, [Sustainability](#) and Transportation located on Modesto A. Maidique Campus. All payments sent by mail should include the payee's Panther ID number if applicable, and citation number(s).
- i. Appeals Process and Procedures. Appeals of citations for university parking infractions and towing/vehicle immobilization fees may be instituted by filing an appeal through the Florida International University web site URL <http://parking.fiu.edu> or at the Department of Parking, [Sustainability](#) and Transportation using the "Florida International University Department of Parking, [Sustainability](#) and Transportation CITATION APPEAL FORM", Form PT #04 Appeal Form. The completed Citation Appeal Form must include a current

mailing address or email address where notices can be sent to and received by the Appellant. Completed Citation Appeal Forms will be forwarded by the Department of Parking, [Sustainability](#) and Transportation to an Appeal Hearing Officer for review and decision. Appeals should only be filed if a legitimate basis exists. The following reasons are not considered legitimate basis for filing an appeal:

- i. Disagreement with the Parking & Transportation Rules and Regulations.
 - ii. Ignorance of the regulations.
 - iii. Stated inability to find a permitted parking space.
 - iv. Operation of the vehicle by another individual.
 - v. Failure to issue citations previously for similar violations.
 - vi. Tardiness to class and/or appointment.
 - vii. Inability to pay fine.
 - viii. Received incorrect verbal information from a non FIU Parking and Transportation employee.
 - ix. Observing others illegally parked.
 - x. Not paying for sufficient metered time.
- j. Appeal Hearing Officer Procedures. Appeal Hearing Officers will receive and evaluate appeals. They will be guided by the Parking Regulations and shall consider any relevant circumstances, as articulated in the appeal, in making their decision(s). Appeal Hearing Officers may request further information or interview the appellant, witnesses or the citing officer. Appeals will be reviewed and appellants notified in writing.
- k. Appeal Hearing Officer Decisions. 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 by the Department of Parking, [Sustainability](#) and Transportation. If your appeal is denied, you may file for a secondary review by the appeal board. Appeal forms are available online through the Florida International University website URL <http://parking.fiu.edu> or at the Department of Parking, [Sustainability](#) & Transportation using the “Florida International University Department of Parking, [Sustainability](#) & Transportation CITATION APPEAL FORM”, FORM PT #04 Appeal Form. The appeal board may reduce, excuse the fine or uphold the appeal hearing officer’s decision.

8. University Events

- a. Any event held on campus, whether hosting internal or external guests, requiring the use of parking spaces, must be coordinated with the Department of Parking, [Sustainability](#) & Transportation. Pre-purchased virtual permits are available through the online portal or by contacting the Department of Parking, [Sustainability](#) and Transportation. Requests must be received seven (7) business days prior to the date of the event. If the event is cancelled, a cancellation fee may be assessed and all expenses incurred related to the event request will be

collected.

- b. All temporary directional signage used on any campus must adhere to the signage protocol established by the Department of Parking, [Sustainability](#) and Transportation. Lawn signs are not permitted. Please contact the Department of Parking, [Sustainability](#) & Transportation to order temporary directional signage.
- c. The Department also handles any event requests that require transportation, including golf cart and shuttles. For more information, please refer to <http://parking.fiu.edu>.

Specific Authority- BOG Regulations 1.001(3)(k) and 7.003(9), and 1006.66 FS. Law Implemented 1006.66 FS. History--Formerly 6P-5.06, 10-1-75, Repromulgated 12-23-76, Amended 1-15-80, 8-20-81, 4-24-83, 8-12-85, Formerly 6C8-5.06, Amended 7-6-86, 8-31-89, 7-17-90, 7-21-91, 8-25-93, 10-26-93, 8-17-94, 8-20-95, 8-11-96, 6-12-97, 7-08-99, 5-16-00, 5-24-01, 7-25-02, 12-2-02, 8-11-03, 6-1-04, 6-1-05, Formerly 6C8-5.006, Amended 6-2-06, 7-12-07, 8-11-08, 6-29-09, 8-10-10, 7-5-11, 7-9-12, Amended, 7-24-15.