

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

**NOTICE OF PROPOSED REGULATION**

**REGULATION NO.:** FIU-1115

**REGULATION TITLE:** Lost/Abandoned Property

**SUMMARY:** The proposed regulation sets forth university rules regarding lost/abandoned personal property found on campus. The regulation, consistent with Sec. 705.18, Fla. Stat. (the “Statute”), provides the general procedure for the university to claim lost/abandoned property.

**TEXT OF REGULATION:** The full text of the proposed Regulation 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 proposed Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, (305) 348-2103, [devillee@fiu.edu](mailto:devillee@fiu.edu).

**AUTHORITY:** BOG Regulation 1.001 and Section 705.18, Florida Statutes

**NAME OF PERSON INITIATING PROPOSED REGULATION:**

Dr. Kenneth Jessell, Sr. Vice President and Chief Financial Officer.

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<sup>th</sup> Street, PC 511, Miami, FL 33199.  
Email: [devillee@fiu.edu](mailto:devillee@fiu.edu) Phone: 305.348.2103, Fax: 305.348.3272.

**DATE OF PUBLICATION:** January 24, 2020

**THE FULL TEXT OF THE REGULATION IS PROVIDED BELOW:**

## FIU-1115 Lost/Abandoned Property

### 1. Definitions

For the purposes of this regulation, the following definitions shall apply:

- a. “Bicycle” – a vehicle propelled solely by human power or a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour.
- b. “Campus” is defined as any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and shall mean to include the Modesto A. Maidique Campus (MMC), the Biscayne Bay Campus (BBC), and the Engineering Center, or any other buildings or real property under the control of the University.
- c. “Date of Notification” is defined as the date on which an identified owner of lost or abandoned property is notified by the Property Custodian that such property is in custody and informed of the location and means by which the property may be released. If notification is by mail, the date of notification is five (5) business days after the date the letter is mailed.
- d. “Date of Receipt” is defined as the date the Lost/Abandoned Property comes into the custody of the Property Custodian as recorded by the Property Custodian.
- e. “Discarded Items” are defined as tangible personal property and other personal objects left on Campus that has no identifiable owner, no appreciable value, and/or no apparent intrinsic value to the rightful owner. Discarded Items are not subject to the procedures set forth in this Regulation.
- f. “Impound” – to tow a vehicle away from the place in which it is parked, to boot a vehicle by use of an immobilization device, or to seize and hold legal custody of a vehicle.
- g. “Lost/Abandoned Property” is defined as tangible personal property with some appreciable value or apparent intrinsic value to the rightful owner that has been mislaid or deposited on Campus and left unattended. Lost/Abandoned Property may or may not have an identifiable owner.
- h. “Motor Vehicle” – an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power.
- i. “Notice of Impoundment” – a letter sent by the University Police Department to the registered owner of an impounded vehicle, via certified mail, and a notice posted on the vehicle notifying the registered owner that the vehicle will be impounded and stating the place and means by which the vehicle’s release may be secured.
- j. “Property Custodian” is defined as the University President and/or the individual(s) designated by the University President to manage the transfer, storage, and disposal of Lost/Abandoned Property on Campus in accordance with this Regulation and/or any established University policies or procedures, including the FIU Property Control Manual; additionally, any persons further designated by the Property Custodian may also carry out any of these duties.

### 2. Procedures in General

- a. Any report regarding missing, lost, stolen, or abandoned property that is or may be located on Campus shall be made to the University Police Department.

- b. All Lost/Abandoned Property found on Campus shall be delivered to the appropriate Property Custodian whenever possible, who shall record the property's Date of Receipt and retain custody of the Lost/Abandoned Property until it is disposed of in accordance with this Regulation and/or any established University policies or procedures, including FIU's Property Control Manual. The University Police Department is responsible for determining if a motor vehicle or bicycle is abandoned.
- c. The Property Custodian or his/her designee shall make the determination as to whether property without a clear owner is either a Discarded Item or is Lost/Abandoned Property, in accordance with this Regulation and/or any established University policies or procedures.
- d. Items determined by the Property Custodian to be Discarded Items shall be disposed of in accordance with FIU's policies and procedures (shredded, recycled, trashed, etc.)
- e. For Lost/Abandoned Property, if the rightful owner of the property is readily identifiable, the Property Custodian shall make reasonable efforts to contact and notify the rightful owner of the location and determine the means by which the property may be released.
- f. In determining whether the rightful owner is identifiable, the Property Custodian shall examine the property for any ownership information and/or distinguishable markings and shall compare outstanding reports made to the University Police Department of missing, lost, or stolen property. Property that appears to be recovered stolen property may be retained by the University Police Department as necessary for evidentiary and/or investigative purposes.
- g. If Lost/Abandoned Property is not claimed by the rightful owner within thirty (30) calendar days from the Date of Receipt as recorded by the Property Custodian, or a longer period of time as may be deemed appropriate by the Property Custodian (such as in the case of property that appears to have significant value), the Property Custodian shall either dispose of, sell, or make use of the property in accordance with FIU's established policies and procedures, as may be outlined in FIU's Property Control Manual and/or any other established University policies or procedures.
- h. The rightful owner of such Lost/Abandoned Property may reclaim the property by providing adequate proof of ownership at any time prior to the disposition, sale, or use of the property in accordance with FIU's policies and procedures. Adequate proof is considered to include, but is not limited to, a record of registration or purchase, photographic evidence, or other method judged sufficient by the Property Custodian. Any Lost/Abandoned Property claimed by the rightful owner shall be released subject to any applicable liens, fees, fines, and/or reasonable costs of transport, storage and sale, as may be outlined in FIU's Property Control Manual and/or any other established University policies or procedures.

Authority: BOG Regulation 1.001 and Section 705.18, Florida Statutes. History--New