

By Senator Atwater

25-1706-04

See HB 1059

1 A bill to be entitled
2 An act relating to the Florida School for the
3 Deaf and the Blind; amending s. 11.45, F.S.;
4 requiring the Auditor General to conduct audits
5 of the accounts and records of the Florida
6 School for the Deaf and the Blind; amending s.
7 1001.20, F.S.; including the Florida School for
8 the Deaf and Blind in the entities subject to
9 inspection by the Department of Education's
10 Inspector General; amending s. 1002.36, F.S.,
11 relating to the Florida School for the Deaf and
12 the Blind; providing that the school is a
13 component of the delivery of public education
14 within Florida's K-20 education system;
15 requiring certain compliance; revising audit
16 requirements; revising provisions specifying
17 authority of the Board of Trustees for the
18 Florida School for the Deaf and the Blind to
19 perform certain actions; revising the power and
20 authority of the board of trustees; revising
21 duties of the board of trustees; amending s.
22 1013.30, F.S.; expanding provisions relating to
23 university master plans and campus development
24 agreements to be applicable to the Florida
25 School for the Deaf and the Blind; providing
26 requirements for campus planning and
27 concurrency management for the school; defining
28 the term "institution" to include universities
29 and the Florida School for the Deaf and the
30 Blind; reenacting s. 163.3177(6)(h), F.S.,
31 relating to the intergovernmental element of

1 comprehensive plans, to incorporate the
2 amendment to s. 1013.30, F.S., in a reference
3 thereto; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Paragraphs (f) through (k) of subsection
8 (2) of section 11.45, Florida Statutes, are redesignated as
9 paragraphs (g) through (l), respectively, and a new paragraph
10 (f) is added to that subsection to read:

11 11.45 Definitions; duties; authorities; reports;
12 rules.--

13 (2) DUTIES.--The Auditor General shall:

14 (f) Annually conduct audits of the accounts and
15 records of the Florida School for the Deaf and the Blind.
16

17 The Auditor General shall perform his or her duties
18 independently but under the general policies established by
19 the Legislative Auditing Committee. This subsection does not
20 limit the Auditor General's discretionary authority to conduct
21 other audits or engagements of governmental entities as
22 authorized in subsection (3).

23 Section 2. Paragraph (e) of subsection (4) of section
24 1001.20, Florida Statutes, is amended to read:

25 1001.20 Department under direction of state board.--

26 (4) The Department of Education shall establish the
27 following offices within the Office of the Commissioner of
28 Education which shall coordinate their activities with all
29 other divisions and offices:

30 (e) Office of Inspector General.--Organized using
31 existing resources and funds and responsible for promoting

1 accountability, efficiency, and effectiveness and detecting
2 fraud and abuse within school districts, the Florida School
3 for the Deaf and the Blind, community colleges, and state
4 universities in Florida. If the Commissioner of Education
5 determines that a district school board, the Board of Trustees
6 for the Florida School for the Deaf the Blind, or a public
7 postsecondary educational institution board is unwilling or
8 unable to address substantiated allegations made by any person
9 relating to waste, fraud, or financial mismanagement, the
10 office shall conduct, coordinate, or request investigations
11 into substantiated allegations made by any person relating to
12 waste, fraud, or financial mismanagement within school
13 districts, the Florida School for the Deaf and the Blind,
14 community colleges, and state universities in Florida. The
15 office shall have access to all information and personnel
16 necessary to perform its duties and shall have all of its
17 current powers, duties, and responsibilities authorized in s.
18 20.055.

19 Section 3. Subsections (1), (3), and (4) of section
20 1002.36, Florida Statutes, are amended to read:

21 1002.36 Florida School for the Deaf and the Blind.--

22 (1) RESPONSIBILITIES.--The Florida School for the Deaf
23 and the Blind is a state-supported residential school for
24 hearing-impaired and visually impaired students in preschool
25 through 12th grade. The school is a component of the delivery
26 of public education within Florida's K-20 education system
27 ~~part of the state system of public education~~ and shall be
28 funded through the Department of Education. The school shall
29 provide educational programs and support services appropriate
30 to meet the education and related evaluation and counseling
31 needs of hearing-impaired and visually impaired students in

1 the state who meet enrollment criteria. Unless otherwise
2 provided by law, the school shall comply with all laws and
3 rules generally applicable to state agencies. Education
4 services may be provided on an outreach basis for
5 sensory-impaired children ages 0 through 5 years and their
6 parents. Graduates of the Florida School for the Deaf and the
7 Blind shall be eligible for the William L. Boyd, IV, Florida
8 Resident Access Grant Program as provided in s. 1009.89.

9 (3) AUDITS.--The Auditor General shall conduct annual
10 audits of ~~audit~~ the accounts and records of the Florida School
11 for the Deaf and the Blind ~~as provided in chapter 11~~. The
12 Department of Education's Inspector General is authorized to
13 conduct investigations at the school as provided in s.
14 1001.20(4)(e).

15 (4) BOARD OF TRUSTEES.--

16 (a) There is hereby created a Board of Trustees for
17 the Florida School for the Deaf and the Blind which shall
18 consist of seven members. Of these seven members, one
19 appointee shall be a blind person and one appointee shall be a
20 deaf person. Each member shall have been a resident of the
21 state for a period of at least 10 years. Their terms of office
22 shall be 4 years. The appointment of the trustees shall be by
23 the Governor with the confirmation of the Senate. The Governor
24 may remove any member for cause and shall fill all vacancies
25 that occur.

26 (b) The board of trustees shall elect a chair
27 annually. The trustees shall be reimbursed for travel expenses
28 as provided in s. 112.061, the accounts of which shall be paid
29 by the Chief Financial Officer upon itemized vouchers duly
30 approved by the chair.

31

1 (c) The board of trustees has authority to adopt rules
2 pursuant to ss. 120.536(1) and 120.54 to implement provisions
3 of law relating to operation of the Florida School for the
4 Deaf and the Blind. Such rules shall be submitted to the State
5 Board of Education for approval or disapproval. After a rule
6 is approved ~~If any rule is not disapproved by the State Board~~
7 ~~of Education within 60 days of its receipt~~ by the State Board
8 of Education, the rule shall be filed immediately with the
9 Department of State. The board of trustees shall act at all
10 times in conjunction with the rules of the State Board of
11 Education.

12 (d) The board of trustees is a body corporate and
13 shall have a corporate seal. Unless otherwise provided by law,
14 all actions of the board of trustees shall be consistent with
15 all laws and rules applicable to state agencies. Title to any
16 gift, donation, or bequest received by the board of trustees
17 pursuant to subparagraph (e)13. ~~subsection (5)~~ shall vest in
18 the board of trustees. Title to all other property and other
19 assets of the Florida School for the Deaf and the Blind shall
20 vest in the State Board of Education, but the board of
21 trustees shall have complete jurisdiction over the management
22 of the school. ~~and~~

23 (e) The board of trustees is invested with full power
24 and authority to:

25 1. Appoint a president, faculty, teachers, and other
26 employees and remove the same as in its judgment may be best
27 and fix their compensation. ~~to~~

28 2. Reemploy certain retired members of the Florida
29 Retirement System as substitute teachers, substitute
30 residential instructors, or substitute nurses as provided in
31 s. 121.091.

1 3. Extend the period that certain employees may
2 participate in the Deferred Retirement Option Program as
3 provided in s. 121.091.

4 4. Procure professional services, such as medical,
5 mental health, architectural, and engineering., ~~and legal~~
6 services; to

7 5. Procure legal services without the prior written
8 approval of the Attorney General.

9 6. Determine eligibility of students and procedure for
10 admission. ~~to~~

11 7. Provide for the students of the school necessary
12 bedding, clothing, food, and medical attendance and such other
13 things as may be proper for the health and comfort of the
14 students without cost to their parents, except that the board
15 of trustees may set tuition and other fees for nonresidents. ~~to~~
16 to

17 8. Provide for the proper keeping of accounts and
18 records and for budgeting of funds. ~~to~~

19 9. Enter into contracts. ~~to~~

20 10. Sue and be sued. ~~to~~

21 11. Secure public liability insurance. ~~and to~~

22 12. Do and perform every other matter or thing
23 requisite to the proper management, maintenance, support, and
24 control of the school at the highest efficiency economically
25 possible, the board of trustees taking into consideration the
26 purposes of the establishment.

27 13. (e)1. ~~The board of trustees is authorized to~~
28 Receive gifts, donations, and bequests of money or property,
29 real or personal, tangible or intangible, from any person,
30 firm, corporation, or other legal entity. However, the board
31

1 of trustees may not obligate the state to any expenditure or
2 policy that is not specifically authorized by law.

3 ~~2.~~ If the bill of sale, will, trust indenture, deed,
4 or other legal conveyance specifies terms and conditions
5 concerning the use of such money or property, the board of
6 trustees shall observe such terms and conditions.

7 ~~14.3. The board of trustees may~~ Deposit outside the
8 State Treasury such moneys as are received as gifts,
9 donations, or bequests and may disburse and expend such
10 moneys, upon its own warrant, for the use and benefit of the
11 Florida School for the Deaf and the Blind and its students, as
12 the board of trustees deems to be in the best interest of the
13 school and its students. Such money or property shall not
14 constitute or be considered a part of any legislative
15 appropriation, and such money shall not be used to compensate
16 any person for engaging in lobbying activities before the
17 House of Representatives or Senate or any committee thereof.

18 ~~15.4. The board of trustees may~~ Sell or convey by bill
19 of sale, deed, or other legal instrument any property, real or
20 personal, received as a gift, donation, or bequest, upon such
21 terms and conditions as the board of trustees deems to be in
22 the best interest of the school and its students.

23 ~~16.5. The board of trustees may~~ Invest such moneys in
24 securities enumerated under s. 218.415(16)(a)-(f)~~s. 215.47~~,
25 and in The Common Fund, an Investment Management Fund
26 exclusively for nonprofit educational institutions.

27 (f) The board of trustees shall:

28 1. Prepare and submit legislative budget requests for
29 operations and fixed capital outlay, ~~including fixed capital~~
30 ~~outlay requests~~, in accordance with chapter 216 and ss.~~s.~~
31 1011.56 and 1013.60, to the Department of Education for review

1 and approval. The department must analyze the amount requested
2 for fixed capital outlay to determine if the request is
3 consistent with the school's campus master plan, educational
4 plant survey, and facilities master plan.

5 2. Approve and administer an annual operating budget
6 in accordance with ss. 1011.56 and 1011.57.

7 3. Require all funds received other than gifts,
8 donations, and bequests to be deposited in the State Treasury
9 and expended as authorized in the General Appropriations Act.

10 4. Require all purchases to be in accordance with the
11 provisions of chapter 287.

12 5.2. Administer and maintain personnel programs for
13 all employees of the board of trustees and the Florida School
14 for the Deaf and the Blind who shall be state employees,
15 including the personnel classification and pay plan
16 established in accordance with ss. 110.205(2)(d) and
17 216.251(2)(a)2. for academic and academic administrative
18 personnel, the provisions of chapter 110, and the provisions
19 of law that grant authority to the Department of Management
20 Services over such programs for state employees.

21 6. Give preference in appointment and retention in
22 positions of employment as provided within s. 295.07(1).

23 7. Ensure that the Florida School for the Deaf and the
24 Blind complies with s. 1013.30 concerning campus master plans
25 and campus development agreements.

26 8. Ensure that the Florida School for the Deaf and the
27 Blind complies with s. 112.061 concerning per diem and travel
28 expenses of public officers, employees, and authorized
29 persons.

30 9.3. Adopt a master plan which specifies the mission
31 and objectives of the Florida School for the Deaf and the

1 Blind. The plan shall include, but not be limited to,
2 procedures for systematically measuring the school's progress
3 toward meeting its objectives, analyzing changes in the
4 student population, and modifying school programs and services
5 to respond to such changes. The plan shall be for a period of
6 5 years and shall be reviewed for needed modifications every 2
7 years. The board of trustees shall submit the initial plan and
8 subsequent modifications to the Speaker of the House of
9 Representatives and the President of the Senate.

10 ~~4. Seek the advice of the Division of Public Schools~~
11 ~~within the Department of Education.~~

12 10.(g) ~~The Board of Trustees for the Florida School~~
13 ~~for the Deaf and the Blind, located in St. Johns County, shall~~
14 Designate a portion of the school as "The Verle Allyn Pope
15 Complex for the Deaf," in tribute to the late Senator Verle
16 Allyn Pope.

17 Section 4. Section 1013.30, Florida Statutes, is
18 amended to read:

19 1013.30 ~~University~~ Campus master plans and campus
20 development agreements for universities and the Florida School
21 for the Deaf and the Blind.--

22 (1) This section contains provisions for campus
23 planning and concurrency management that supersede the
24 requirements of part II of chapter 163, except when stated
25 otherwise in this section. These special growth management
26 provisions are adopted in recognition of the unique
27 relationship between ~~university~~ campuses of universities and
28 the Florida School for the Deaf and the Blind and the local
29 governments in which they are located. While the campuses
30 provide research and educational benefits of statewide and
31 national importance, and further provide substantial

1 educational, economic, and cultural benefits to their host
2 local governments, they may also have an adverse impact on the
3 public facilities and services and natural resources of host
4 governments. On balance, however, universities and the Florida
5 School for the Deaf and the Blind should be considered as
6 vital public facilities of the state and local governments.
7 The intent of this section is to address this unique
8 relationship by providing for the preparation of campus master
9 plans and associated campus development agreements.

10 (2) As used in this section:

11 (a) "Affected local government" means a unit of local
12 government that provides public services to or is responsible
13 for maintaining facilities within a campus of an institution
14 or is directly affected by development that is proposed for a
15 campus.

16 (b) "Affected person" means a host local government;
17 an affected local government; any state, regional, or federal
18 agency; or a person who resides, owns property, or owns or
19 operates a business within the boundaries of a host local
20 government or affected local government.

21 (c) "Host local government" means a local government
22 within the jurisdiction of which all or part of a campus of an
23 institution is located, but does not include a county if no
24 part of an institution is located within its unincorporated
25 area.

26 (d) "Institution" means a university and the Florida
27 School for the Deaf and the Blind.

28 (3) Each institution's ~~university~~ board of trustees
29 shall prepare and adopt a campus master plan for the
30 institution ~~university~~. The master plan must identify general
31 land uses and address the need for and plans for provision of

1 roads, parking, public transportation, solid waste, drainage,
2 sewer, potable water, and recreation and open space during the
3 coming 10 to 20 years. The plans must contain elements
4 relating to future land use, intergovernmental coordination,
5 capital improvements, recreation and open space, general
6 infrastructure, housing, and conservation. Each element must
7 address compatibility with the surrounding community. The
8 master plan must identify specific land uses, location of
9 structures, densities and intensities of use, and contain
10 standards for onsite development, site design, environmental
11 management, and the preservation of historic and
12 archaeological resources. The transportation element must
13 address reasonable transportation demand management techniques
14 to minimize offsite impacts where possible. Data and analyses
15 on which the elements are based must include, at a minimum:
16 the characteristics of vacant lands; projected impacts of
17 development on onsite and offsite infrastructure, public
18 services, and natural resources; student enrollment
19 projections; student housing needs; and the need for academic
20 and support facilities. Master plans must be updated at least
21 every 5 years.

22 (4) Campus master plans may contain additional
23 elements at the discretion of the State Board of Education;
24 however, such elements are not subject to review under this
25 section. These additional elements may include the academic
26 mission of the institution, academic program, utilities,
27 public safety, architectural design, landscape architectural
28 design, and facilities maintenance.

29 (5) Subject to the right of the institution's
30 ~~university~~ board of trustees to initiate the dispute
31 resolution provisions of subsection (8), a campus master plan

1 must not be in conflict with the comprehensive plan of the
2 host local government and the comprehensive plan of any
3 affected local governments. A campus master plan must be
4 consistent with the state comprehensive plan.

5 (6) Before a campus master plan is adopted, a copy of
6 the draft master plan must be sent for review to the host and
7 any affected local governments, the state land planning
8 agency, the Department of Environmental Protection, the
9 Department of Transportation, the Department of State, the
10 Fish and Wildlife Conservation Commission, and the applicable
11 water management district and regional planning council. These
12 agencies must be given 90 days after receipt of the campus
13 master plans in which to conduct their review and provide
14 comments to the institution's ~~university~~ board of trustees.
15 The commencement of this review period must be advertised in
16 newspapers of general circulation within the host local
17 government and any affected local government to allow for
18 public comment. Following receipt and consideration of all
19 comments, and the holding of at least two public hearings
20 within the host jurisdiction, the institution's ~~university~~
21 board of trustees shall adopt the campus master plan. It is
22 the intent of the Legislature that the institution's
23 ~~university~~ board of trustees comply with the notice
24 requirements set forth in s. 163.3184(15) to ensure full
25 public participation in this planning process. Campus master
26 plans developed under this section are not rules and are not
27 subject to chapter 120 except as otherwise provided in this
28 section.

29 (7) Notice that the campus master plan has been
30 adopted must be forwarded within 45 days after its adoption to
31 any affected person that submitted comments on the draft

1 campus master plan. The notice must state how and where a copy
2 of the master plan may be obtained or inspected. Within 30
3 days after receipt of the notice of adoption of the campus
4 master plan, or 30 days after the date the adopted plan is
5 available for review, whichever is later, an affected person
6 who submitted comments on the draft master plan may petition
7 the institution's ~~university~~ board of trustees, challenging
8 the campus master plan as not being in compliance with this
9 section or any rule adopted under this section. The petition
10 must state each objection, identify its source, and provide a
11 recommended action. A petition filed by an affected local
12 government may raise only those issues directly pertaining to
13 the public facilities or services that the affected local
14 government provides to or maintains within the campus or to
15 the direct impact that campus development would have on the
16 affected local government.

17 (8) Following receipt of a petition, the petitioning
18 party or parties and the institution's ~~university~~ board of
19 trustees shall mediate the issues in dispute as follows:

20 (a) The parties have 60 days to resolve the issues in
21 dispute. Other affected parties that submitted comments on the
22 draft campus master plan must be given the opportunity to
23 participate in these and subsequent proceedings.

24 (b) If resolution of the matter cannot be achieved
25 within 60 days, the issues must be submitted to the state land
26 planning agency. The state land planning agency has 60 days to
27 hold informal hearings, if necessary, identify the issues
28 remaining in dispute, prepare a record of the proceedings, and
29 submit the matter to the Administration Commission for final
30 action. The report to the Administration Commission must list
31 each issue in dispute, describe the nature and basis for each

1 | dispute, identify alternative resolutions of the dispute, and
2 | make recommendations.

3 | (c) After receiving the report from the state land
4 | planning agency, the Administration Commission shall take
5 | action to resolve the issues in dispute. In deciding upon a
6 | proper resolution, the Administration Commission shall
7 | consider the nature of the issues in dispute, the compliance
8 | of the parties with this section, the extent of the conflict
9 | between the parties, the comparative hardships, and the public
10 | interest involved. If the Administration Commission
11 | incorporates in its final order a term or condition that
12 | specifically requires the institution's ~~university~~ board of
13 | trustees or a local government to amend or modify its plan,
14 | the institution's ~~university~~ board of trustees shall have a
15 | reasonable period of time to amend or modify its plan, and a
16 | local government shall initiate the required plan amendment,
17 | which shall be exempt from the requirements of s. 163.3187(1).
18 | Any required amendment to a local government comprehensive
19 | plan must be limited in scope so as to only relate to specific
20 | impacts attributable to the campus development. The final
21 | order of the Administration Commission is subject to judicial
22 | review as provided in s. 120.68.

23 | (9) An amendment to a campus master plan must be
24 | reviewed and adopted under subsections (6)-(8) if such
25 | amendment, alone or in conjunction with other amendments,
26 | would:

27 | (a) Increase density or intensity of use of land on
28 | the campus by more than 10 percent;

29 | (b) Decrease the amount of natural areas, open space,
30 | or buffers on the campus by more than 10 percent; or

31 |

1 (c) Rearrange land uses in a manner that will increase
2 the impact of any proposed campus development by more than 10
3 percent on a road or on another public facility or service
4 provided or maintained by the state, the county, the host
5 local government, or any affected local government.

6 (10) Upon adoption of a campus master plan, the
7 institution's ~~university~~ board of trustees shall draft a
8 proposed campus development agreement for each local
9 government and send it to the local government within 270 days
10 after the adoption of the relevant campus master plan.

11 (11) At a minimum, each campus development agreement:

12 (a) Must identify the geographic area of the campus
13 and local government covered by the campus development
14 agreement.

15 (b) Must establish its duration, which must be at
16 least 5 years and not more than 10 years.

17 (c) Must address public facilities and services
18 including roads, sanitary sewer, solid waste, drainage,
19 potable water, parks and recreation, and public
20 transportation.

21 (d) Must, for each of the facilities and services
22 listed in paragraph (c), identify the level-of-service
23 standard established by the applicable local government,
24 identify the entity that will provide the service to the
25 campus, and describe any financial arrangements between the
26 State Board of Education and other entities relating to the
27 provision of the facility or service.

28 (e) Must, for each of the facilities and services
29 listed in paragraph (c), determine the impact of existing and
30 proposed campus development reasonably expected over the term
31 of the campus development agreement on each service or

1 facility and any deficiencies in such service or facility
2 which the proposed campus development will create or to which
3 it will contribute.

4 (f) May, if proposed by the institution's ~~university~~
5 board of trustees, address the issues prescribed in paragraphs
6 (d) and (e) with regard to additional facilities and services,
7 including, but not limited to, electricity, nonpotable water,
8 law enforcement, fire and emergency rescue, gas, and
9 telephone.

10 (g) Must, to the extent it addresses issues addressed
11 in the campus master plan and host local government
12 comprehensive plan, be consistent with the adopted campus
13 master plan and host local government comprehensive plan.

14 (12)(a) Each proposed campus development agreement
15 must clearly identify the lands to which the institution's
16 ~~university~~ board of trustees intends the campus development
17 agreement to apply.

18 (b) Such land may include:

19 1. Land to be purchased by the institution's
20 ~~university~~ board of trustees and if purchased with state
21 appropriated funds titled in the name of the board of trustees
22 of the Internal Improvement Trust Fund for use by an
23 institution over the life of the campus development agreement.

24 2. Land not owned by the board of trustees of the
25 Internal Improvement Trust Fund if the institution's
26 ~~university~~ board of trustees intends to undertake development
27 activities on the land during the term of the campus
28 development agreement.

29 (c) Land owned by the Board of Trustees of the
30 Internal Improvement Trust Fund for lease to the State Board
31 of Education acting on behalf of the institution may be

1 excluded, but any development activity undertaken on excluded
2 land is subject to part II of chapter 163.

3 (13) With regard to the impact of campus development
4 on the facilities and services listed in paragraph (11)(c),
5 the following applies:

6 (a) All improvements to facilities or services which
7 are necessary to eliminate the deficiencies identified in
8 paragraph (11)(e) must be specifically listed in the campus
9 development agreement.

10 (b) The institution's ~~university~~ board of trustees'
11 fair share of the cost of the measures identified in paragraph
12 (a) must be stated in the campus development agreement. In
13 determining the fair share, the effect of any demand
14 management techniques, which may include such techniques as
15 flexible work hours and carpooling, that are used by the State
16 Board of Education to minimize the offsite impacts shall be
17 considered.

18 (c) The institution's ~~university~~ board of trustees is
19 responsible for paying the fair share identified in paragraph
20 (b), and it may do so by:

21 1. Paying a fair share of each of the improvements
22 identified in paragraph (a); or

23 2. Taking on full responsibility for the improvements,
24 selected from the list of improvements identified in paragraph
25 (a), and agreed to between the host local government and the
26 State Board of Education, the total cost of which equals the
27 contribution identified in paragraph (b).

28 (d) All concurrency management responsibilities of the
29 institution's ~~university~~ board of trustees are fulfilled if
30 the institution's ~~university~~ board of trustees expends the
31 total amount of funds identified in paragraph (b)

1 notwithstanding that the institution's ~~university~~ board of
2 trustees may not have undertaken or made contributions to some
3 of the measures identified in paragraph (a).

4 (e) Capital projects included in the campus
5 development agreement may be used by the local government for
6 the concurrency management purposes.

7 (f) Funds provided by institutions ~~universities~~ in
8 accordance with campus development agreements are subject to
9 appropriation by the Legislature. A development authorized by
10 a campus development agreement may not be built until the
11 funds to be provided pursuant to paragraph (b) are
12 appropriated by the Legislature.

13 (14) A campus development agreement may not address or
14 include any standards or requirements for onsite development,
15 including environmental management requirements or
16 requirements for site preparation.

17 (15) Once the institution's ~~university~~ board of
18 trustees and host local government agree on the provisions of
19 the campus development agreement, the campus development
20 agreement shall be executed by the institution's ~~university~~
21 board of trustees and the host local government in a manner
22 consistent with the requirements of s. 163.3225. Once the
23 campus development agreement is executed, it is binding upon
24 the institution's ~~university~~ board of trustees and host local
25 government. A copy of the executed campus development
26 agreement must be sent to the state land planning agency
27 within 14 days after the date of execution.

28 (16) If, within 180 days following the host local
29 government's receipt of the proposed campus development
30 agreement, the institution's ~~university~~ board of trustees and
31 host local government cannot reach agreement on the provisions

1 of the campus development agreement, the following procedures
2 for resolving the matter must be followed:

3 (a) The matter must be submitted to the state land
4 planning agency, which has 60 days to hold informal hearings,
5 if necessary, and identify the issues remaining in dispute,
6 prepare a record of the proceedings, and submit the matter to
7 the Administration Commission for final action. The report to
8 the Administration Commission must list each issue in dispute,
9 describe the nature and basis for each dispute, identify
10 alternative resolutions of each dispute, and make
11 recommendations.

12 (b) After receiving the report from the state land
13 planning agency, the Administration Commission shall take
14 action to resolve the issues in dispute. In deciding upon a
15 proper resolution, the Administration Commission shall
16 consider the nature of the issues in dispute, the compliance
17 of the parties with this section, the extent of the conflict
18 between the parties, the comparative hardships, and the public
19 interest involved. In resolving the matter, the Administration
20 Commission may prescribe, by order, the contents of the campus
21 development agreement.

22 (17) Disputes that arise in the implementation of an
23 executed campus development agreement must be resolved as
24 follows:

25 (a) Each party shall select one mediator and notify
26 the other in writing of the selection. Thereafter, within 15
27 days after their selection, the two mediators selected by the
28 parties shall select a neutral, third mediator to complete the
29 mediation panel.

30 (b) Each party is responsible for all costs and fees
31 payable to the mediator selected by it and shall equally bear

1 responsibility for the costs and fees payable to the third
2 mediator for services rendered and costs expended in
3 connection with resolving disputes pursuant to the campus
4 development agreement.

5 (c) Within 10 days after the selection of the
6 mediation panel, proceedings must be convened by the panel to
7 resolve the issues in dispute.

8 (d) Within 60 days after the convening of the panel,
9 the panel shall issue a report containing a recommended
10 resolution of the issues in dispute.

11 (e) If either the institution's ~~university~~ board of
12 trustees or the local government rejects the recommended
13 resolution of the issues in dispute, the disputed issues must
14 be resolved pursuant to the procedures provided by subsection
15 (16).

16 (18) Once the campus development agreement is
17 executed, all campus development may proceed without further
18 review by the host local government if it is consistent with
19 the adopted campus master plan and associated campus
20 development agreement.

21 (19) A campus development agreement may be amended
22 under subsections (10)-(16):

23 (a) In conjunction with any amendment to the campus
24 master plan subject to the requirements in subsection (9).

25 (b) If either party delays by more than 12 months the
26 construction of a capital improvement identified in the
27 agreement.

28 (20) Any party to a campus development agreement or
29 aggrieved or adversely affected person, as defined in s.
30 163.3215(2), may file an action for injunctive relief in the
31 circuit court where the host local government is located to

1 enforce the terms of a campus development agreement or to
2 challenge compliance of the agreement with this section. This
3 action shall be the sole and exclusive remedy of an adversely
4 affected person other than a party to the agreement to enforce
5 any rights or obligations arising from a development
6 agreement.

7 (21) State and regional environmental program
8 requirements remain applicable, except that this section
9 supersedes all other sections of part II of chapter 163 and s.
10 380.06 except as provided in this section.

11 (22) In consultation with the state land planning
12 agency, the State Board of Education shall adopt rules
13 implementing subsections (3)-(6). The rules must set specific
14 schedules and procedures for the development and adoption of
15 campus master plans.

16 (23) Until the campus master plan and campus
17 development agreement for an institution have been finalized,
18 any dispute between the institution's ~~university~~ board of
19 trustees and a local government relating to campus development
20 for that institution shall be resolved by the process
21 established in subsection (8).

22 Section 5. For the purpose of incorporating the
23 amendment to section 1013.30, Florida Statutes, in a reference
24 thereto, paragraph (h) of subsection (6) of section 163.3177,
25 Florida Statutes, is reenacted to read:

26 163.3177 Required and optional elements of
27 comprehensive plan; studies and surveys.--

28 (6) In addition to the requirements of subsections
29 (1)-(5), the comprehensive plan shall include the following
30 elements:

31

1 (h)1. An intergovernmental coordination element
2 showing relationships and stating principles and guidelines to
3 be used in the accomplishment of coordination of the adopted
4 comprehensive plan with the plans of school boards and other
5 units of local government providing services but not having
6 regulatory authority over the use of land, with the
7 comprehensive plans of adjacent municipalities, the county,
8 adjacent counties, or the region, with the state comprehensive
9 plan and with the applicable regional water supply plan
10 approved pursuant to s. 373.0361, as the case may require and
11 as such adopted plans or plans in preparation may exist. This
12 element of the local comprehensive plan shall demonstrate
13 consideration of the particular effects of the local plan,
14 when adopted, upon the development of adjacent municipalities,
15 the county, adjacent counties, or the region, or upon the
16 state comprehensive plan, as the case may require.

17 a. The intergovernmental coordination element shall
18 provide for procedures to identify and implement joint
19 planning areas, especially for the purpose of annexation,
20 municipal incorporation, and joint infrastructure service
21 areas.

22 b. The intergovernmental coordination element shall
23 provide for recognition of campus master plans prepared
24 pursuant to s. 1013.30.

25 c. The intergovernmental coordination element may
26 provide for a voluntary dispute resolution process as
27 established pursuant to s. 186.509 for bringing to closure in
28 a timely manner intergovernmental disputes. A local government
29 may develop and use an alternative local dispute resolution
30 process for this purpose.

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1 2. The intergovernmental coordination element shall
2 further state principles and guidelines to be used in the
3 accomplishment of coordination of the adopted comprehensive
4 plan with the plans of school boards and other units of local
5 government providing facilities and services but not having
6 regulatory authority over the use of land. In addition, the
7 intergovernmental coordination element shall describe joint
8 processes for collaborative planning and decisionmaking on
9 population projections and public school siting, the location
10 and extension of public facilities subject to concurrency, and
11 siting facilities with countywide significance, including
12 locally unwanted land uses whose nature and identity are
13 established in an agreement. Within 1 year of adopting their
14 intergovernmental coordination elements, each county, all the
15 municipalities within that county, the district school board,
16 and any unit of local government service providers in that
17 county shall establish by interlocal or other formal agreement
18 executed by all affected entities, the joint processes
19 described in this subparagraph consistent with their adopted
20 intergovernmental coordination elements.

21 3. To foster coordination between special districts
22 and local general-purpose governments as local general-purpose
23 governments implement local comprehensive plans, each
24 independent special district must submit a public facilities
25 report to the appropriate local government as required by s.
26 189.415.

27 4.a. Local governments adopting a public educational
28 facilities element pursuant to s. 163.31776 must execute an
29 interlocal agreement with the district school board, the
30 county, and nonexempt municipalities, as defined by s.
31 163.31776(1), which includes the items listed in s.

1 163.31777(2). The local government shall amend the
2 intergovernmental coordination element to provide that
3 coordination between the local government and school board is
4 pursuant to the agreement and shall state the obligations of
5 the local government under the agreement.

6 b. Plan amendments that comply with this subparagraph
7 are exempt from the provisions of s. 163.3187(1).

8 5. The state land planning agency shall establish a
9 schedule for phased completion and transmittal of plan
10 amendments to implement subparagraphs 1., 2., and 3. from all
11 jurisdictions so as to accomplish their adoption by December
12 31, 1999. A local government may complete and transmit its
13 plan amendments to carry out these provisions prior to the
14 scheduled date established by the state land planning agency.
15 The plan amendments are exempt from the provisions of s.
16 163.3187(1).

17 6. By January 1, 2004, any county having a population
18 greater than 100,000, and the municipalities and special
19 districts within that county, shall submit a report to the
20 Department of Community Affairs which:

21 a. Identifies all existing or proposed interlocal
22 service-delivery agreements regarding the following:
23 education; sanitary sewer; public safety; solid waste;
24 drainage; potable water; parks and recreation; and
25 transportation facilities.

26 b. Identifies any deficits or duplication in the
27 provision of services within its jurisdiction, whether capital
28 or operational. Upon request, the Department of Community
29 Affairs shall provide technical assistance to the local
30 governments in identifying deficits or duplication.

31

1 7. Within 6 months after submission of the report, the
2 Department of Community Affairs shall, through the appropriate
3 regional planning council, coordinate a meeting of all local
4 governments within the regional planning area to discuss the
5 reports and potential strategies to remedy any identified
6 deficiencies or duplications.

7 8. Each local government shall update its
8 intergovernmental coordination element based upon the findings
9 in the report submitted pursuant to subparagraph 6. The report
10 may be used as supporting data and analysis for the
11 intergovernmental coordination element.

12 9. By February 1, 2003, representatives of
13 municipalities, counties, and special districts shall provide
14 to the Legislature recommended statutory changes for
15 annexation, including any changes that address the delivery of
16 local government services in areas planned for annexation.

17 Section 6. This act shall take effect upon becoming a
18 law.

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