

Bill No. SB 2614

Barcode 693194

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

8/AD/2R
05/04/2005 12:17 PM

.
. .
. .
. .
. .
. .

Senator Constantine moved the following amendment:

Senate Amendment

On page 6, line 9, through
page 7, line 20, delete those lines

and insert:

(8) Following receipt of a petition challenging a campus master plan or plan amendment, the university board of trustees must submit the petition to the Division of Administrative Hearings of the Department of Management Services for assignment to an administrative law judge under ss. 120.569 and 120.57.

(a) If a party to the proceeding requests mediation, the parties have no more than 30 days to resolve any issue in dispute. The costs of the mediation must be borne equally by all of the parties to the proceeding.

(b) If the matter is not resolved within 30 days, the administrative law judge shall proceed with a hearing under ss. 120.569 and 120.57. The hearing shall be held in the county where the campus of the university subject to the

Bill No. SB 2614

Barcode 693194

1 amendment is located. Within 60 days after receiving the
 2 petition, the administrative law judge must, consistent with
 3 the applicable requirements and procedures of the
 4 Administrative Procedures Act, hold a hearing, identify the
 5 issues remaining in dispute, prepare a record of the
 6 proceedings, and submit a recommended order to the state land
 7 planning agency for final action. Parties to the proceeding
 8 may submit written exceptions to the recommended order within
 9 10 days after the recommended order is issued. The state land
 10 planning agency must issue its final order no later than 60
 11 days after receiving the recommended order.

12 ~~(8) Following receipt of a petition, the petitioning~~
 13 ~~party or parties and the university board of trustees shall~~
 14 ~~mediate the issues in dispute as follows:~~

15 ~~(a) The parties have 60 days to resolve the issues in~~
 16 ~~dispute. Other affected parties that submitted comments on the~~
 17 ~~draft campus master plan must be given the opportunity to~~
 18 ~~participate in these and subsequent proceedings.~~

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

29 ~~(c) After receiving the report from the state land~~
 30 ~~planning agency, the Administration Commission shall take~~
 31 ~~action to resolve the issues in dispute. In deciding upon a~~

Bill No. SB 2614

Barcode 693194

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

18
19
20
21
22
23
24
25
26
27
28
29
30
31