

By Senator Constantine

22-1562B-05

1                                   A bill to be entitled  
2           An act relating to university campus planning;  
3           amending s. 1013.30, F.S.; requiring each  
4           university board of trustees to maintain a copy  
5           of the campus master plan on the university's  
6           website and provide for electronic copies of  
7           its draft master plan; requiring that the  
8           university hold an informal public information  
9           session before the required public hearings are  
10          held on the draft master plan; requiring that  
11          the public hearings be held at specified times;  
12          limiting the issues that an individual may  
13          raise challenging a campus master plan;  
14          authorizing the university to execute a campus  
15          development agreement during the pendency of a  
16          challenge; providing for an evidentiary hearing  
17          to be held by the state land planning agency if  
18          a challenge to the master plan is not resolved;  
19          specifying the evidentiary procedures to be  
20          used in such hearing; providing for attorney's  
21          fees in any dispute submitted to the state land  
22          planning agency or the Administration  
23          Commission in which the pleading or motion was  
24          made for an improper purpose or for economic  
25          advantage; requiring that each university board  
26          of trustees rather than the State Board of  
27          Education adopt rules to administer the  
28          procedures for preparing and adopting the  
29          campus master plan; providing an effective  
30          date.  
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 1013.30, Florida Statutes, is  
4 amended to read:

5 1013.30 University campus master plans and campus  
6 development agreements.--

7 (1) This section contains provisions for campus  
8 planning and concurrency management that supersede the  
9 requirements of part II of chapter 163, except when stated  
10 otherwise in this section. These special growth management  
11 provisions are adopted in recognition of the unique  
12 relationship between university campuses and the local  
13 governments in which they are located. While the campuses  
14 provide research and educational benefits of statewide and  
15 national importance, and further provide substantial  
16 educational, economic, and cultural benefits to their host  
17 local governments, they may also have an adverse impact on the  
18 public facilities and services and natural resources of host  
19 governments. On balance, however, universities should be  
20 considered as vital public facilities of the state and local  
21 governments. The intent of this section is to address this  
22 unique relationship by providing for the preparation of campus  
23 master plans and associated campus development agreements.

24 (2) As used in this section:

25 (a) "Affected local government" means a unit of local  
26 government that provides public services to or is responsible  
27 for maintaining facilities within a campus of an institution  
28 or is directly affected by development that is proposed for a  
29 campus.

30 (b) "Affected person" means a host local government;  
31 an affected local government; any state, regional, or federal

1 agency; or a person who resides, owns property, or owns or  
2 operates a business within the boundaries of a host local  
3 government or affected local government.

4 (c) "Host local government" means a local government  
5 within the jurisdiction of which all or part of a campus of an  
6 institution is located, but does not include a county if no  
7 part of an institution is located within its unincorporated  
8 area.

9 (d) "Institution" means a university.

10 (3) Each university board of trustees shall prepare  
11 and adopt a campus master plan for the university and maintain  
12 a copy of the plan on the university's website. The master  
13 plan must identify general land uses and address the need for  
14 and plans for provision of roads, parking, public  
15 transportation, solid waste, drainage, sewer, potable water,  
16 and recreation and open space during the coming 10 to 20  
17 years. The plans must contain elements relating to future land  
18 use, intergovernmental coordination, capital improvements,  
19 recreation and open space, general infrastructure, housing,  
20 and conservation. Each element must address compatibility with  
21 the surrounding community. The master plan must identify  
22 specific land uses, general location of structures, densities  
23 and intensities of use, and contain standards for onsite  
24 development, site design, environmental management, and the  
25 preservation of historic and archaeological resources. The  
26 transportation element must address reasonable transportation  
27 demand management techniques to minimize offsite impacts where  
28 possible. Data and analyses on which the elements are based  
29 must include, at a minimum: the characteristics of vacant  
30 lands; projected impacts of development on onsite and offsite  
31 infrastructure, public services, and natural resources;

1 student enrollment projections; student housing needs; and the  
2 need for academic and support facilities. Master plans must be  
3 updated at least every 5 years.

4 (4) Campus master plans may contain additional  
5 elements at the discretion of the State Board of Education;  
6 however, such elements are not subject to review under this  
7 section. These additional elements may include the academic  
8 mission of the institution, academic program, utilities,  
9 public safety, architectural design, landscape architectural  
10 design, and facilities maintenance.

11 (5) Subject to the right of the university board of  
12 trustees to initiate the dispute resolution provisions of  
13 subsection (8), a campus master plan must not be in conflict  
14 with the comprehensive plan of the host local government and  
15 the comprehensive plan of any affected local governments. A  
16 campus master plan must be consistent with the state  
17 comprehensive plan.

18 (6) Before a campus master plan is adopted, a copy of  
19 the draft master plan must be sent for review or made  
20 available electronically to the host and any affected local  
21 governments, the state land planning agency, the Department of  
22 Environmental Protection, the Department of Transportation,  
23 the Department of State, the Fish and Wildlife Conservation  
24 Commission, and the applicable water management district and  
25 regional planning council. These agencies must be given 90  
26 days after receipt of the campus master plans in which to  
27 conduct their review and provide comments to the university  
28 board of trustees. The commencement of this review period must  
29 be advertised in newspapers of general circulation within the  
30 host local government and any affected local government to  
31 allow for public comment. Following receipt and consideration

1 of all comments~~7~~ and the holding of an informal information  
2 session and at least two public hearings within the host  
3 jurisdiction, the university board of trustees shall adopt the  
4 campus master plan. It is the intent of the Legislature that  
5 the university board of trustees comply with the notice  
6 requirements set forth in s. 163.3184(15) to ensure full  
7 public participation in this planning process. The informal  
8 public information session must be held before the first  
9 public hearing. The first public hearing shall be held before  
10 the draft master plan is sent to the agencies specified in  
11 this subsection. The second public hearing shall be held in  
12 conjunction with the adoption of the draft master plan by the  
13 university board of trustees. Campus master plans developed  
14 under this section are not rules and are not subject to  
15 chapter 120 except as otherwise provided in this section.

16 (7) Notice that the campus master plan has been  
17 adopted must be forwarded within 45 days after its adoption to  
18 any affected person that submitted comments on the draft  
19 campus master plan. The notice must state how and where a copy  
20 of the master plan may be obtained or inspected. Within 30  
21 days after receipt of the notice of adoption of the campus  
22 master plan, or 30 days after the date the adopted plan is  
23 available for review, whichever is later, an affected person  
24 who submitted comments on the draft master plan may petition  
25 the university board of trustees, challenging the campus  
26 master plan as not being in compliance with this section or  
27 any rule adopted under this section. The petition must state  
28 each objection, identify its source, and provide a recommended  
29 action. A petition filed by an affected local government may  
30 raise only those issues directly pertaining to the public  
31 facilities or services that the affected local government

1 provides to or maintains within the campus or to the direct  
2 impact that campus development would have on the affected  
3 local government. A petition filed by an individual may raise  
4 only those issues pertaining to public facilities or services  
5 which have a direct and material effect on the individual. The  
6 university may, during the pendency of the challenge,  
7 negotiate and execute a campus development agreement as  
8 provided in subsection (11).

9 (8) Following receipt of a petition, the petitioning  
10 party or parties and the university board of trustees shall  
11 mediate the issues in dispute as follows:

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

16 (b) If resolution of the matter cannot be achieved  
17 within 60 days, the issues must be submitted to the state land  
18 planning agency. The state land planning agency has 60 days to  
19 hold an evidentiary hearing ~~informal hearings~~, if necessary,  
20 identify the issues remaining in dispute, prepare a record of  
21 the proceedings, and submit the matter to the Administration  
22 Commission for final action. The evidentiary hearing shall be  
23 conducted using the evidentiary procedures set forth in s.  
24 120.57(1). The report to the Administration Commission must be  
25 based on evidence adduced on the record before and during the  
26 evidentiary hearing and must list each issue in dispute,  
27 describe the nature and basis for each dispute, identify  
28 alternative resolutions of the dispute, determine the  
29 petitioner's compliance with the requirements of this section,  
30 and make recommendations.  
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1 (c) After receiving the report from the state land  
2 planning agency, the Administration Commission shall take  
3 action to resolve the issues in dispute. In deciding upon a  
4 proper resolution, the Administration Commission shall  
5 consider the nature of the issues in dispute, the compliance  
6 of the parties with this section, the extent of the conflict  
7 between the parties, the comparative hardships, and the public  
8 interest involved. If the Administration Commission  
9 incorporates in its final order a term or condition that  
10 specifically requires the university board of trustees or a  
11 local government to amend or modify its plan, the university  
12 board of trustees shall have a reasonable period of time to  
13 amend or modify its plan, and a local government shall  
14 initiate the required plan amendment, which shall be exempt  
15 from the requirements of s. 163.3187(1). Any required  
16 amendment to a local government comprehensive plan must be  
17 limited in scope so as to only relate to specific impacts  
18 attributable to the campus development. The final order of the  
19 Administration Commission is subject to judicial review as  
20 provided in s. 120.68.

21 (d) The signature of an attorney or party constitutes  
22 a certificate that he or she has read the pleading, motion, or  
23 other paper and that, to the best of his or her knowledge,  
24 information, and belief formed after reasonable inquiry, it is  
25 not interposed for any improper purpose, such as to harass or  
26 to cause unnecessary delay, or for economic advantage,  
27 competitive reasons, frivolous purposes, or needless increase  
28 in the cost of litigation. If a pleading, motion, or other  
29 paper is signed in violation of these requirements, the  
30 Administration Commission, upon motion or its own initiative,  
31 shall impose upon either the person who signed it or a

1 represented party, or both, an appropriate sanction, which may  
2 include an order to pay to the other party or parties the  
3 amount of reasonable expenses incurred because of the filing  
4 of the pleading, motion, or other paper, including reasonable  
5 attorney's fees.

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

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

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

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

19 (10) Upon adoption of a campus master plan, the  
20 university board of trustees shall draft a proposed campus  
21 development agreement for each local government and send it to  
22 the local government within 270 days after the adoption of the  
23 relevant campus master plan.

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

25 (a) Must identify the geographic area of the campus  
26 and local government covered by the campus development  
27 agreement.

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

30 (c) Must address public facilities and services  
31 including roads, sanitary sewer, solid waste, drainage,



1 | potable water, parks and recreation, and public  
2 | transportation.

3 |         (d) Must, for each of the facilities and services  
4 | listed in paragraph (c), identify the level-of-service  
5 | standard established by the applicable local government,  
6 | identify the entity that will provide the service to the  
7 | campus, and describe any financial arrangements between the  
8 | State Board of Education and other entities relating to the  
9 | provision of the facility or service.

10 |         (e) Must, for each of the facilities and services  
11 | listed in paragraph (c), determine the impact of existing and  
12 | proposed campus development reasonably expected over the term  
13 | of the campus development agreement on each service or  
14 | facility and any deficiencies in such service or facility  
15 | which the proposed campus development will create or to which  
16 | it will contribute.

17 |         (f) May, if proposed by the university board of  
18 | trustees, address the issues prescribed in paragraphs (d) and  
19 | (e) with regard to additional facilities and services,  
20 | including, but not limited to, electricity, nonpotable water,  
21 | law enforcement, fire and emergency rescue, gas, and  
22 | telephone.

23 |         (g) Must, to the extent it addresses issues addressed  
24 | in the campus master plan and host local government  
25 | comprehensive plan, be consistent with the adopted campus  
26 | master plan and host local government comprehensive plan.

27 |         (12)(a) Each proposed campus development agreement  
28 | must clearly identify the lands to which the university board  
29 | of trustees intends the campus development agreement to apply.

30 |         (b) Such land may include:  
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1           1. Land to be purchased by the university board of  
2 trustees and if purchased with state appropriated funds titled  
3 in the name of the board of trustees of the Internal  
4 Improvement Trust Fund for use by an institution over the life  
5 of the campus development agreement.

6           2. Land not owned by the board of trustees of the  
7 Internal Improvement Trust Fund if the university board of  
8 trustees intends to undertake development activities on the  
9 land during the term of the campus development agreement.

10           (c) Land owned by the Board of Trustees of the  
11 Internal Improvement Trust Fund for lease to the State Board  
12 of Education acting on behalf of the institution may be  
13 excluded, but any development activity undertaken on excluded  
14 land is subject to part II of chapter 163.

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

18           (a) All improvements to facilities or services which  
19 are necessary to eliminate the deficiencies identified in  
20 paragraph (11)(e) must be specifically listed in the campus  
21 development agreement.

22           (b) The university board of trustees' fair share of  
23 the cost of the measures identified in paragraph (a) must be  
24 stated in the campus development agreement. In determining the  
25 fair share, the effect of any demand management techniques,  
26 which may include such techniques as flexible work hours and  
27 carpooling, that are used by the State Board of Education to  
28 minimize the offsite impacts shall be considered.

29           (c) The university board of trustees is responsible  
30 for paying the fair share identified in paragraph (b), and it  
31 may do so by:

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

3           2. Taking on full responsibility for the improvements,  
4 selected from the list of improvements identified in paragraph  
5 (a), and agreed to between the host local government and the  
6 State Board of Education, the total cost of which equals the  
7 contribution identified in paragraph (b).

8           (d) All concurrency management responsibilities of the  
9 university board of trustees are fulfilled if the university  
10 board of trustees expends the total amount of funds identified  
11 in paragraph (b) notwithstanding that the university board of  
12 trustees may not have undertaken or made contributions to some  
13 of the measures identified in paragraph (a).

14           (e) Capital projects included in the campus  
15 development agreement may be used by the local government for  
16 the concurrency management purposes.

17           (f) Funds provided by universities in accordance with  
18 campus development agreements are subject to appropriation by  
19 the Legislature. A development authorized by a campus  
20 development agreement may not be built until the funds to be  
21 provided pursuant to paragraph (b) are appropriated by the  
22 Legislature.

23           (14) A campus development agreement may not address or  
24 include any standards or requirements for onsite development,  
25 including environmental management requirements or  
26 requirements for site preparation.

27           (15) Once the university board of trustees and host  
28 local government agree on the provisions of the campus  
29 development agreement, the campus development agreement shall  
30 be executed by the university board of trustees and the host  
31 local government in a manner consistent with the requirements

1 of s. 163.3225. Once the campus development agreement is  
2 executed, it is binding upon the university board of trustees  
3 and host local government. A copy of the executed campus  
4 development agreement must be sent to the state land planning  
5 agency within 14 days after the date of execution.

6 (16) If, within 180 days following the host local  
7 government's receipt of the proposed campus development  
8 agreement, the university board of trustees and host local  
9 government cannot reach agreement on the provisions of the  
10 campus development agreement, the following procedures for  
11 resolving the matter must be followed:

12 (a) The matter must be submitted to the state land  
13 planning agency, which has 60 days to hold informal hearings,  
14 if necessary, and identify the issues remaining in dispute,  
15 prepare a record of the proceedings, and submit the matter to  
16 the Administration Commission for final action. The report to  
17 the Administration Commission must list each issue in dispute,  
18 describe the nature and basis for each dispute, identify  
19 alternative resolutions of each dispute, and make  
20 recommendations.

21 (b) After receiving the report from the state land  
22 planning agency, the Administration Commission shall take  
23 action to resolve the issues in dispute. In deciding upon a  
24 proper resolution, the Administration Commission shall  
25 consider the nature of the issues in dispute, the compliance  
26 of the parties with this section, the extent of the conflict  
27 between the parties, the comparative hardships, and the public  
28 interest involved. In resolving the matter, the Administration  
29 Commission may prescribe, by order, the contents of the campus  
30 development agreement.

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1           (17) Disputes that arise in the implementation of an  
2 executed campus development agreement must be resolved as  
3 follows:

4           (a) Each party shall select one mediator and notify  
5 the other in writing of the selection. Thereafter, within 15  
6 days after their selection, the two mediators selected by the  
7 parties shall select a neutral, third mediator to complete the  
8 mediation panel.

9           (b) Each party is responsible for all costs and fees  
10 payable to the mediator selected by it and shall equally bear  
11 responsibility for the costs and fees payable to the third  
12 mediator for services rendered and costs expended in  
13 connection with resolving disputes pursuant to the campus  
14 development agreement.

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

18           (d) Within 60 days after the convening of the panel,  
19 the panel shall issue a report containing a recommended  
20 resolution of the issues in dispute.

21           (e) If either the university board of trustees or  
22 local government rejects the recommended resolution of the  
23 issues in dispute, the disputed issues must be resolved  
24 pursuant to the procedures provided by subsection (16).

25           (18) Once the campus development agreement is  
26 executed, all campus development may proceed without further  
27 review by the host local government if it is consistent with  
28 the adopted campus master plan and associated campus  
29 development agreement.

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

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

3 (b) If either party delays by more than 12 months the  
4 construction of a capital improvement identified in the  
5 agreement.

6 (20) Any party to a campus development agreement or  
7 aggrieved or adversely affected person, as defined in s.  
8 163.3215(2), may file an action for injunctive relief in the  
9 circuit court where the host local government is located to  
10 enforce the terms of a campus development agreement or to  
11 challenge compliance of the agreement with this section. This  
12 action shall be the sole and exclusive remedy of an adversely  
13 affected person other than a party to the agreement to enforce  
14 any rights or obligations arising from a development  
15 agreement.

16 (21) State and regional environmental program  
17 requirements remain applicable, except that this section  
18 supersedes all other sections of part II of chapter 163 and s.  
19 380.06 except as provided in this section.

20 (22) In consultation with the state land planning  
21 agency, each university board of trustees ~~the State Board of~~  
22 ~~Education~~ shall adopt rules to administer ~~implementing~~  
23 subsections (3)-(6). The rules must set specific schedules and  
24 procedures for the development and adoption of campus master  
25 plans.

26 (23) Until the campus master plan and campus  
27 development agreement for an institution have been finalized,  
28 any dispute between the university board of trustees and a  
29 local government relating to campus development for that  
30 institution shall be resolved by the process established in  
31 subsection (8).

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Section 2. This act shall take effect July 1, 2005.

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SENATE SUMMARY

Revises various requirements for university boards of trustees in preparing and adopting campus master plans. Provides requirements for informal public information sessions and public hearings. Limits the issues that an individual may raise challenging a campus master plan. Requires that the state land planning agency hold an evidentiary hearing if a challenge to the master plan is not resolved. Provides for attorney's fees under certain circumstances. Requires that each university board of trustees rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan.