

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Cannon offered the following:

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3 **Amendment to Amendment (673873) (with title amendment)**

4 Remove line(s) 79-309 and insert:
5 the discretion of the Board of Governors ~~State Board of~~
6 ~~Education~~; however, such elements are not subject to review
7 under this section. These additional elements may include the
8 academic mission of the institution, academic program,
9 utilities, public safety, architectural design, landscape
10 architectural 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 the
15 comprehensive plan of any affected local governments. A campus

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Bill No. HB 517 CS

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16 master plan must be consistent with the state comprehensive
17 plan.

18 (6) Before a campus master plan is adopted, a copy of the
19 draft master plan must be sent for review or made available
20 electronically to the host and any affected local governments,
21 the state land planning agency, the Department of Environmental
22 Protection, the Department of Transportation, the Department of
23 State, the Fish and Wildlife Conservation Commission, and the
24 applicable water management district and regional planning
25 council. These agencies must be given 90 days after receipt of
26 the campus master plans in which to conduct their review and
27 provide comments to the university board of trustees. The
28 commencement of this review period must be advertised in
29 newspapers of general circulation within the host local
30 government and any affected local government to allow for public
31 comment. Following receipt and consideration of all comments,
32 and the holding of an informal information session and at least
33 two public hearings within the host jurisdiction, the university
34 board of trustees shall adopt the campus master plan. It is the
35 intent of the Legislature that the university board of trustees
36 comply with the notice requirements set forth in s. 163.3184(15)
37 to ensure full public participation in this planning process.
38 The informal public information session must be held before the
39 first public hearing. The first public hearing shall be held
40 before the draft master plan is sent to the agencies specified
41 in this subsection. The second public hearing shall be held in
42 conjunction with the adoption of the draft master plan by the

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43 university board of trustees. Campus master plans developed
44 under this section are not rules and are not subject to chapter
45 120 except as otherwise provided in this section.

46 (7) Notice that the campus master plan has been adopted
47 must be forwarded within 45 days after its adoption to any
48 affected person that submitted comments on the draft campus
49 master plan. The notice must state how and where a copy of the
50 master plan may be obtained or inspected. Within 30 days after
51 receipt of the notice of adoption of the campus master plan, or
52 30 days after the date the adopted plan is available for review,
53 whichever is later, an affected person who submitted comments on
54 the draft master plan may petition the university board of
55 trustees, challenging the campus master plan as not being in
56 compliance with this section or any rule adopted under this
57 section. The petition must state each objection, identify its
58 source, and provide a recommended action. A petition filed by an
59 affected local government may raise only those issues directly
60 pertaining to the public facilities or services that the
61 affected local government provides to or maintains within the
62 campus or to the direct impact that campus development would
63 have on the affected local government. A petition filed by an
64 affected person must include those items required by the uniform
65 rules adopted under s. 120.54(5). Any affected person who files
66 a petition under this subsection may challenge only those
67 provisions in the plan that were raised by that person's oral or
68 written comments, recommendations, or objections presented to
69 the university board of trustees, as required by s.

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70 1013.30(1)(b). The university may, during the pendency of a
71 challenge, negotiate a campus development agreement as provided
72 in subsection (11).

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

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

82 (b) If the matter is not resolved within 30 days, the
83 administrative law judge shall proceed with a hearing under ss.
84 120.569 and 120.57. The hearing shall be held in the county
85 where the campus of the university subject to the amendment is
86 located. Within 60 days after receiving the petition, the
87 administrative law judge must, consistent with the applicable
88 requirements and procedures of the Administrative Procedure Act,
89 hold a hearing, identify the issues remaining in dispute,
90 prepare a record of the proceedings, and submit a recommended
91 order to the state land planning agency for final action.
92 Parties to the proceeding may submit written exceptions to the
93 recommended order within 10 days after the recommended order is
94 issued. The state land planning agency must issue its final
95 order no later than 60 days after receiving the recommended
96 order.

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

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

104 ~~(b) If resolution of the matter cannot be achieved within~~
105 ~~60 days, the issues must be submitted to the state land planning~~
106 ~~agency. The state land planning agency has 60 days to hold~~
107 ~~informal hearings, if necessary, identify the issues remaining~~
108 ~~in dispute, prepare a record of the proceedings, and submit the~~
109 ~~matter to the Administration Commission for final action. The~~
110 ~~report to the Administration Commission must list each issue in~~
111 ~~dispute, describe the nature and basis for each dispute,~~
112 ~~identify alternative resolutions of the dispute, and make~~
113 ~~recommendations.~~

114 ~~(c) After receiving the report from the state land~~
115 ~~planning agency, the Administration Commission shall take action~~
116 ~~to resolve the issues in dispute. In deciding upon a proper~~
117 ~~resolution, the Administration Commission shall consider the~~
118 ~~nature of the issues in dispute, the compliance of the parties~~
119 ~~with this section, the extent of the conflict between the~~
120 ~~parties, the comparative hardships, and the public interest~~
121 ~~involved. If the Administration Commission incorporates in its~~
122 ~~final order a term or condition that specifically requires the~~
123 ~~university board of trustees or a local government to amend or~~

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124 ~~modify its plan, the university board of trustees shall have a~~
125 ~~reasonable period of time to amend or modify its plan, and a~~
126 ~~local government shall initiate the required plan amendment,~~
127 ~~which shall be exempt from the requirements of s. 163.3187(1).~~
128 ~~Any required amendment to a local government comprehensive plan~~
129 ~~must be limited in scope so as to only relate to specific~~
130 ~~impacts attributable to the campus development. The final order~~
131 ~~of the state land planning agency Administration Commission is~~
132 ~~subject to judicial review as provided in s. 120.68.~~

133 (d) The signature of an attorney or party constitutes a
134 certificate that he or she has read the pleading, motion, or
135 other paper and that, to the best of his or her knowledge,
136 information, and belief formed after reasonable inquiry, it is
137 not interposed for any improper purpose, such as to harass or to
138 cause unnecessary delay, or for economic advantage, competitive
139 reasons, frivolous purposes, or needless increase in the cost of
140 litigation. If a pleading, motion, or other paper is signed in
141 violation of these requirements, the division, upon motion or
142 its own initiative, shall impose upon either the person who
143 signed it or a represented party, or both, an appropriate
144 sanction, which may include an order to pay to the other party
145 or parties the amount of reasonable expenses incurred because of
146 the filing of the pleading, motion, or other paper, including
147 reasonable attorney's fees.

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

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

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

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

160 (10) Upon adoption of a campus master plan, the university
161 board of trustees shall draft a proposed campus development
162 agreement for each local government and send it to the local
163 government within 270 days after the adoption of the relevant
164 campus master plan.

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

166 (a) Must identify the geographic area of the campus and
167 local government covered by the campus development agreement.

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

170 (c) Must address public facilities and services including
171 roads, sanitary sewer, solid waste, drainage, potable water,
172 parks and recreation, and public transportation.

173 (d) Must, for each of the facilities and services listed
174 in paragraph (c), identify the level-of-service standard
175 established by the applicable local government, identify the
176 entity that will provide the service to the campus, and describe
177 any financial arrangements between the Board of Governors State

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178 ~~Board of Education~~ and other entities relating to the provision
179 of the facility or service.

180 (e) Must, for each of the facilities and services listed
181 in paragraph (c), determine the impact of existing and proposed
182 campus development reasonably expected over the term of the
183 campus development agreement on each service or facility and any
184 deficiencies in such service or facility which the proposed
185 campus development will create or to which it will contribute.

186 (f) May, if proposed by the university board of trustees,
187 address the issues prescribed in paragraphs (d) and (e) with
188 regard to additional facilities and services, including, but not
189 limited to, electricity, nonpotable water, law enforcement, fire
190 and emergency rescue, gas, and telephone.

191 (g) Must, to the extent it addresses issues addressed in
192 the campus master plan and host local government comprehensive
193 plan, be consistent with the adopted campus master plan and host
194 local government comprehensive plan.

195 (12)(a) Each proposed campus development agreement must
196 clearly identify the lands to which the university board of
197 trustees intends the campus development agreement to apply.

198 (b) Such land may include:

199 1. Land to be purchased by the university board of
200 trustees and if purchased with state appropriated funds titled
201 in the name of the board of trustees of the Internal Improvement
202 Trust Fund for use by an institution over the life of the campus
203 development agreement.

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204 2. Land not owned by the board of trustees of the Internal
205 Improvement Trust Fund if the university board of trustees
206 intends to undertake development activities on the land during
207 the term of the campus development agreement.

208 (c) Land owned by the Board of Trustees of the Internal
209 Improvement Trust Fund for lease to the Board of Governors ~~State~~
210 ~~Board of Education~~ acting on behalf of the institution may be
211 excluded, but any development activity undertaken on excluded
212 land is subject to part II of chapter 163.

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

216 (a) All improvements to facilities or services which are
217 necessary to eliminate the deficiencies identified in paragraph
218 (11)(e) must be specifically listed in the campus development
219 agreement.

220 (b) The university board of trustees' fair share of the
221 cost of the measures identified in paragraph (a) must be stated
222 in the campus development agreement. In determining the fair
223 share, the effect of any demand management techniques, which may
224 include such techniques as flexible work hours and carpooling,
225 that are used by the Board of Governors ~~State Board of Education~~
226 to minimize the offsite impacts shall be considered.

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

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1. Paying a fair share of each of the improvements identified in paragraph (a); or
2. Taking on full responsibility for the improvements, selected from the list of improvements identified in paragraph (a), and agreed to between the host local government and the Board of Governors ~~State Board of Education~~, the total cost of which equals the

===== T I T L E A M E N D M E N T =====

Remove line(s) 438 and insert:
electronic copies of its draft master plan; providing duties of the Board of Governors; requiring that