

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Cannon offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 1013.30, Florida Statutes, is amended
6 to read:

7 1013.30 University campus master plans and campus
8 development agreements.--

9 (1) This section contains provisions for campus planning
10 and concurrency management that supersede the requirements of
11 part II of chapter 163, except when stated otherwise in this
12 section. These special growth management provisions are adopted
13 in recognition of the unique relationship between university
14 campuses and the local governments in which they are located.
15 While the campuses provide research and educational benefits of

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16 statewide and national importance, and further provide
17 substantial educational, economic, and cultural benefits to
18 their host local governments, they may also have an adverse
19 impact on the public facilities and services and natural
20 resources of host governments. On balance, however, universities
21 should be considered as vital public facilities of the state and
22 local governments. The intent of this section is to address this
23 unique relationship by providing for the preparation of campus
24 master plans and associated campus development agreements.

25 (2) As used in this section:

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

31 (b) "Affected person" means a host local government; an
32 affected local government; any state, regional, or federal
33 agency; or a person who resides, owns property, or owns or
34 operates a business within the boundaries of a host local
35 government or affected local government. In order to qualify
36 under this definition, each person, other than a host or
37 affected local government, must have submitted oral or written
38 comments, recommendations, or objections to the university
39 during the period of time beginning with the advertisement of
40 the first public hearing under subsection (6) and ending with
41 the adoption of the campus master plan or plan amendment. If the
42 plan or plan amendment is amended at the adoption hearing, the

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43 time period shall be extended by 7 calendar days. However, any
44 comments, recommendations, or objections filed during the
45 extension must be limited to those amendments adopted at the
46 adoption hearing.

47 (c) "Host local government" means a local government
48 within the jurisdiction of which all or part of a campus of an
49 institution is located, but does not include a county if no part
50 of an institution is located within its unincorporated area.

51 (d) "Institution" means a university.

52 (e) Division" means the Division of Administrative
53 Hearings.

54 (3) Each university board of trustees shall prepare and
55 adopt a campus master plan for the university and maintain a
56 copy of the plan on the university's website. The master plan
57 must identify general land uses and address the need for and
58 plans for provision of roads, parking, public transportation,
59 solid waste, drainage, sewer, potable water, and recreation and
60 open space during the coming 10 to 20 years. The plans must
61 contain elements relating to future land use, intergovernmental
62 coordination, capital improvements, recreation and open space,
63 general infrastructure, housing, and conservation. Each element
64 must address compatibility with the surrounding community. The
65 master plan must identify specific land uses, general location
66 of structures, densities and intensities of use, and contain
67 standards for onsite development, site design, environmental
68 management, and the preservation of historic and archaeological
69 resources. The transportation element must address reasonable

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70 transportation demand management techniques to minimize offsite
71 impacts where possible. Data and analyses on which the elements
72 are based must include, at a minimum: the characteristics of
73 vacant lands; projected impacts of development on onsite and
74 offsite infrastructure, public services, and natural resources;
75 student enrollment projections; student housing needs; and the
76 need for academic and support facilities. Master plans must be
77 updated at least every 5 years.

78 (4) Campus master plans may contain additional elements at
79 the discretion of the State Board of Education; however, such
80 elements are not subject to review under this section. These
81 additional elements may include the academic mission of the
82 institution, academic program, utilities, public safety,
83 architectural design, landscape architectural design, and
84 facilities maintenance.

85 (5) Subject to the right of the university board of
86 trustees to initiate the dispute resolution provisions of
87 subsection (8), a campus master plan must not be in conflict
88 with the comprehensive plan of the host local government and the
89 comprehensive plan of any affected local governments. A campus
90 master plan must be consistent with the state comprehensive
91 plan.

92 (6) Before a campus master plan is adopted, a copy of the
93 draft master plan must be sent for review or made available
94 electronically to the host and any affected local governments,
95 the state land planning agency, the Department of Environmental
96 Protection, the Department of Transportation, the Department of

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97 State, the Fish and Wildlife Conservation Commission, and the
98 applicable water management district and regional planning
99 council. These agencies must be given 90 days after receipt of
100 the campus master plans in which to conduct their review and
101 provide comments to the university board of trustees. The
102 commencement of this review period must be advertised in
103 newspapers of general circulation within the host local
104 government and any affected local government to allow for public
105 comment. Following receipt and consideration of all comments,
106 and the holding of an informal information session and at least
107 two public hearings within the host jurisdiction, the university
108 board of trustees shall adopt the campus master plan. It is the
109 intent of the Legislature that the university board of trustees
110 comply with the notice requirements set forth in s. 163.3184(15)
111 to ensure full public participation in this planning process.
112 The informal public information session must be held before the
113 first public hearing. The first public hearing shall be held
114 before the draft master plan is sent to the agencies specified
115 in this subsection. The second public hearing shall be held in
116 conjunction with the adoption of the draft master plan by the
117 university board of trustees. Campus master plans developed
118 under this section are not rules and are not subject to chapter
119 120 except as otherwise provided in this section.

120 (7) Notice that the campus master plan has been adopted
121 must be forwarded within 45 days after its adoption to any
122 affected person that submitted comments on the draft campus
123 master plan. The notice must state how and where a copy of the

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124 master plan may be obtained or inspected. Within 30 days after
125 receipt of the notice of adoption of the campus master plan, or
126 30 days after the date the adopted plan is available for review,
127 whichever is later, an affected person who submitted comments on
128 the draft master plan may petition the university board of
129 trustees, challenging the campus master plan as not being in
130 compliance with this section or any rule adopted under this
131 section. The petition must state each objection, identify its
132 source, and provide a recommended action. A petition filed by an
133 affected local government may raise only those issues directly
134 pertaining to the public facilities or services that the
135 affected local government provides to or maintains within the
136 campus or to the direct impact that campus development would
137 have on the affected local government. A petition filed by an
138 affected person must include those items required by the uniform
139 rules adopted under s. 120.54(5). Any affected person who files
140 a petition under this subsection may challenge only those
141 provisions in the plan that were raised by that person's oral or
142 written comments, recommendations, or objections presented to
143 the university board of trustees, as required by s.
144 1013.30(1)(b). The university may, during the pendency of a
145 challenge, negotiate a campus development agreement as provided
146 in subsection (11).

147 (8) Following receipt of a petition challenging a campus
148 master plan or plan amendment, the university board of trustees
149 must submit the petition to the Division of Administrative

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150 Hearings of the Department of Management Services for assignment
151 to an administrative law judge under ss. 120.569 and 120.57.

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

156 (b) If the matter is not resolved within 30 days, the
157 administrative law judge shall proceed with a hearing under ss.
158 120.569 and 120.57. The hearing shall be held in the county
159 where the campus of the university subject to the amendment is
160 located. Within 60 days after receiving the petition, the
161 administrative law judge must, consistent with the applicable
162 requirements and procedures of the Administrative Procedure Act,
163 hold a hearing, identify the issues remaining in dispute,
164 prepare a record of the proceedings, and submit a recommended
165 order to the state land planning agency for final action.
166 Parties to the proceeding may submit written exceptions to the
167 recommended order within 10 days after the recommended order is
168 issued. The state land planning agency must issue its final
169 order no later than 60 days after receiving the recommended
170 order.

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

174 ~~(a) The parties have 60 days to resolve the issues in~~
175 ~~dispute. Other affected parties that submitted comments on the~~

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176 ~~draft campus master plan must be given the opportunity to~~
177 ~~participate in these and subsequent proceedings.~~

178 ~~(b) If resolution of the matter cannot be achieved within~~
179 ~~60 days, the issues must be submitted to the state land planning~~
180 ~~agency. The state land planning agency has 60 days to hold~~
181 ~~informal hearings, if necessary, identify the issues remaining~~
182 ~~in dispute, prepare a record of the proceedings, and submit the~~
183 ~~matter to the Administration Commission for final action. The~~
184 ~~report to the Administration Commission must list each issue in~~
185 ~~dispute, describe the nature and basis for each dispute,~~
186 ~~identify alternative resolutions of the dispute, and make~~
187 ~~recommendations.~~

188 ~~(c) After receiving the report from the state land~~
189 ~~planning agency, the Administration Commission shall take action~~
190 ~~to resolve the issues in dispute. In deciding upon a proper~~
191 ~~resolution, the Administration Commission shall consider the~~
192 ~~nature of the issues in dispute, the compliance of the parties~~
193 ~~with this section, the extent of the conflict between the~~
194 ~~parties, the comparative hardships, and the public interest~~
195 ~~involved. If the Administration Commission incorporates in its~~
196 ~~final order a term or condition that specifically requires the~~
197 ~~university board of trustees or a local government to amend or~~
198 ~~modify its plan, the university board of trustees shall have a~~
199 ~~reasonable period of time to amend or modify its plan, and a~~
200 ~~local government shall initiate the required plan amendment,~~
201 ~~which shall be exempt from the requirements of s. 163.3187(1).~~
202 ~~Any required amendment to a local government comprehensive plan~~

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203 ~~must be limited in scope so as to only relate to specific~~
204 ~~impacts attributable to the campus development.~~ The final order
205 of the state land planning agency Administration Commission is
206 subject to judicial review as provided in s. 120.68.

207 (d) The signature of an attorney or party constitutes a
208 certificate that he or she has read the pleading, motion, or
209 other paper and that, to the best of his or her knowledge,
210 information, and belief formed after reasonable inquiry, it is
211 not interposed for any improper purpose, such as to harass or to
212 cause unnecessary delay, or for economic advantage, competitive
213 reasons, frivolous purposes, or needless increase in the cost of
214 litigation. If a pleading, motion, or other paper is signed in
215 violation of these requirements, the division, upon motion or
216 its own initiative, shall impose upon either the person who
217 signed it or a represented party, or both, an appropriate
218 sanction, which may include an order to pay to the other party
219 or parties the amount of reasonable expenses incurred because of
220 the filing of the pleading, motion, or other paper, including
221 reasonable attorney's fees.

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

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

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

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

234 (10) Upon adoption of a campus master plan, the university
235 board of trustees shall draft a proposed campus development
236 agreement for each local government and send it to the local
237 government within 270 days after the adoption of the relevant
238 campus master plan.

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

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

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

244 (c) Must address public facilities and services including
245 roads, sanitary sewer, solid waste, drainage, potable water,
246 parks and recreation, and public transportation.

247 (d) Must, for each of the facilities and services listed
248 in paragraph (c), identify the level-of-service standard
249 established by the applicable local government, identify the
250 entity that will provide the service to the campus, and describe
251 any financial arrangements between the State Board of Education
252 and other entities relating to the provision of the facility or
253 service.

254 (e) Must, for each of the facilities and services listed
255 in paragraph (c), determine the impact of existing and proposed

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256 campus development reasonably expected over the term of the
257 campus development agreement on each service or facility and any
258 deficiencies in such service or facility which the proposed
259 campus development will create or to which it will contribute.

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

265 (g) Must, to the extent it addresses issues addressed in
266 the campus master plan and host local government comprehensive
267 plan, be consistent with the adopted campus master plan and host
268 local government comprehensive plan.

269 (12)(a) Each proposed campus development agreement must
270 clearly identify the lands to which the university board of
271 trustees intends the campus development agreement to apply.

272 (b) Such land may include:

273 1. Land to be purchased by the university board of
274 trustees and if purchased with state appropriated funds titled
275 in the name of the board of trustees of the Internal Improvement
276 Trust Fund for use by an institution over the life of the campus
277 development agreement.

278 2. Land not owned by the board of trustees of the Internal
279 Improvement Trust Fund if the university board of trustees
280 intends to undertake development activities on the land during
281 the term of the campus development agreement.

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

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

290 (a) All improvements to facilities or services which are
291 necessary to eliminate the deficiencies identified in paragraph
292 (11)(e) must be specifically listed in the campus development
293 agreement.

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

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

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

306 2. Taking on full responsibility for the improvements,
307 selected from the list of improvements identified in paragraph
308 (a), and agreed to between the host local government and the

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309 State Board of Education, the total cost of which equals the
310 contribution identified in paragraph (b).

311 (d) All concurrency management responsibilities of the
312 university board of trustees are fulfilled if the university
313 board of trustees expends the total amount of funds identified
314 in paragraph (b) notwithstanding that the university board of
315 trustees may not have undertaken or made contributions to some
316 of the measures identified in paragraph (a).

317 (e) Capital projects included in the campus development
318 agreement may be used by the local government for the
319 concurrency management purposes.

320 (f) Funds provided by universities in accordance with
321 campus development agreements are subject to appropriation by
322 the Legislature. A development authorized by a campus
323 development agreement may not be built until the funds to be
324 provided pursuant to paragraph (b) are appropriated by the
325 Legislature.

326 (14) A campus development agreement may not address or
327 include any standards or requirements for onsite development,
328 including environmental management requirements or requirements
329 for site preparation.

330 (15) Once the university board of trustees and host local
331 government agree on the provisions of the campus development
332 agreement, the campus development agreement shall be executed by
333 the university board of trustees and the host local government
334 in a manner consistent with the requirements of s. 163.3225.
335 Once the campus development agreement is executed, it is binding

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336 upon the university board of trustees and host local government.
337 A copy of the executed campus development agreement must be sent
338 to the state land planning agency within 14 days after the date
339 of execution.

340 (16) If, within 180 days following the host local
341 government's receipt of the proposed campus development
342 agreement, the university board of trustees and host local
343 government cannot reach agreement on the provisions of the
344 campus development agreement, the following procedures for
345 resolving the matter must be followed:

346 (a) The matter must be submitted to the state land
347 planning agency, which has 60 days to hold informal hearings, if
348 necessary, ~~and identify the issues remaining in dispute, prepare~~
349 ~~a record of the proceedings, and submit the matter to the~~
350 ~~Administration Commission for final action. The report to the~~
351 ~~Administration Commission must list each issue in dispute,~~
352 ~~describe the nature and basis for each dispute, identify~~
353 ~~alternative resolutions of each dispute, and make~~
354 ~~recommendations.~~

355 (b) ~~After receiving the report from the state land~~
356 ~~planning agency, the Administration Commission shall take action~~
357 ~~to resolve the issues in dispute.~~ In deciding upon a proper
358 resolution, the state land planning agency Administration
359 ~~Commission~~ shall consider the nature of the issues in dispute,
360 the compliance of the parties with this section, the extent of
361 the conflict between the parties, the comparative hardships, and
362 the public interest involved. In resolving the matter, the state

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363 | land planning agency ~~Administration Commission~~ may prescribe, by
364 | order, the contents of the campus development agreement.

365 | (17) Disputes that arise in the implementation of an
366 | executed campus development agreement must be resolved as
367 | follows:

368 | (a) Each party shall select one mediator and notify the
369 | other in writing of the selection. Thereafter, within 15 days
370 | after their selection, the two mediators selected by the parties
371 | shall select a neutral, third mediator to complete the mediation
372 | panel.

373 | (b) Each party is responsible for all costs and fees
374 | payable to the mediator selected by it and shall equally bear
375 | responsibility for the costs and fees payable to the third
376 | mediator for services rendered and costs expended in connection
377 | with resolving disputes pursuant to the campus development
378 | agreement.

379 | (c) Within 10 days after the selection of the mediation
380 | panel, proceedings must be convened by the panel to resolve the
381 | issues in dispute.

382 | (d) Within 60 days after the convening of the panel, the
383 | panel shall issue a report containing a recommended resolution
384 | of the issues in dispute.

385 | (e) If either the university board of trustees or local
386 | government rejects the recommended resolution of the issues in
387 | dispute, the disputed issues must be resolved pursuant to the
388 | procedures provided by subsection (16).

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389 (18) Once the campus development agreement is executed,
390 all campus development may proceed without further review by the
391 host local government if it is consistent with the adopted
392 campus master plan and associated campus development agreement.

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

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

397 (b) If either party delays by more than 12 months the
398 construction of a capital improvement identified in the
399 agreement.

400 (20) Any party to a campus development agreement or
401 aggrieved or adversely affected person, as defined in s.
402 163.3215(2), may file an action for injunctive relief in the
403 circuit court where the host local government is located to
404 enforce the terms of a campus development agreement or to
405 challenge compliance of the agreement with this section. This
406 action shall be the sole and exclusive remedy of an adversely
407 affected person other than a party to the agreement to enforce
408 any rights or obligations arising from a development agreement.

409 (21) State and regional environmental program requirements
410 remain applicable, except that this section supersedes all other
411 sections of part II of chapter 163 and s. 380.06 except as
412 provided in this section.

413 (22) In consultation with the state land planning agency,
414 the Board of Governors ~~State Board of Education~~ shall adopt a
415 single, uniform set of rules to administer implementing

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416 subsections (3)-(6). The rules must set specific schedules and
 417 procedures for the development and adoption of campus master
 418 plans. Before adopting the rules, the Board of Governors must
 419 obtain written verification from the state land planning agency
 420 that the rules satisfy the minimum statutory criteria required
 421 by subsections (3)-(6). The state land planning agency shall
 422 provide the verification within 45 days after receiving a copy
 423 of the rules.

424 (23) Until the campus master plan and campus development
 425 agreement for an institution have been finalized, any dispute
 426 between the university board of trustees and a local government
 427 relating to campus development for that institution shall be
 428 resolved by the process established in subsection (8).

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

430

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

432 Remove the entire title and insert:

433 A bill to be entitled

434 An act relating to university campus planning; amending s.
 435 1013.30, F.S.; defining terms; requiring each university
 436 board of trustees to maintain a copy of the campus master
 437 plan on the university's website and provide for
 438 electronic copies of its draft master plan; requiring that
 439 the university hold an informal public information session
 440 before the required public hearings are held on the draft
 441 master plan; requiring that the public hearings be held at
 442 specified times; limiting the issues that an individual

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443 | may raise challenging a campus master plan; authorizing
444 | the university to execute a campus development agreement
445 | during the pendency of a challenge; providing for an
446 | evidentiary hearing to be held by the Division of
447 | Administrative Hearings if a challenge to the master plan
448 | is not resolved; specifying the evidentiary procedures to
449 | be used in such hearing; providing for attorney's fees in
450 | any dispute submitted to the state land planning agency or
451 | the Administration Commission in which the pleading or
452 | motion was made for an improper purpose or for economic
453 | advantage; revising procedures to resolve disputes between
454 | the university board of trustees and the host local
455 | government; requiring that Board of Governors rather than
456 | the State Board of Education adopt rules to administer the
457 | procedures for preparing and adopting the campus master
458 | plan; providing an effective date.
459 |

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