

1 A bill to be entitled
 2 An act relating to university campus master plans and
 3 campus development agreements; amending s. 1013.30, F.S.;
 4 revising items that must be identified in a campus master
 5 plan; revising method for submission of a draft master
 6 plan for review; providing additional hearing
 7 requirements; providing requirements for the filing of a
 8 petition by an individual; revising provisions relating to
 9 mediation of issues in dispute; providing requirements for
 10 the signing of a pleading, motion, or other paper;
 11 providing for sanctions; requiring the adoption of rules
 12 by university boards of trustees; providing an effective
 13 date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsections (3), (6), (7), (8), and (22) of
 18 section 1013.30, Florida Statutes, are amended to read:

19 1013.30 University campus master plans and campus
 20 development agreements.--

21 (3) Each university board of trustees shall prepare and
 22 adopt a campus master plan for the university. The master plan
 23 must identify general land uses and address the need for and
 24 plans for provision of roads, parking, public transportation,
 25 solid waste, drainage, sewer, potable water, and recreation and
 26 open space during the coming 10 to 20 years. The plans must
 27 contain elements relating to future land use, intergovernmental
 28 coordination, capital improvements, recreation and open space,

29 | general infrastructure, housing, and conservation. Each element
30 | must address compatibility with the surrounding community. The
31 | master plan must identify specific land uses, ~~location of~~
32 | ~~structures~~, densities and intensities of use, and contain
33 | standards for onsite development, site design, environmental
34 | management, and the preservation of historic and archaeological
35 | resources. The transportation element must address reasonable
36 | transportation demand management techniques to minimize offsite
37 | impacts where possible. Data and analyses on which the elements
38 | are based must include, at a minimum: the characteristics of
39 | vacant lands; projected impacts of development on onsite and
40 | offsite infrastructure, public services, and natural resources;
41 | student enrollment projections; student housing needs; and the
42 | need for academic and support facilities. Master plans must be
43 | updated at least every 5 years.

44 | (6) Before a campus master plan is adopted, a copy of the
45 | draft master plan must be sent or made available electronically
46 | for review to the host and any affected local governments, the
47 | state land planning agency, the Department of Environmental
48 | Protection, the Department of Transportation, the Department of
49 | State, the Fish and Wildlife Conservation Commission, and the
50 | applicable water management district and regional planning
51 | council. These agencies must be given 90 days after receipt of
52 | the campus master plans in which to conduct their review and
53 | provide comments to the university board of trustees. The
54 | commencement of this review period must be advertised in
55 | newspapers of general circulation within the host local
56 | government and any affected local government to allow for public

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57 | comment. Following receipt and consideration of all comments,
58 | and the holding of at least two public hearings within the host
59 | jurisdiction, the university board of trustees shall adopt the
60 | campus master plan. The first hearing shall be held by the
61 | university prior to the draft master plan being sent to the
62 | agencies identified in this subsection. The second hearing shall
63 | be held by the university in conjunction with the adoption of
64 | the draft master plan by the university board of trustees. It is
65 | the intent of the Legislature that the university board of
66 | trustees comply with the notice requirements set forth in s.
67 | 163.3184(15) to ensure full public participation in this
68 | planning process. Campus master plans developed under this
69 | section are not rules and are not subject to chapter 120 except
70 | as otherwise provided in this section.

71 | (7) Notice that the campus master plan has been adopted
72 | must be forwarded within 45 days after its adoption to any
73 | affected person that submitted comments on the draft campus
74 | master plan. The notice must state how and where a copy of the
75 | master plan may be obtained or inspected. Within 30 days after
76 | receipt of the notice of adoption of the campus master plan, or
77 | 30 days after the date the adopted plan is available for review,
78 | whichever is later, an affected person who submitted comments on
79 | the draft master plan may petition the university board of
80 | trustees, challenging the campus master plan as not being in
81 | compliance with this section or any rule adopted under this
82 | section. The petition must state each objection, identify its
83 | source, and provide a recommended action. A petition filed by an
84 | affected local government may raise only those issues directly

85 | pertaining to the public facilities or services that the
 86 | affected local government provides to or maintains within the
 87 | campus or to the direct impact that campus development would
 88 | have on the affected local government. A petition filed by an
 89 | individual may raise only those issues pertaining to the public
 90 | facilities or services that have a direct and material impact on
 91 | the individual. The university shall have the authority during
 92 | the pendency of a challenge to negotiate and execute a campus
 93 | development agreement as provided in subsection (11). Any
 94 | affected person who files a petition pursuant to this subsection
 95 | may challenge only those provisions in the plan that were raised
 96 | by that person's oral or written comments, recommendations, or
 97 | objections presented to the university board of trustees prior
 98 | to or during the adoption hearing for the campus master plan.

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

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

106 | (b) If resolution of the matter cannot be achieved within
 107 | 60 days, the issues must be submitted to the state land planning
 108 | agency. The state land planning agency has 60 days to hold an
 109 | evidentiary hearing ~~informal hearings~~, if necessary, identify
 110 | the issues remaining in dispute, prepare a record of the
 111 | proceedings, and submit the matter to the Administration
 112 | Commission for final action. The evidentiary hearing shall be

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113 conducted using the evidentiary procedures set forth in s.
114 120.57(1). The report to the Administration Commission must be
115 based on evidence adduced on the record prior to and during the
116 evidentiary hearing and list each issue in dispute, describe the
117 nature and basis for each dispute, identify alternative
118 resolutions of
119 the dispute, determine the petitioner's compliance with
120 requirements of this section, and make recommendations.

121 (c) After receiving the report from the state land
122 planning agency, the Administration Commission shall take action
123 to resolve the issues in dispute. In deciding upon a proper
124 resolution, the Administration Commission shall consider the
125 nature of the issues in dispute, the compliance of the parties
126 with this section, the extent of the conflict between the
127 parties, the comparative hardships, and the public interest
128 involved. If the Administration Commission incorporates in its
129 final order a term or condition that specifically requires the
130 university board of trustees or a local government to amend or
131 modify its plan, the university board of trustees shall have a
132 reasonable period of time to amend or modify its plan, and a
133 local government shall initiate the required plan amendment,
134 which shall be exempt from the requirements of s. 163.3187(1).
135 Any required amendment to a local government comprehensive plan
136 must be limited in scope so as to only relate to specific
137 impacts attributable to the campus development. The final order
138 of the Administration Commission is subject to judicial review
139 as provided in s. 120.68.

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

155 (22) In consultation with the state land planning agency,
156 each university board of trustees ~~the State Board of Education~~
157 shall adopt rules implementing subsections (3)-(6). The rules
158 must set specific schedules and procedures for the development
159 and adoption of campus master plans.

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