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CHAMBER ACTION

1 The Growth Management Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to university campus master plans and  
7 campus development agreements; amending s. 1013.30, F.S.;  
8 providing that a master plan must identify the tentative  
9 location of structures; revising method for submission of  
10 a draft master plan for review; revising the review period  
11 for draft master plans; providing additional hearing  
12 requirements; providing requirements for the filing of a  
13 petition by an individual; revising provisions relating to  
14 mediation of issues in dispute; providing requirements for  
15 the signing of a pleading, motion, or other paper;  
16 providing for sanctions; requiring the adoption of rules  
17 by university boards of trustees; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsections (3), (6), (7), (8), and (22) of  
23 section 1013.30, Florida Statutes, are amended to read:

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24 | 1013.30 University campus master plans and campus  
25 | development agreements.--

26 | (3) Each university board of trustees shall prepare and  
27 | adopt a campus master plan for the university. The master plan  
28 | must identify general land uses and address the need for and  
29 | plans for provision of roads, parking, public transportation,  
30 | solid waste, drainage, sewer, potable water, and recreation and  
31 | open space during the coming 10 to 20 years. The plans must  
32 | contain elements relating to future land use, intergovernmental  
33 | coordination, capital improvements, recreation and open space,  
34 | general infrastructure, housing, and conservation. Each element  
35 | must address compatibility with the surrounding community. The  
36 | master plan must identify specific land uses, tentative location  
37 | of structures, densities and intensities of use, and contain  
38 | standards for onsite development, site design, environmental  
39 | management, and the preservation of historic and archaeological  
40 | resources. The transportation element must address reasonable  
41 | transportation demand management techniques to minimize offsite  
42 | impacts where possible. Data and analyses on which the elements  
43 | are based must include, at a minimum: the characteristics of  
44 | vacant lands; projected impacts of development on onsite and  
45 | offsite infrastructure, public services, and natural resources;  
46 | student enrollment projections; student housing needs; and the  
47 | need for academic and support facilities. Master plans must be  
48 | updated at least every 5 years.

49 | (6) Before a campus master plan is adopted, a copy of the  
50 | draft master plan must be physically sent and made available  
51 | electronically for review to the host and any affected local

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52 governments, the state land planning agency, the Department of  
53 Environmental Protection, the Department of Transportation, the  
54 Department of State, the Fish and Wildlife Conservation  
55 Commission, and the applicable water management district and  
56 regional planning council. These agencies must be given 90 days  
57 after receipt of the physical copy of the campus master plans in  
58 which to conduct their review and provide comments to the  
59 university board of trustees. The commencement of this review  
60 period must be advertised in newspapers of general circulation  
61 within the host local government and any affected local  
62 government to allow for public comment. Following receipt and  
63 consideration of all comments, and the holding of at least two  
64 public hearings within the host jurisdiction, the university  
65 board of trustees shall adopt the campus master plan. The first  
66 hearing shall be held by the university after the electronic  
67 copy of the draft master plan is available and prior to the  
68 physical copy of the draft master plan being sent to the  
69 agencies identified in this subsection. The second hearing shall  
70 be held by the university at least 14 days prior to the adoption  
71 of the draft master plan by the university board of trustees. It  
72 is the intent of the Legislature that the university board of  
73 trustees comply with the notice requirements set forth in s.  
74 163.3184(15) to ensure full public participation in this  
75 planning process. Campus master plans developed under this  
76 section are not rules and are not subject to chapter 120 except  
77 as otherwise provided in this section.

78 (7) Notice that the campus master plan has been adopted  
79 must be forwarded within 45 days after its adoption to any

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80 affected person that submitted comments on the draft campus  
81 master plan. The notice must state how and where a copy of the  
82 master plan may be obtained or inspected. Within 30 days after  
83 receipt of the notice of adoption of the campus master plan, or  
84 30 days after the date the adopted plan is available for review,  
85 whichever is later, an affected person who submitted comments on  
86 the draft master plan may petition the university board of  
87 trustees, challenging the campus master plan as not being in  
88 compliance with this section or any rule adopted under this  
89 section. The petition must state each objection, identify its  
90 source, and provide a recommended action. A petition filed by an  
91 affected local government may raise only those issues directly  
92 pertaining to the public facilities or services that the  
93 affected local government provides to or maintains within the  
94 campus or to the direct impact that campus development would  
95 have on the affected local government. A petition filed by an  
96 individual may raise only those issues pertaining to the public  
97 facilities or services that have a direct and material impact on  
98 the individual. The university shall have the authority during  
99 the pendency of a challenge to negotiate and execute a campus  
100 development agreement as provided in subsection (11). Any  
101 affected person who files a petition pursuant to this subsection  
102 may challenge only those provisions in the plan that were raised  
103 by that person's oral or written comments, recommendations, or  
104 objections presented to the university board of trustees prior  
105 to or during the adoption hearing for the campus master plan.

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

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

113 (b) If resolution of the matter cannot be achieved within  
114 60 days, the issues must be submitted to the state land planning  
115 agency. The state land planning agency has 60 days to hold an  
116 evidentiary hearing ~~informal hearings~~, if necessary, identify  
117 the issues remaining in dispute, prepare a record of the  
118 proceedings, and submit the matter to the Administration  
119 Commission for final action. The evidentiary hearing shall be  
120 conducted using the evidentiary procedures set forth in s.  
121 120.57(1). The report to the Administration Commission must be  
122 based on evidence adduced on the record prior to and during the  
123 evidentiary hearing and list each issue in dispute, describe the  
124 nature and basis for each dispute, identify alternative  
125 resolutions of the dispute, determine the petitioner's  
126 compliance with requirements of this section, and make  
127 recommendations.

128 (c) After receiving the report from the state land  
129 planning agency, the Administration Commission shall take action  
130 to resolve the issues in dispute. In deciding upon a proper  
131 resolution, the Administration Commission shall consider the  
132 nature of the issues in dispute, the compliance of the parties  
133 with this section, the extent of the conflict between the

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134 parties, the comparative hardships, and the public interest  
135 involved. If the Administration Commission incorporates in its  
136 final order a term or condition that specifically requires the  
137 university board of trustees or a local government to amend or  
138 modify its plan, the university board of trustees shall have a  
139 reasonable period of time to amend or modify its plan, and a  
140 local government shall initiate the required plan amendment,  
141 which shall be exempt from the requirements of s. 163.3187(1).  
142 Any required amendment to a local government comprehensive plan  
143 must be limited in scope so as to only relate to specific  
144 impacts attributable to the campus development. The final order  
145 of the Administration Commission is subject to judicial review  
146 as provided in s. 120.68.

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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