

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

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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 requiring maintenance of a copy of a campus master plan on
9 the university's website; requiring a master plan to
10 identify the general location of structures; revising
11 method for submission of a draft master plan for review;
12 revising the review period for draft master plans;
13 providing additional hearing requirements; providing
14 requirements for the filing of a petition by an
15 individual; revising provisions relating to mediation of
16 issues in dispute; providing requirements for the signing
17 of a pleading, motion, or other paper; providing for
18 sanctions; requiring the adoption of rules by university
19 boards of trustees; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Subsections (3), (6), (7), (8), and (22) of
24 section 1013.30, Florida Statutes, are amended to read:

25 1013.30 University campus master plans and campus
26 development agreements.--

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

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

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51 (6) Before a campus master plan is adopted, a copy of the
52 draft master plan must be physically sent and made available
53 electronically for review to the host and any affected local
54 governments, the state land planning agency, the Department of
55 Environmental Protection, the Department of Transportation, the
56 Department of State, the Fish and Wildlife Conservation
57 Commission, and the applicable water management district and
58 regional planning council. These agencies must be given 90 days
59 after receipt of the physical copy of the campus master plans in
60 which to conduct their review and provide comments to the
61 university board of trustees. The commencement of this review
62 period must be advertised in newspapers of general circulation
63 within the host local government and any affected local
64 government to allow for public comment. Following receipt and
65 consideration of all comments, and the holding of at least two
66 public hearings within the host jurisdiction, the university
67 board of trustees shall adopt the campus master plan. The first
68 hearing shall be held by the university after the electronic
69 copy of the draft master plan is available and prior to the
70 physical copy of the draft master plan being sent to the
71 agencies identified in this subsection. The second hearing shall
72 be held by the university at least 14 days prior to the adoption
73 of the draft master plan by the university board of trustees. It
74 is the intent of the Legislature that the university board of
75 trustees comply with the notice requirements set forth in s.
76 163.3184(15) to ensure full public participation in this
77 planning process. Campus master plans developed under this

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78 | section are not rules and are not subject to chapter 120 except
79 | as otherwise provided in this section.

80 | (7) Notice that the campus master plan has been adopted
81 | must be forwarded within 45 days after its adoption to any
82 | affected person that submitted comments on the draft campus
83 | master plan. The notice must state how and where a copy of the
84 | master plan may be obtained or inspected. Within 30 days after
85 | receipt of the notice of adoption of the campus master plan, or
86 | 30 days after the date the adopted plan is available for review,
87 | whichever is later, an affected person who submitted comments on
88 | the draft master plan may petition the university board of
89 | trustees, challenging the campus master plan as not being in
90 | compliance with this section or any rule adopted under this
91 | section. The petition must state each objection, identify its
92 | source, and provide a recommended action. A petition filed by an
93 | affected local government may raise only those issues directly
94 | pertaining to the public facilities or services that the
95 | affected local government provides to or maintains within the
96 | campus or to the direct impact that campus development would
97 | have on the affected local government. A petition filed by an
98 | individual may raise only those issues pertaining to the public
99 | facilities or services that have a direct and material impact on
100 | the individual. The university shall have the authority during
101 | the pendency of a challenge to negotiate and execute a campus
102 | development agreement as provided in subsection (11). Any
103 | affected person who files a petition pursuant to this subsection
104 | may challenge only those provisions in the plan that were raised
105 | by that person's oral or written comments, recommendations, or

106 | objections presented to the university board of trustees prior
 107 | to or during the adoption hearing for the campus master plan.

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

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

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

130 | (c) After receiving the report from the state land
 131 | planning agency, the Administration Commission shall take action
 132 | to resolve the issues in dispute. In deciding upon a proper
 133 | resolution, the Administration Commission shall consider the

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

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

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162 | incurred because of the filing of the pleading, motion, or other
163 | paper, including a reasonable attorney's fee.

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

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