

1 A bill to be entitled

2 An act relating to university campus planning; amending s.
3 1013.30, F.S.; defining terms; requiring each university
4 board of trustees to maintain a copy of the campus master
5 plan on the university's website and provide for
6 electronic copies of its draft master plan; providing
7 duties of the Board of Governors; requiring that the
8 university hold an informal public information session
9 before the required public hearings are held on the draft
10 master plan; requiring that the public hearings be held at
11 specified times; limiting the issues that an individual
12 may raise challenging a campus master plan; authorizing
13 the university to execute a campus development agreement
14 during the pendency of a challenge; providing for an
15 evidentiary hearing to be held by the Division of
16 Administrative Hearings if a challenge to the master plan
17 is not resolved; specifying the evidentiary procedures to
18 be used in such hearing; providing for attorney's fees in
19 any dispute submitted to the state land planning agency or
20 the Administration Commission in which the pleading or
21 motion was made for an improper purpose or for economic
22 advantage; revising procedures to resolve disputes between
23 the university board of trustees and the host local
24 government; requiring that Board of Governors rather than
25 the State Board of Education adopt rules to administer the
26 procedures for preparing and adopting the campus master
27 plan; providing an effective date.
28

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

30

31 Section 1. Section 1013.30, Florida Statutes, is amended
32 to read:

33 1013.30 University campus master plans and campus
34 development agreements.--

35 (1) This section contains provisions for campus planning
36 and concurrency management that supersede the requirements of
37 part II of chapter 163, except when stated otherwise in this
38 section. These special growth management provisions are adopted
39 in recognition of the unique relationship between university
40 campuses and the local governments in which they are located.
41 While the campuses provide research and educational benefits of
42 statewide and national importance, and further provide
43 substantial educational, economic, and cultural benefits to
44 their host local governments, they may also have an adverse
45 impact on the public facilities and services and natural
46 resources of host governments. On balance, however, universities
47 should be considered as vital public facilities of the state and
48 local governments. The intent of this section is to address this
49 unique relationship by providing for the preparation of campus
50 master plans and associated campus development agreements.

51 (2) As used in this section:

52 (a) "Affected local government" means a unit of local
53 government that provides public services to or is responsible
54 for maintaining facilities within a campus of an institution or
55 is directly affected by development that is proposed for a
56 campus.

57 (b) "Affected person" means a host local government; an
58 affected local government; any state, regional, or federal
59 agency; or a person who resides, owns property, or owns or
60 operates a business within the boundaries of a host local
61 government or affected local government. In order to qualify
62 under this definition, each person, other than a host or
63 affected local government, must have submitted oral or written
64 comments, recommendations, or objections to the university
65 during the period of time beginning with the advertisement of
66 the first public hearing under subsection (6) and ending with
67 the adoption of the campus master plan or plan amendment. If the
68 plan or plan amendment is amended at the adoption hearing, the
69 time period shall be extended by 7 calendar days. However, any
70 comments, recommendations, or objections filed during the
71 extension must be limited to those amendments adopted at the
72 adoption hearing.

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

77 (d) "Institution" means a university.

78 (e) Division" means the Division of Administrative
79 Hearings.

80 (3) Each university board of trustees shall prepare and
81 adopt a campus master plan for the university and maintain a
82 copy of the plan on the university's website. The master plan
83 must identify general land uses and address the need for and
84 plans for provision of roads, parking, public transportation,

85 solid waste, drainage, sewer, potable water, and recreation and
86 open space during the coming 10 to 20 years. The plans must
87 contain elements relating to future land use, intergovernmental
88 coordination, capital improvements, recreation and open space,
89 general infrastructure, housing, and conservation. Each element
90 must address compatibility with the surrounding community. The
91 master plan must identify specific land uses, general location
92 of structures, densities and intensities of use, and contain
93 standards for onsite development, site design, environmental
94 management, and the preservation of historic and archaeological
95 resources. The transportation element must address reasonable
96 transportation demand management techniques to minimize offsite
97 impacts where possible. Data and analyses on which the elements
98 are based must include, at a minimum: the characteristics of
99 vacant lands; projected impacts of development on onsite and
100 offsite infrastructure, public services, and natural resources;
101 student enrollment projections; student housing needs; and the
102 need for academic and support facilities. Master plans must be
103 updated at least every 5 years.

104 (4) Campus master plans may contain additional elements at
105 the discretion of the Board of Governors ~~State Board of~~
106 ~~Education~~; however, such elements are not subject to review
107 under this section. These additional elements may include the
108 academic mission of the institution, academic program,
109 utilities, public safety, architectural design, landscape
110 architectural design, and facilities maintenance.

111 (5) Subject to the right of the university board of
112 trustees to initiate the dispute resolution provisions of

113 subsection (8), a campus master plan must not be in conflict
114 with the comprehensive plan of the host local government and the
115 comprehensive plan of any affected local governments. A campus
116 master plan must be consistent with the state comprehensive
117 plan.

118 (6) Before a campus master plan is adopted, a copy of the
119 draft master plan must be sent for review or made available
120 electronically to the host and any affected local governments,
121 the state land planning agency, the Department of Environmental
122 Protection, the Department of Transportation, the Department of
123 State, the Fish and Wildlife Conservation Commission, and the
124 applicable water management district and regional planning
125 council. These agencies must be given 90 days after receipt of
126 the campus master plans in which to conduct their review and
127 provide comments to the university board of trustees. The
128 commencement of this review period must be advertised in
129 newspapers of general circulation within the host local
130 government and any affected local government to allow for public
131 comment. Following receipt and consideration of all comments,
132 and the holding of an informal information session and at least
133 two public hearings within the host jurisdiction, the university
134 board of trustees shall adopt the campus master plan. It is the
135 intent of the Legislature that the university board of trustees
136 comply with the notice requirements set forth in s. 163.3184(15)
137 to ensure full public participation in this planning process.
138 The informal public information session must be held before the
139 first public hearing. The first public hearing shall be held
140 before the draft master plan is sent to the agencies specified

141 in this subsection. The second public hearing shall be held in
142 conjunction with the adoption of the draft master plan by the
143 university board of trustees. Campus master plans developed
144 under this section are not rules and are not subject to chapter
145 120 except as otherwise provided in this section.

146 (7) Notice that the campus master plan has been adopted
147 must be forwarded within 45 days after its adoption to any
148 affected person that submitted comments on the draft campus
149 master plan. The notice must state how and where a copy of the
150 master plan may be obtained or inspected. Within 30 days after
151 receipt of the notice of adoption of the campus master plan, or
152 30 days after the date the adopted plan is available for review,
153 whichever is later, an affected person who submitted comments on
154 the draft master plan may petition the university board of
155 trustees, challenging the campus master plan as not being in
156 compliance with this section or any rule adopted under this
157 section. The petition must state each objection, identify its
158 source, and provide a recommended action. A petition filed by an
159 affected local government may raise only those issues directly
160 pertaining to the public facilities or services that the
161 affected local government provides to or maintains within the
162 campus or to the direct impact that campus development would
163 have on the affected local government. A petition filed by an
164 affected person must include those items required by the uniform
165 rules adopted under s. 120.54(5). Any affected person who files
166 a petition under this subsection may challenge only those
167 provisions in the plan that were raised by that person's oral or
168 written comments, recommendations, or objections presented to

169 the university board of trustees, as required by s.
170 1013.30(1)(b). The university may, during the pendency of a
171 challenge, negotiate a campus development agreement as provided
172 in subsection (11).

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

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

182 (b) If the matter is not resolved within 30 days, the
183 administrative law judge shall proceed with a hearing under ss.
184 120.569 and 120.57. The hearing shall be held in the county
185 where the campus of the university subject to the amendment is
186 located. Within 60 days after receiving the petition, the
187 administrative law judge must, consistent with the applicable
188 requirements and procedures of the Administrative Procedure Act,
189 hold a hearing, identify the issues remaining in dispute,
190 prepare a record of the proceedings, and submit a recommended
191 order to the state land planning agency for final action.
192 Parties to the proceeding may submit written exceptions to the
193 recommended order within 10 days after the recommended order is
194 issued. The state land planning agency must issue its final
195 order no later than 60 days after receiving the recommended
196 order.

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

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

204 ~~(b) If resolution of the matter cannot be achieved within~~
 205 ~~60 days, the issues must be submitted to the state land planning~~
 206 ~~agency. The state land planning agency has 60 days to hold~~
 207 ~~informal hearings, if necessary, identify the issues remaining~~
 208 ~~in dispute, prepare a record of the proceedings, and submit the~~
 209 ~~matter to the Administration Commission for final action. The~~
 210 ~~report to the Administration Commission must list each issue in~~
 211 ~~dispute, describe the nature and basis for each dispute,~~
 212 ~~identify alternative resolutions of the dispute, and make~~
 213 ~~recommendations.~~

214 ~~(c) After receiving the report from the state land~~
 215 ~~planning agency, the Administration Commission shall take action~~
 216 ~~to resolve the issues in dispute. In deciding upon a proper~~
 217 ~~resolution, the Administration Commission shall consider the~~
 218 ~~nature of the issues in dispute, the compliance of the parties~~
 219 ~~with this section, the extent of the conflict between the~~
 220 ~~parties, the comparative hardships, and the public interest~~
 221 ~~involved. If the Administration Commission incorporates in its~~
 222 ~~final order a term or condition that specifically requires the~~
 223 ~~university board of trustees or a local government to amend or~~
 224 ~~modify its plan, the university board of trustees shall have a~~

225 ~~reasonable period of time to amend or modify its plan, and a~~
 226 ~~local government shall initiate the required plan amendment,~~
 227 ~~which shall be exempt from the requirements of s. 163.3187(1).~~
 228 ~~Any required amendment to a local government comprehensive plan~~
 229 ~~must be limited in scope so as to only relate to specific~~
 230 ~~impacts attributable to the campus development. The final order~~
 231 ~~of the state land planning agency ~~Administration Commission~~ is~~
 232 ~~subject to judicial review as provided in s. 120.68.~~

233 (d) The signature of an attorney or party constitutes a
 234 certificate that he or she has read the pleading, motion, or
 235 other paper and that, to the best of his or her knowledge,
 236 information, and belief formed after reasonable inquiry, it is
 237 not interposed for any improper purpose, such as to harass or to
 238 cause unnecessary delay, or for economic advantage, competitive
 239 reasons, frivolous purposes, or needless increase in the cost of
 240 litigation. If a pleading, motion, or other paper is signed in
 241 violation of these requirements, the division, upon motion or
 242 its own initiative, shall impose upon either the person who
 243 signed it or a represented party, or both, an appropriate
 244 sanction, which may include an order to pay to the other party
 245 or parties the amount of reasonable expenses incurred because of
 246 the filing of the pleading, motion, or other paper, including
 247 reasonable attorney's fees.

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

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

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

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

260 (10) Upon adoption of a campus master plan, the university
 261 board of trustees shall draft a proposed campus development
 262 agreement for each local government and send it to the local
 263 government within 270 days after the adoption of the relevant
 264 campus master plan.

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

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

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

270 (c) Must address public facilities and services including
 271 roads, sanitary sewer, solid waste, drainage, potable water,
 272 parks and recreation, and public transportation.

273 (d) Must, for each of the facilities and services listed
 274 in paragraph (c), identify the level-of-service standard
 275 established by the applicable local government, identify the
 276 entity that will provide the service to the campus, and describe
 277 any financial arrangements between the Board of Governors ~~State~~
 278 ~~Board of Education~~ and other entities relating to the provision
 279 of the facility or service.

280 (e) Must, for each of the facilities and services listed
 281 in paragraph (c), determine the impact of existing and proposed
 282 campus development reasonably expected over the term of the
 283 campus development agreement on each service or facility and any
 284 deficiencies in such service or facility which the proposed
 285 campus development will create or to which it will contribute.

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

291 (g) Must, to the extent it addresses issues addressed in
 292 the campus master plan and host local government comprehensive
 293 plan, be consistent with the adopted campus master plan and host
 294 local government comprehensive plan.

295 (12) (a) Each proposed campus development agreement must
 296 clearly identify the lands to which the university board of
 297 trustees intends the campus development agreement to apply.

298 (b) Such land may include:

299 1. Land to be purchased by the university board of
 300 trustees and if purchased with state appropriated funds titled
 301 in the name of the board of trustees of the Internal Improvement
 302 Trust Fund for use by an institution over the life of the campus
 303 development agreement.

304 2. Land not owned by the board of trustees of the Internal
 305 Improvement Trust Fund if the university board of trustees
 306 intends to undertake development activities on the land during
 307 the term of the campus development agreement.

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

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

316 (a) All improvements to facilities or services which are
 317 necessary to eliminate the deficiencies identified in paragraph
 318 (11)(e) must be specifically listed in the campus development
 319 agreement.

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

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

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

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

335 Board of Governors ~~State Board of Education~~, the total cost of
336 which equals the contribution identified in paragraph (b).

337 (d) All concurrency management responsibilities of the
338 university board of trustees are fulfilled if the university
339 board of trustees expends the total amount of funds identified
340 in paragraph (b) notwithstanding that the university board of
341 trustees may not have undertaken or made contributions to some
342 of the measures identified in paragraph (a).

343 (e) Capital projects included in the campus development
344 agreement may be used by the local government for the
345 concurrency management purposes.

346 (f) Funds provided by universities in accordance with
347 campus development agreements are subject to appropriation by
348 the Legislature. A development authorized by a campus
349 development agreement may not be built until the funds to be
350 provided pursuant to paragraph (b) are appropriated by the
351 Legislature.

352 (14) A campus development agreement may not address or
353 include any standards or requirements for onsite development,
354 including environmental management requirements or requirements
355 for site preparation.

356 (15) Once the university board of trustees and host local
357 government agree on the provisions of the campus development
358 agreement, the campus development agreement shall be executed by
359 the university board of trustees and the host local government
360 in a manner consistent with the requirements of s. 163.3225.
361 Once the campus development agreement is executed, it is binding
362 upon the university board of trustees and host local government.

363 A copy of the executed campus development agreement must be sent
364 to the state land planning agency within 14 days after the date
365 of execution.

366 (16) If, within 180 days following the host local
367 government's receipt of the proposed campus development
368 agreement, the university board of trustees and host local
369 government cannot reach agreement on the provisions of the
370 campus development agreement, the following procedures for
371 resolving the matter must be followed:

372 (a) The matter must be submitted to the state land
373 planning agency, which has 60 days to hold informal hearings, if
374 necessary, ~~and identify the issues remaining in dispute, prepare~~
375 ~~a record of the proceedings, and submit the matter to the~~
376 ~~Administration Commission for final action. The report to the~~
377 ~~Administration Commission must list each issue in dispute,~~
378 ~~describe the nature and basis for each dispute, identify~~
379 ~~alternative resolutions of each dispute, and make~~
380 ~~recommendations.~~

381 (b) ~~After receiving the report from the state land~~
382 ~~planning agency, the Administration Commission shall take action~~
383 ~~to resolve the issues in dispute.~~ In deciding upon a proper
384 resolution, the state land planning agency Administration
385 Commission shall consider the nature of the issues in dispute,
386 the compliance of the parties with this section, the extent of
387 the conflict between the parties, the comparative hardships, and
388 the public interest involved. In resolving the matter, the state
389 land planning agency Administration Commission may prescribe, by
390 order, the contents of the campus development agreement.

391 (17) Disputes that arise in the implementation of an
392 executed campus development agreement must be resolved as
393 follows:

394 (a) Each party shall select one mediator and notify the
395 other in writing of the selection. Thereafter, within 15 days
396 after their selection, the two mediators selected by the parties
397 shall select a neutral, third mediator to complete the mediation
398 panel.

399 (b) Each party is responsible for all costs and fees
400 payable to the mediator selected by it and shall equally bear
401 responsibility for the costs and fees payable to the third
402 mediator for services rendered and costs expended in connection
403 with resolving disputes pursuant to the campus development
404 agreement.

405 (c) Within 10 days after the selection of the mediation
406 panel, proceedings must be convened by the panel to resolve the
407 issues in dispute.

408 (d) Within 60 days after the convening of the panel, the
409 panel shall issue a report containing a recommended resolution
410 of the issues in dispute.

411 (e) If either the university board of trustees or local
412 government rejects the recommended resolution of the issues in
413 dispute, the disputed issues must be resolved pursuant to the
414 procedures provided by subsection (16).

415 (18) Once the campus development agreement is executed,
416 all campus development may proceed without further review by the
417 host local government if it is consistent with the adopted
418 campus master plan and associated campus development agreement.

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

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

423 (b) If either party delays by more than 12 months the
 424 construction of a capital improvement identified in the
 425 agreement.

426 (20) Any party to a campus development agreement or
 427 aggrieved or adversely affected person, as defined in s.
 428 163.3215(2), may file an action for injunctive relief in the
 429 circuit court where the host local government is located to
 430 enforce the terms of a campus development agreement or to
 431 challenge compliance of the agreement with this section. This
 432 action shall be the sole and exclusive remedy of an adversely
 433 affected person other than a party to the agreement to enforce
 434 any rights or obligations arising from a development agreement.

435 (21) State and regional environmental program requirements
 436 remain applicable, except that this section supersedes all other
 437 sections of part II of chapter 163 and s. 380.06 except as
 438 provided in this section.

439 (22) In consultation with the state land planning agency,
 440 the Board of Governors ~~State Board of Education~~ shall adopt a
 441 single, uniform set of rules to administer ~~implementing~~
 442 subsections (3) - (6). The rules must set specific schedules and
 443 procedures for the development and adoption of campus master
 444 plans. Before adopting the rules, the Board of Governors must
 445 obtain written verification from the state land planning agency
 446 that the rules satisfy the minimum statutory criteria required

447 by subsections (3)-(6). The state land planning agency shall
448 provide the verification within 45 days after receiving a copy
449 of the rules.

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

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