

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; authorizing Florida Gulf Coast University to
28 establish a school of engineering, subject to approval by

29 | the Board of Governors; authorizing the university to
30 | grant bachelor's degrees in specified fields; providing an
31 | effective date.

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33 | Be It Enacted by the Legislature of the State of Florida:

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35 | Section 1. Section 1013.30, Florida Statutes, is amended
36 | to read:

37 | 1013.30 University campus master plans and campus
38 | development agreements.--

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

55 | (2) As used in this section:

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

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

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

81 (d) "Institution" means a university.

82 (e) Division" means the Division of Administrative
83 Hearings.

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

108 (4) Campus master plans may contain additional elements at
109 the discretion of the Board of Governors ~~State Board of~~
110 ~~Education~~; however, such elements are not subject to review
111 under this section. These additional elements may include the

112 | academic mission of the institution, academic program,
113 | utilities, public safety, architectural design, landscape
114 | architectural design, and facilities maintenance.

115 | (5) Subject to the right of the university board of
116 | trustees to initiate the dispute resolution provisions of
117 | subsection (8), a campus master plan must not be in conflict
118 | with the comprehensive plan of the host local government and the
119 | comprehensive plan of any affected local governments. A campus
120 | master plan must be consistent with the state comprehensive
121 | plan.

122 | (6) Before a campus master plan is adopted, a copy of the
123 | draft master plan must be sent for review or made available
124 | electronically to the host and any affected local governments,
125 | the state land planning agency, the Department of Environmental
126 | Protection, the Department of Transportation, the Department of
127 | State, the Fish and Wildlife Conservation Commission, and the
128 | applicable water management district and regional planning
129 | council. At the request of a governmental entity, a hard copy of
130 | the draft master plan shall be submitted within 7 business days
131 | of an electronic copy being made available. These agencies must
132 | be given 90 days after receipt of the campus master plans in
133 | which to conduct their review and provide comments to the
134 | university board of trustees. The commencement of this review
135 | period must be advertised in newspapers of general circulation
136 | within the host local government and any affected local
137 | government to allow for public comment. Following receipt and
138 | consideration of all comments, and the holding of an informal
139 | information session and at least two public hearings within the

140 | host jurisdiction, the university board of trustees shall adopt
141 | the campus master plan. It is the intent of the Legislature that
142 | the university board of trustees comply with the notice
143 | requirements set forth in s. 163.3184(15) to ensure full public
144 | participation in this planning process. The informal public
145 | information session must be held before the first public
146 | hearing. The first public hearing shall be held before the draft
147 | master plan is sent to the agencies specified in this
148 | subsection. The second public hearing shall be held in
149 | conjunction with the adoption of the draft master plan by the
150 | university board of trustees. Campus master plans developed
151 | under this section are not rules and are not subject to chapter
152 | 120 except as otherwise provided in this section.

153 | (7) Notice that the campus master plan has been adopted
154 | must be forwarded within 45 days after its adoption to any
155 | affected person that submitted comments on the draft campus
156 | master plan. The notice must state how and where a copy of the
157 | master plan may be obtained or inspected. Within 30 days after
158 | receipt of the notice of adoption of the campus master plan, or
159 | 30 days after the date the adopted plan is available for review,
160 | whichever is later, an affected person who submitted comments on
161 | the draft master plan may petition the university board of
162 | trustees, challenging the campus master plan as not being in
163 | compliance with this section or any rule adopted under this
164 | section. The petition must state each objection, identify its
165 | source, and provide a recommended action. A petition filed by an
166 | affected local government may raise only those issues directly
167 | pertaining to the public facilities or services that the

168 affected local government provides to or maintains within the
169 campus or to the direct impact that campus development would
170 have on the affected local government. A petition filed by an
171 affected person must include those items required by the uniform
172 rules adopted under s. 120.54(5). Any affected person who files
173 a petition under this subsection may challenge only those
174 provisions in the plan that were raised by that person's oral or
175 written comments, recommendations, or objections presented to
176 the university board of trustees, as required by s.
177 1013.30(1)(b). The university may, during the pendency of a
178 challenge, negotiate a campus development agreement as provided
179 in subsection (11).

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

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

189 (b) If the matter is not resolved within 30 days, the
190 administrative law judge shall proceed with a hearing under ss.
191 120.569 and 120.57. The hearing shall be held in the county
192 where the campus of the university subject to the amendment is
193 located. Within 60 days after receiving the petition, the
194 administrative law judge must, consistent with the applicable
195 requirements and procedures of the Administrative Procedure Act,

196 hold a hearing, identify the issues remaining in dispute,
 197 prepare a record of the proceedings, and submit a recommended
 198 order to the state land planning agency for final action.
 199 Parties to the proceeding may submit written exceptions to the
 200 recommended order within 10 days after the recommended order is
 201 issued. The state land planning agency must issue its final
 202 order no later than 60 days after receiving the recommended
 203 order.

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

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

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

221 ~~(c) After receiving the report from the state land~~
 222 ~~planning agency, the Administration Commission shall take action~~
 223 ~~to resolve the issues in dispute. In deciding upon a proper~~

224 ~~resolution, the Administration Commission shall consider the~~
225 ~~nature of the issues in dispute, the compliance of the parties~~
226 ~~with this section, the extent of the conflict between the~~
227 ~~parties, the comparative hardships, and the public interest~~
228 ~~involved. If the Administration Commission incorporates in its~~
229 ~~final order a term or condition that specifically requires the~~
230 ~~university board of trustees or a local government to amend or~~
231 ~~modify its plan, the university board of trustees shall have a~~
232 ~~reasonable period of time to amend or modify its plan, and a~~
233 ~~local government shall initiate the required plan amendment,~~
234 ~~which shall be exempt from the requirements of s. 163.3187(1).~~
235 ~~Any required amendment to a local government comprehensive plan~~
236 ~~must be limited in scope so as to only relate to specific~~
237 ~~impacts attributable to the campus development. The final order~~
238 ~~of the state land planning agency Administration Commission is~~
239 ~~subject to judicial review as provided in s. 120.68.~~

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

252 | or parties the amount of reasonable expenses incurred because of
 253 | the filing of the pleading, motion, or other paper, including
 254 | reasonable attorney's fees.

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

258 | (a) Increase density or intensity of use of land on the
 259 | campus by more than 10 percent;

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

262 | (c) Rearrange land uses in a manner that will increase the
 263 | impact of any proposed campus development by more than 10
 264 | percent on a road or on another public facility or service
 265 | provided or maintained by the state, the county, the host local
 266 | government, or any affected local government.

267 | (10) Upon adoption of a campus master plan, the university
 268 | board of trustees shall draft a proposed campus development
 269 | agreement for each local government and send it to the local
 270 | government within 270 days after the adoption of the relevant
 271 | campus master plan.

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

273 | (a) Must identify the geographic area of the campus and
 274 | local government covered by the campus development agreement.

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

277 | (c) Must address public facilities and services including
 278 | roads, sanitary sewer, solid waste, drainage, potable water,
 279 | parks and recreation, and public transportation.

280 (d) Must, for each of the facilities and services listed
281 in paragraph (c), identify the level-of-service standard
282 established by the applicable local government, identify the
283 entity that will provide the service to the campus, and describe
284 any financial arrangements between the Board of Governors State
285 ~~Board of Education~~ and other entities relating to the provision
286 of the facility or service.

287 (e) Must, for each of the facilities and services listed
288 in paragraph (c), determine the impact of existing and proposed
289 campus development reasonably expected over the term of the
290 campus development agreement on each service or facility and any
291 deficiencies in such service or facility which the proposed
292 campus development will create or to which it will contribute.

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

298 (g) Must, to the extent it addresses issues addressed in
299 the campus master plan and host local government comprehensive
300 plan, be consistent with the adopted campus master plan and host
301 local government comprehensive plan.

302 (12) (a) Each proposed campus development agreement must
303 clearly identify the lands to which the university board of
304 trustees intends the campus development agreement to apply.

305 (b) Such land may include:

306 1. Land to be purchased by the university board of
307 trustees and if purchased with state appropriated funds titled

308 in the name of the board of trustees of the Internal Improvement
 309 Trust Fund for use by an institution over the life of the campus
 310 development agreement.

311 2. Land not owned by the board of trustees of the Internal
 312 Improvement Trust Fund if the university board of trustees
 313 intends to undertake development activities on the land during
 314 the term of the campus development agreement.

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

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

323 (a) All improvements to facilities or services which are
 324 necessary to eliminate the deficiencies identified in paragraph
 325 (11)(e) must be specifically listed in the campus development
 326 agreement.

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

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

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

339 2. Taking on full responsibility for the improvements,
 340 selected from the list of improvements identified in paragraph
 341 (a), and agreed to between the host local government and the
 342 Board of Governors ~~State Board of Education~~, the total cost of
 343 which equals the contribution identified in paragraph (b).

344 (d) All concurrency management responsibilities of the
 345 university board of trustees are fulfilled if the university
 346 board of trustees expends the total amount of funds identified
 347 in paragraph (b) notwithstanding that the university board of
 348 trustees may not have undertaken or made contributions to some
 349 of the measures identified in paragraph (a).

350 (e) Capital projects included in the campus development
 351 agreement may be used by the local government for the
 352 concurrency management purposes.

353 (f) Funds provided by universities in accordance with
 354 campus development agreements are subject to appropriation by
 355 the Legislature. A development authorized by a campus
 356 development agreement may not be built until the funds to be
 357 provided pursuant to paragraph (b) are appropriated by the
 358 Legislature.

359 (14) A campus development agreement may not address or
 360 include any standards or requirements for onsite development,

361 including environmental management requirements or requirements
362 for site preparation.

363 (15) Once the university board of trustees and host local
364 government agree on the provisions of the campus development
365 agreement, the campus development agreement shall be executed by
366 the university board of trustees and the host local government
367 in a manner consistent with the requirements of s. 163.3225.
368 Once the campus development agreement is executed, it is binding
369 upon the university board of trustees and host local government.
370 A copy of the executed campus development agreement must be sent
371 to the state land planning agency within 14 days after the date
372 of execution.

373 (16) If, within 180 days following the host local
374 government's receipt of the proposed campus development
375 agreement, the university board of trustees and host local
376 government cannot reach agreement on the provisions of the
377 campus development agreement, the following procedures for
378 resolving the matter must be followed:

379 (a) The matter must be submitted to the state land
380 planning agency, which has 60 days to hold informal hearings, if
381 necessary, ~~and identify the issues remaining in dispute, prepare~~
382 ~~a record of the proceedings, and submit the matter to the~~
383 ~~Administration Commission for final action. The report to the~~
384 ~~Administration Commission must list each issue in dispute,~~
385 ~~describe the nature and basis for each dispute, identify~~
386 ~~alternative resolutions of each dispute, and make~~
387 ~~recommendations.~~

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

398 (17) Disputes that arise in the implementation of an
399 executed campus development agreement must be resolved as
400 follows:

401 (a) Each party shall select one mediator and notify the
402 other in writing of the selection. Thereafter, within 15 days
403 after their selection, the two mediators selected by the parties
404 shall select a neutral, third mediator to complete the mediation
405 panel.

406 (b) Each party is responsible for all costs and fees
407 payable to the mediator selected by it and shall equally bear
408 responsibility for the costs and fees payable to the third
409 mediator for services rendered and costs expended in connection
410 with resolving disputes pursuant to the campus development
411 agreement.

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

415 (d) Within 60 days after the convening of the panel, the
416 panel shall issue a report containing a recommended resolution
417 of the issues in dispute.

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

422 (18) Once the campus development agreement is executed,
423 all campus development may proceed without further review by the
424 host local government if it is consistent with the adopted
425 campus master plan and associated campus development agreement.

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

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

430 (b) If either party delays by more than 12 months the
431 construction of a capital improvement identified in the
432 agreement.

433 (20) Any party to a campus development agreement or
434 aggrieved or adversely affected person, as defined in s.
435 163.3215(2), may file an action for injunctive relief in the
436 circuit court where the host local government is located to
437 enforce the terms of a campus development agreement or to
438 challenge compliance of the agreement with this section. This
439 action shall be the sole and exclusive remedy of an adversely
440 affected person other than a party to the agreement to enforce
441 any rights or obligations arising from a development agreement.

442 (21) State and regional environmental program requirements
443 remain applicable, except that this section supersedes all other
444 sections of part II of chapter 163 and s. 380.06 except as
445 provided in this section.

446 (22) In consultation with the state land planning agency,
447 the Board of Governors ~~State Board of Education~~ shall adopt a
448 single, uniform set of rules to administer ~~implementing~~
449 subsections (3)-(6). The rules must set specific schedules and
450 procedures for the development and adoption of campus master
451 plans. Before adopting the rules, the Board of Governors must
452 obtain written verification from the state land planning agency
453 that the rules satisfy the minimum statutory criteria required
454 by subsections (3)-(6). The state land planning agency shall
455 provide the verification within 45 days after receiving a copy
456 of the rules.

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

462 Section 2. Florida Gulf Coast University School of
463 Engineering authorized; bachelor's degrees authorized.--

464 (1) The Florida Gulf Coast University may establish a
465 School of Engineering, subject to approval by the Board of
466 Governors.

467 (2) The School of Engineering at the Florida Gulf Coast
468 University may award bachelor of science degrees in

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469 | bioengineering, environmental and civil engineering, and
470 | engineering management.

471 | Section 3. This act shall take effect July 1, 2005.