

## ENROLLED

HB 517, Engrossed 3

2005 Legislature

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

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

32 |

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

34 |

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:

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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.

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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

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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

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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

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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,

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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~~



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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

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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.

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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

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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.

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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,

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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.~~

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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.

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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.



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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.