

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida School for the Deaf and the
7 Blind; amending s. 11.45, F.S.; requiring the Auditor
8 General to conduct audits of the accounts and records of
9 the Florida School for the Deaf and the Blind; amending s.
10 1001.20, F.S.; including the Florida School for the Deaf
11 and Blind in the entities subject to inspection by the
12 Department of Education's Inspector General; amending s.
13 1002.36, F.S.; providing that the Florida School for the
14 Deaf and the Blind is a component of the delivery of
15 public education within Florida's K-20 education system;
16 requiring certain compliance; revising audit requirements;
17 revising provisions specifying authority of the Board of
18 Trustees for the Florida School for the Deaf and the Blind
19 to perform certain actions; revising the power and
20 authority of the board of trustees; revising duties of the
21 board of trustees; amending s. 1011.55, F.S.; revising the
22 procedure for legislative budget requests of the Florida
23 School for the Deaf and the Blind; amending s. 1013.30,

HB 1059

2004
CS

24 F.S.; expanding provisions relating to university master
 25 plans and campus development agreements to be applicable
 26 to the Florida School for the Deaf and the Blind;
 27 providing requirements for campus planning and concurrency
 28 management for the school; defining the term "institution"
 29 to include universities and the Florida School for the
 30 Deaf and the Blind; reenacting s. 163.3177(6)(h), F.S.,
 31 relating to the intergovernmental element of comprehensive
 32 plans, to incorporate the amendment to s. 1013.30, F.S.,
 33 in a reference thereto; providing an effective date.

34

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

36

37 Section 1. Paragraphs (f) through (k) of subsection (2) of
 38 section 11.45, Florida Statutes, are redesignated as paragraphs
 39 (g) through (l), respectively, and a new paragraph (f) is added
 40 to said subsection to read:

41 11.45 Definitions; duties; authorities; reports; rules.--

42 (2) DUTIES.--The Auditor General shall:

43 (f) Annually conduct audits of the accounts and records of
 44 the Florida School for the Deaf and the Blind.

45

46 The Auditor General shall perform his or her duties
 47 independently but under the general policies established by the
 48 Legislative Auditing Committee. This subsection does not limit
 49 the Auditor General's discretionary authority to conduct other
 50 audits or engagements of governmental entities as authorized in
 51 subsection (3).

HB 1059

2004
CS

52 Section 2. Paragraph (e) of subsection (4) of section
53 1001.20, Florida Statutes, is amended to read:

54 1001.20 Department under direction of state board.--

55 (4) The Department of Education shall establish the
56 following offices within the Office of the Commissioner of
57 Education which shall coordinate their activities with all other
58 divisions and offices:

59 (e) *Office of Inspector General*.--Organized using existing
60 resources and funds and responsible for promoting
61 accountability, efficiency, and effectiveness and detecting
62 fraud and abuse within school districts, the Florida School for
63 the Deaf and the Blind, community colleges, and state
64 universities in Florida. If the Commissioner of Education
65 determines that a district school board, the Board of Trustees
66 for the Florida School for the Deaf the Blind, or a public
67 postsecondary educational institution board is unwilling or
68 unable to address substantiated allegations made by any person
69 relating to waste, fraud, or financial mismanagement, the office
70 shall conduct, coordinate, or request investigations into
71 substantiated allegations made by any person relating to waste,
72 fraud, or financial mismanagement within school districts, the
73 Florida School for the Deaf and the Blind, community colleges,
74 and state universities in Florida. The office shall have access
75 to all information and personnel necessary to perform its duties
76 and shall have all of its current powers, duties, and
77 responsibilities authorized in s. 20.055.

78 Section 3. Subsections (1), (3), and (4) of section
79 1002.36, Florida Statutes, are amended to read:

HB 1059

2004
CS

80 | 1002.36 Florida School for the Deaf and the Blind.--

81 | (1) RESPONSIBILITIES.--The Florida School for the Deaf and
 82 | the Blind, located in St. Johns County, is a state-supported
 83 | residential public school for hearing-impaired and visually
 84 | impaired students in preschool through 12th grade. The school is
 85 | a component of the delivery of public education within Florida's
 86 | K-20 education system ~~part of the state system of public~~
 87 | ~~education~~ and shall be funded through the Department of
 88 | Education. The school shall provide educational programs and
 89 | support services appropriate to meet the education and related
 90 | evaluation and counseling needs of hearing-impaired and visually
 91 | impaired students in the state who meet enrollment criteria.
 92 | Unless otherwise provided by law, the school shall comply with
 93 | all laws and rules generally applicable to state agencies.
 94 | Education services may be provided on an outreach basis for
 95 | sensory-impaired children ages 0 through 5 years and their
 96 | parents. Graduates of the Florida School for the Deaf and the
 97 | Blind shall be eligible for the William L. Boyd, IV, Florida
 98 | Resident Access Grant Program as provided in s. 1009.89.

99 | (3) AUDITS.--The Auditor General shall conduct annual
 100 | audits of ~~audit~~ the accounts and records of the Florida School
 101 | for the Deaf and the Blind ~~as provided in chapter 11.~~ The
 102 | Department of Education's Inspector General is authorized to
 103 | conduct investigations at the school as provided in s.
 104 | 1001.20(4)(e).

105 | (4) BOARD OF TRUSTEES.--
 106 | (a) There is hereby created a Board of Trustees for the
 107 | Florida School for the Deaf and the Blind which shall consist of

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

HB 1059

2004
CS

108 seven members. Of these seven members, one appointee shall be a
 109 blind person and one appointee shall be a deaf person. Each
 110 member shall have been a resident of the state for a period of
 111 at least 10 years. Their terms of office shall be 4 years. The
 112 appointment of the trustees shall be by the Governor with the
 113 confirmation of the Senate. The Governor may remove any member
 114 for cause and shall fill all vacancies that occur.

115 (b) The board of trustees shall elect a chair annually.
 116 The trustees shall be reimbursed for travel expenses as provided
 117 in s. 112.061, the accounts of which shall be paid by the Chief
 118 Financial Officer upon itemized vouchers duly approved by the
 119 chair.

120 (c) The board of trustees has authority to adopt rules
 121 pursuant to ss. 120.536(1) and 120.54 to implement provisions of
 122 law relating to operation of the Florida School for the Deaf and
 123 the Blind. Such rules shall be submitted to the State Board of
 124 Education for approval or disapproval. After a rule is approved
 125 ~~If any rule is not disapproved by the State Board of Education~~
 126 ~~within 60 days of its receipt~~ by the State Board of Education,
 127 the rule shall be filed immediately with the Department of
 128 State. The board of trustees shall act at all times in
 129 conjunction with the rules of the State Board of Education.

130 (d) The board of trustees is a body corporate and shall
 131 have a corporate seal. Unless otherwise provided by law, all
 132 actions of the board of trustees shall be consistent with all
 133 laws and rules applicable to state agencies. Title to any gift,
 134 donation, or bequest received by the board of trustees pursuant
 135 to subparagraph (e)13. ~~subsection (5)~~ shall vest in the board of

136 trustees. Title to all other property and other assets of the
 137 Florida School for the Deaf and the Blind shall vest in the
 138 State Board of Education, but the board of trustees shall have
 139 complete jurisdiction over the management of the school. ~~and~~
 140 (e) The board of trustees is invested with full power and
 141 authority to:

142 1. Appoint a president, faculty, teachers, and other
 143 employees and remove the same as in its judgment may be best and
 144 fix their compensation. ~~;~~ ~~to~~

145 2. Procure professional services, such as medical, mental
 146 health, architectural, and engineering. ~~, and legal services;~~ ~~to~~

147 3. Procure legal services without the prior written
 148 approval of the Attorney General.

149 4. Determine eligibility of students and procedure for
 150 admission. ~~;~~ ~~to~~

151 5. Provide for the students of the school necessary
 152 bedding, clothing, food, and medical attendance and such other
 153 things as may be proper for the health and comfort of the
 154 students without cost to their parents, except that the board of
 155 trustees may set tuition and other fees for nonresidents. ~~;~~ ~~to~~

156 6. Provide for the proper keeping of accounts and records
 157 and for budgeting of funds. ~~;~~ ~~to~~

158 7. Enter into contracts. ~~;~~ ~~to~~

159 8. Sue and be sued. ~~;~~ ~~to~~

160 9. Secure public liability insurance. ~~;~~ ~~and~~ ~~to~~

161 10. Do and perform every other matter or thing requisite
 162 to the proper management, maintenance, support, and control of
 163 the school at the highest efficiency economically possible, the

164 board of trustees taking into consideration the purposes of the
165 establishment.

166 11.(e)1. ~~The board of trustees is authorized to~~ Receive
167 gifts, donations, and bequests of money or property, real or
168 personal, tangible or intangible, from any person, firm,
169 corporation, or other legal entity. However, the board of
170 trustees may not obligate the state to any expenditure or policy
171 that is not specifically authorized by law.

172 2. If the bill of sale, will, trust indenture, deed, or
173 other legal conveyance specifies terms and conditions concerning
174 the use of such money or property, the board of trustees shall
175 observe such terms and conditions.

176 12.3. ~~The board of trustees may~~ Deposit outside the State
177 Treasury such moneys as are received as gifts, donations, or
178 bequests and may disburse and expend such moneys, upon its own
179 warrant, for the use and benefit of the Florida School for the
180 Deaf and the Blind and its students, as the board of trustees
181 deems to be in the best interest of the school and its students.
182 Such money or property shall not constitute or be considered a
183 part of any legislative appropriation, and such money shall not
184 be used to compensate any person for engaging in lobbying
185 activities before the House of Representatives or Senate or any
186 committee thereof.

187 13.4. ~~The board of trustees may~~ Sell or convey by bill of
188 sale, deed, or other legal instrument any property, real or
189 personal, received as a gift, donation, or bequest, upon such
190 terms and conditions as the board of trustees deems to be in the
191 best interest of the school and its students.

192 14.5. ~~The board of trustees may~~ Invest such moneys in
 193 securities enumerated under s. 218.415(16)(a)-(f) ~~s. 215.47~~, and
 194 in The Common Fund, an Investment Management Fund exclusively
 195 for nonprofit educational institutions. Any moneys subject to a
 196 contract or agreement existing on March 1, 2005, may not be
 197 invested contrary to such contract or agreement.

198 (f) The board of trustees shall:

199 1. Prepare and submit legislative budget requests for
 200 operations and fixed capital outlay, ~~including fixed capital~~
 201 ~~outlay requests~~, in accordance with chapter 216 and ss. s.
 202 1011.56 and 1013.60, to the Department of Education for review
 203 and approval. The department must analyze the amount requested
 204 for fixed capital outlay to determine if the request is
 205 consistent with the school's campus master plan, educational
 206 plant survey, and facilities master plan.

207 2. Approve and administer an annual operating budget in
 208 accordance with ss. 1011.56 and 1011.57.

209 3. Require all funds received other than gifts, donations,
 210 and bequests, funds raised by or belonging to student clubs or
 211 student organizations, and funds held for specific students or
 212 in accounts for individual students to be deposited in the State
 213 Treasury and expended as authorized in the General
 214 Appropriations Act.

215 4. Require all purchases to be in accordance with the
 216 provisions of chapter 287.

217 5.2. Administer and maintain personnel programs for all
 218 employees of the board of trustees and the Florida School for
 219 the Deaf and the Blind who shall be state employees, including

HB 1059

2004
CS

220 the personnel classification and pay plan established in
 221 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
 222 academic and academic administrative personnel, the provisions
 223 of chapter 110, and the provisions of law that grant authority
 224 to the Department of Management Services over such programs for
 225 state employees.

226 6. Give preference in appointment and retention in
 227 positions of employment as provided within s. 295.07(1).

228 7. Ensure that the Florida School for the Deaf and the
 229 Blind complies with s. 1013.30 concerning campus master plans
 230 and campus development agreements.

231 8. Ensure that the Florida School for the Deaf and the
 232 Blind complies with s. 112.061 concerning per diem and travel
 233 expenses of public officers, employees, and authorized persons.

234 ~~9.3.~~ Adopt a master plan which specifies the mission and
 235 objectives of the Florida School for the Deaf and the Blind. The
 236 plan shall include, but not be limited to, procedures for
 237 systematically measuring the school's progress toward meeting
 238 its objectives, analyzing changes in the student population, and
 239 modifying school programs and services to respond to such
 240 changes. The plan shall be for a period of 5 years and shall be
 241 reviewed for needed modifications every 2 years. The board of
 242 trustees shall submit the initial plan and subsequent
 243 modifications to the Speaker of the House of Representatives and
 244 the President of the Senate.

245 ~~4. Seek the advice of the Division of Public Schools~~
 246 ~~within the Department of Education.~~

HB 1059

2004
CS

247 ~~10.(g) The Board of Trustees for the Florida School for~~
 248 ~~the Deaf and the Blind, located in St. Johns County, shall~~
 249 Designate a portion of the school as "The Verle Allyn Pope
 250 Complex for the Deaf," in tribute to the late Senator Verle
 251 Allyn Pope.

252 Section 4. Section 1011.55, Florida Statutes, is amended
 253 to read:

254 1011.55 Procedure for legislative budget requests for the
 255 Florida School for the Deaf and the Blind.--

256 (1) The legislative budget request of the Florida School
 257 for the Deaf and the Blind shall be prepared using the same
 258 format, procedures, and timelines required for the submission of
 259 the legislative budget of the Department of Education. The
 260 Florida School for the Deaf and the Blind shall submit its
 261 legislative budget request to the Department of Education for
 262 review and approval. Subsequent to the Department of Education's
 263 approval, the Commissioner of Education shall include the
 264 Florida School for the Deaf and the Blind in the department's
 265 legislative budget request to the State Board of Education, the
 266 Governor, and the Legislature. The legislative budget request
 267 and the appropriation for the Florida School for the Deaf and
 268 the Blind shall be a separate identifiable sum in the public
 269 schools budget entity of the Department of Education. The annual
 270 appropriation for the school shall be distributed monthly in
 271 payments as nearly equal as possible. Appropriations for
 272 textbooks, instructional technology, and school buses may be
 273 released and distributed as necessary to serve the instructional
 274 program for the students.

HB 1059

2004
CS

275 (2) The school shall submit its fixed capital outlay
 276 request to the Department of Education for review and approval
 277 in accordance with s. 1002.36(4)(f)1. Subsequent to the
 278 department's approval, the school's request shall be included
 279 within the department's needs of the school shall continue to be
 280 ~~requested in the public education capital outlay legislative~~
 281 ~~budget request of the Department of Education.~~

282 Section 5. Section 1013.30, Florida Statutes, is amended
 283 to read:

284 1013.30 ~~University~~ Campus master plans and campus
 285 development agreements for universities and the Florida School
 286 for the Deaf and the Blind.--

287 (1) This section contains provisions for campus planning
 288 and concurrency management that supersede the requirements of
 289 part II of chapter 163, except when stated otherwise in this
 290 section. These special growth management provisions are adopted
 291 in recognition of the unique relationship between ~~university~~
 292 campuses of universities and the Florida School for the Deaf and
 293 the Blind and the local governments in which they are located.
 294 While the campuses provide research and educational benefits of
 295 statewide and national importance, and further provide
 296 substantial educational, economic, and cultural benefits to
 297 their host local governments, they may also have an adverse
 298 impact on the public facilities and services and natural
 299 resources of host governments. On balance, however, universities
 300 and the Florida School for the Deaf and the Blind should be
 301 considered as vital public facilities of the state and local
 302 governments. The intent of this section is to address this

HB 1059

2004
CS

303 unique relationship by providing for the preparation of campus
304 master plans and associated campus development agreements.

305 (2) As used in this section:

306 (a) "Affected local government" means a unit of local
307 government that provides public services to or is responsible
308 for maintaining facilities within a campus of an institution or
309 is directly affected by development that is proposed for a
310 campus.

311 (b) "Affected person" means a host local government; an
312 affected local government; any state, regional, or federal
313 agency; or a person who resides, owns property, or owns or
314 operates a business within the boundaries of a host local
315 government or affected local government.

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

320 (d) "Institution" means a university and the Florida
321 School for the Deaf and the Blind.

322 (3) Each institution's ~~university~~ board of trustees shall
323 prepare and adopt a campus master plan for the institution
324 ~~university~~. The master plan must identify general land uses and
325 address the need for and plans for provision of roads, parking,
326 public transportation, solid waste, drainage, sewer, potable
327 water, and recreation and open space during the coming 10 to 20
328 years. The plans must contain elements relating to future land
329 use, intergovernmental coordination, capital improvements,
330 recreation and open space, general infrastructure, housing, and

HB 1059

2004
CS

331 conservation. Each element must address compatibility with the
332 surrounding community. The master plan must identify specific
333 land uses, location of structures, densities and intensities of
334 use, and contain standards for onsite development, site design,
335 environmental management, and the preservation of historic and
336 archaeological resources. The transportation element must
337 address reasonable transportation demand management techniques
338 to minimize offsite impacts where possible. Data and analyses on
339 which the elements are based must include, at a minimum: the
340 characteristics of vacant lands; projected impacts of
341 development on onsite and offsite infrastructure, public
342 services, and natural resources; student enrollment projections;
343 student housing needs; and the need for academic and support
344 facilities. Master plans must be updated at least every 5 years.

345 (4) Campus master plans may contain additional elements at
346 the discretion of the State Board of Education; however, such
347 elements are not subject to review under this section. These
348 additional elements may include the academic mission of the
349 institution, academic program, utilities, public safety,
350 architectural design, landscape architectural design, and
351 facilities maintenance.

352 (5) Subject to the right of the institution's ~~university~~
353 board of trustees to initiate the dispute resolution provisions
354 of subsection (8), a campus master plan must not be in conflict
355 with the comprehensive plan of the host local government and the
356 comprehensive plan of any affected local governments. A campus
357 master plan must be consistent with the state comprehensive
358 plan.

359 (6) Before a campus master plan is adopted, a copy of the
 360 draft master plan must be sent for review to the host and any
 361 affected local governments, the state land planning agency, the
 362 Department of Environmental Protection, the Department of
 363 Transportation, the Department of State, the Fish and Wildlife
 364 Conservation Commission, and the applicable water management
 365 district and regional planning council. These agencies must be
 366 given 90 days after receipt of the campus master plans in which
 367 to conduct their review and provide comments to the
 368 institution's ~~university~~ board of trustees. The commencement of
 369 this review period must be advertised in newspapers of general
 370 circulation within the host local government and any affected
 371 local government to allow for public comment. Following receipt
 372 and consideration of all comments, and the holding of at least
 373 two public hearings within the host jurisdiction, the
 374 institution's ~~university~~ board of trustees shall adopt the
 375 campus master plan. It is the intent of the Legislature that the
 376 institution's ~~university~~ board of trustees comply with the
 377 notice requirements set forth in s. 163.3184(15) to ensure full
 378 public participation in this planning process. Campus master
 379 plans developed under this section are not rules and are not
 380 subject to chapter 120 except as otherwise provided in this
 381 section.

382 (7) Notice that the campus master plan has been adopted
 383 must be forwarded within 45 days after its adoption to any
 384 affected person that submitted comments on the draft campus
 385 master plan. The notice must state how and where a copy of the
 386 master plan may be obtained or inspected. Within 30 days after

HB 1059

2004
CS

387 receipt of the notice of adoption of the campus master plan, or
388 30 days after the date the adopted plan is available for review,
389 whichever is later, an affected person who submitted comments on
390 the draft master plan may petition the institution's ~~university~~
391 board of trustees, challenging the campus master plan as not
392 being in compliance with this section or any rule adopted under
393 this section. The petition must state each objection, identify
394 its source, and provide a recommended action. A petition filed
395 by an affected local government may raise only those issues
396 directly pertaining to the public facilities or services that
397 the affected local government provides to or maintains within
398 the campus or to the direct impact that campus development would
399 have on the affected local government.

400 (8) Following receipt of a petition, the petitioning party
401 or parties and the institution's ~~university~~ board of trustees
402 shall mediate the issues in dispute as follows:

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

407 (b) If resolution of the matter cannot be achieved within
408 60 days, the issues must be submitted to the state land planning
409 agency. The state land planning agency has 60 days to hold
410 informal hearings, if necessary, identify the issues remaining
411 in dispute, prepare a record of the proceedings, and submit the
412 matter to the Administration Commission for final action. The
413 report to the Administration Commission must list each issue in
414 dispute, describe the nature and basis for each dispute,

HB 1059

2004
CS

415 identify alternative resolutions of the dispute, and make
416 recommendations.

417 (c) After receiving the report from the state land
418 planning agency, the Administration Commission shall take action
419 to resolve the issues in dispute. In deciding upon a proper
420 resolution, the Administration Commission shall consider the
421 nature of the issues in dispute, the compliance of the parties
422 with this section, the extent of the conflict between the
423 parties, the comparative hardships, and the public interest
424 involved. If the Administration Commission incorporates in its
425 final order a term or condition that specifically requires the
426 institution's ~~university~~ board of trustees or a local government
427 to amend or modify its plan, the institution's ~~university~~ board
428 of trustees shall have a reasonable period of time to amend or
429 modify its plan, and a local government shall initiate the
430 required plan amendment, which shall be exempt from the
431 requirements of s. 163.3187(1). Any required amendment to a
432 local government comprehensive plan must be limited in scope so
433 as to only relate to specific impacts attributable to the campus
434 development. The final order of the Administration Commission is
435 subject to judicial review as provided in s. 120.68.

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

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

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

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

448 (10) Upon adoption of a campus master plan, the
 449 institution's ~~university~~ board of trustees shall draft a
 450 proposed campus development agreement for each local government
 451 and send it to the local government within 270 days after the
 452 adoption of the relevant campus master plan.

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

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

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

458 (c) Must address public facilities and services including
 459 roads, sanitary sewer, solid waste, drainage, potable water,
 460 parks and recreation, and public transportation.

461 (d) Must, for each of the facilities and services listed
 462 in paragraph (c), identify the level-of-service standard
 463 established by the applicable local government, identify the
 464 entity that will provide the service to the campus, and describe
 465 any financial arrangements between the State Board of Education
 466 and other entities relating to the provision of the facility or
 467 service.

468 (e) Must, for each of the facilities and services listed
 469 in paragraph (c), determine the impact of existing and proposed
 470 campus development reasonably expected over the term of the

HB 1059

2004
CS

471 campus development agreement on each service or facility and any
472 deficiencies in such service or facility which the proposed
473 campus development will create or to which it will contribute.

474 (f) May, if proposed by the institution's ~~university~~ board
475 of trustees, address the issues prescribed in paragraphs (d) and
476 (e) with regard to additional facilities and services,
477 including, but not limited to, electricity, nonpotable water,
478 law enforcement, fire and emergency rescue, gas, and telephone.

479 (g) Must, to the extent it addresses issues addressed in
480 the campus master plan and host local government comprehensive
481 plan, be consistent with the adopted campus master plan and host
482 local government comprehensive plan.

483 (12)(a) Each proposed campus development agreement must
484 clearly identify the lands to which the institution's ~~university~~
485 board of trustees intends the campus development agreement to
486 apply.

487 (b) Such land may include:

488 1. Land to be purchased by the institution's ~~university~~
489 board of trustees and if purchased with state appropriated funds
490 titled in the name of the board of trustees of the Internal
491 Improvement Trust Fund for use by an institution over the life
492 of the campus development agreement.

493 2. Land not owned by the board of trustees of the Internal
494 Improvement Trust Fund if the institution's ~~university~~ board of
495 trustees intends to undertake development activities on the land
496 during the term of the campus development agreement.

497 (c) Land owned by the Board of Trustees of the Internal
498 Improvement Trust Fund for lease to the State Board of Education

499 acting on behalf of the institution may be excluded, but any
500 development activity undertaken on excluded land is subject to
501 part II of chapter 163.

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

505 (a) All improvements to facilities or services which are
506 necessary to eliminate the deficiencies identified in paragraph
507 (11)(e) must be specifically listed in the campus development
508 agreement.

509 (b) The institution's ~~university~~ board of trustees' fair
510 share of the cost of the measures identified in paragraph (a)
511 must be stated in the campus development agreement. In
512 determining the fair share, the effect of any demand management
513 techniques, which may include such techniques as flexible work
514 hours and carpooling, that are used by the State Board of
515 Education to minimize the offsite impacts shall be considered.

516 (c) The institution's ~~university~~ board of trustees is
517 responsible for paying the fair share identified in paragraph
518 (b), and it may do so by:

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

521 2. Taking on full responsibility for the improvements,
522 selected from the list of improvements identified in paragraph
523 (a), and agreed to between the host local government and the
524 State Board of Education, the total cost of which equals the
525 contribution identified in paragraph (b).

526 (d) All concurrency management responsibilities of the
 527 institution's ~~university~~ board of trustees are fulfilled if the
 528 institution's ~~university~~ board of trustees expends the total
 529 amount of funds identified in paragraph (b) notwithstanding that
 530 the institution's ~~university~~ board of trustees may not have
 531 undertaken or made contributions to some of the measures
 532 identified in paragraph (a).

533 (e) Capital projects included in the campus development
 534 agreement may be used by the local government for the
 535 concurrency management purposes.

536 (f) Funds provided by institutions ~~universities~~ in
 537 accordance with campus development agreements are subject to
 538 appropriation by the Legislature. A development authorized by a
 539 campus development agreement may not be built until the funds to
 540 be provided pursuant to paragraph (b) are appropriated by the
 541 Legislature.

542 (14) A campus development agreement may not address or
 543 include any standards or requirements for onsite development,
 544 including environmental management requirements or requirements
 545 for site preparation.

546 (15) Once the institution's ~~university~~ board of trustees
 547 and host local government agree on the provisions of the campus
 548 development agreement, the campus development agreement shall be
 549 executed by the institution's ~~university~~ board of trustees and
 550 the host local government in a manner consistent with the
 551 requirements of s. 163.3225. Once the campus development
 552 agreement is executed, it is binding upon the institution's
 553 ~~university~~ board of trustees and host local government. A copy

HB 1059

2004
CS

554 of the executed campus development agreement must be sent to the
555 state land planning agency within 14 days after the date of
556 execution.

557 (16) If, within 180 days following the host local
558 government's receipt of the proposed campus development
559 agreement, the institution's ~~university~~ board of trustees and
560 host local government cannot reach agreement on the provisions
561 of the campus development agreement, the following procedures
562 for resolving the matter must be followed:

563 (a) The matter must be submitted to the state land
564 planning agency, which has 60 days to hold informal hearings, if
565 necessary, and identify the issues remaining in dispute, prepare
566 a record of the proceedings, and submit the matter to the
567 Administration Commission for final action. The report to the
568 Administration Commission must list each issue in dispute,
569 describe the nature and basis for each dispute, identify
570 alternative resolutions of each dispute, and make
571 recommendations.

572 (b) After receiving the report from the state land
573 planning agency, the Administration Commission shall take action
574 to resolve the issues in dispute. In deciding upon a proper
575 resolution, the Administration Commission shall consider the
576 nature of the issues in dispute, the compliance of the parties
577 with this section, the extent of the conflict between the
578 parties, the comparative hardships, and the public interest
579 involved. In resolving the matter, the Administration Commission
580 may prescribe, by order, the contents of the campus development
581 agreement.

HB 1059

2004
CS

582 (17) Disputes that arise in the implementation of an
583 executed campus development agreement must be resolved as
584 follows:

585 (a) Each party shall select one mediator and notify the
586 other in writing of the selection. Thereafter, within 15 days
587 after their selection, the two mediators selected by the parties
588 shall select a neutral, third mediator to complete the mediation
589 panel.

590 (b) Each party is responsible for all costs and fees
591 payable to the mediator selected by it and shall equally bear
592 responsibility for the costs and fees payable to the third
593 mediator for services rendered and costs expended in connection
594 with resolving disputes pursuant to the campus development
595 agreement.

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

599 (d) Within 60 days after the convening of the panel, the
600 panel shall issue a report containing a recommended resolution
601 of the issues in dispute.

602 (e) If either the institution's ~~university~~ board of
603 trustees or the local government rejects the recommended
604 resolution of the issues in dispute, the disputed issues must be
605 resolved pursuant to the procedures provided by subsection (16).

606 (18) Once the campus development agreement is executed,
607 all campus development may proceed without further review by the
608 host local government if it is consistent with the adopted
609 campus master plan and associated campus development agreement.

HB 1059

2004
CS

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

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

614 (b) If either party delays by more than 12 months the
615 construction of a capital improvement identified in the
616 agreement.

617 (20) Any party to a campus development agreement or
618 aggrieved or adversely affected person, as defined in s.
619 163.3215(2), may file an action for injunctive relief in the
620 circuit court where the host local government is located to
621 enforce the terms of a campus development agreement or to
622 challenge compliance of the agreement with this section. This
623 action shall be the sole and exclusive remedy of an adversely
624 affected person other than a party to the agreement to enforce
625 any rights or obligations arising from a development agreement.

626 (21) State and regional environmental program requirements
627 remain applicable, except that this section supersedes all other
628 sections of part II of chapter 163 and s. 380.06 except as
629 provided in this section.

630 (22) In consultation with the state land planning agency,
631 the State Board of Education shall adopt rules implementing
632 subsections (3)-(6). The rules must set specific schedules and
633 procedures for the development and adoption of campus master
634 plans.

635 (23) Until the campus master plan and campus development
636 agreement for an institution have been finalized, any dispute
637 between the institution's ~~university~~ board of trustees and a

HB 1059

2004
CS

638 | local government relating to campus development for that
639 | institution shall be resolved by the process established in
640 | subsection (8).

641 | Section 6. For the purpose of incorporating the amendment
642 | to section 1013.30, Florida Statutes, in a reference thereto,
643 | paragraph (h) of subsection (6) of section 163.3177, Florida
644 | Statutes, is reenacted to read:

645 | 163.3177 Required and optional elements of comprehensive
646 | plan; studies and surveys.--

647 | (6) In addition to the requirements of subsections (1)-
648 | (5), the comprehensive plan shall include the following
649 | elements:

650 | (h)1. An intergovernmental coordination element showing
651 | relationships and stating principles and guidelines to be used
652 | in the accomplishment of coordination of the adopted
653 | comprehensive plan with the plans of school boards and other
654 | units of local government providing services but not having
655 | regulatory authority over the use of land, with the
656 | comprehensive plans of adjacent municipalities, the county,
657 | adjacent counties, or the region, with the state comprehensive
658 | plan and with the applicable regional water supply plan approved
659 | pursuant to s. 373.0361, as the case may require and as such
660 | adopted plans or plans in preparation may exist. This element of
661 | the local comprehensive plan shall demonstrate consideration of
662 | the particular effects of the local plan, when adopted, upon the
663 | development of adjacent municipalities, the county, adjacent
664 | counties, or the region, or upon the state comprehensive plan,
665 | as the case may require.

666 a. The intergovernmental coordination element shall
667 provide for procedures to identify and implement joint planning
668 areas, especially for the purpose of annexation, municipal
669 incorporation, and joint infrastructure service areas.

670 b. The intergovernmental coordination element shall
671 provide for recognition of campus master plans prepared pursuant
672 to s. 1013.30.

673 c. The intergovernmental coordination element may provide
674 for a voluntary dispute resolution process as established
675 pursuant to s. 186.509 for bringing to closure in a timely
676 manner intergovernmental disputes. A local government may
677 develop and use an alternative local dispute resolution process
678 for this purpose.

679 2. The intergovernmental coordination element shall
680 further state principles and guidelines to be used in the
681 accomplishment of coordination of the adopted comprehensive plan
682 with the plans of school boards and other units of local
683 government providing facilities and services but not having
684 regulatory authority over the use of land. In addition, the
685 intergovernmental coordination element shall describe joint
686 processes for collaborative planning and decisionmaking on
687 population projections and public school siting, the location
688 and extension of public facilities subject to concurrency, and
689 siting facilities with countywide significance, including
690 locally unwanted land uses whose nature and identity are
691 established in an agreement. Within 1 year of adopting their
692 intergovernmental coordination elements, each county, all the
693 municipalities within that county, the district school board,

HB 1059

2004
CS

694 and any unit of local government service providers in that
 695 county shall establish by interlocal or other formal agreement
 696 executed by all affected entities, the joint processes described
 697 in this subparagraph consistent with their adopted
 698 intergovernmental coordination elements.

699 3. To foster coordination between special districts and
 700 local general-purpose governments as local general-purpose
 701 governments implement local comprehensive plans, each
 702 independent special district must submit a public facilities
 703 report to the appropriate local government as required by s.
 704 189.415.

705 4.a. Local governments adopting a public educational
 706 facilities element pursuant to s. 163.31776 must execute an
 707 interlocal agreement with the district school board, the county,
 708 and nonexempt municipalities, as defined by s. 163.31776(1),
 709 which includes the items listed in s. 163.31777(2). The local
 710 government shall amend the intergovernmental coordination
 711 element to provide that coordination between the local
 712 government and school board is pursuant to the agreement and
 713 shall state the obligations of the local government under the
 714 agreement.

715 b. Plan amendments that comply with this subparagraph are
 716 exempt from the provisions of s. 163.3187(1).

717 5. The state land planning agency shall establish a
 718 schedule for phased completion and transmittal of plan
 719 amendments to implement subparagraphs 1., 2., and 3. from all
 720 jurisdictions so as to accomplish their adoption by December 31,
 721 1999. A local government may complete and transmit its plan

HB 1059

2004
CS

722 amendments to carry out these provisions prior to the scheduled
723 date established by the state land planning agency. The plan
724 amendments are exempt from the provisions of s. 163.3187(1).

725 6. By January 1, 2004, any county having a population
726 greater than 100,000, and the municipalities and special
727 districts within that county, shall submit a report to the
728 Department of Community Affairs which:

729 a. Identifies all existing or proposed interlocal service-
730 delivery agreements regarding the following: education; sanitary
731 sewer; public safety; solid waste; drainage; potable water;
732 parks and recreation; and transportation facilities.

733 b. Identifies any deficits or duplication in the provision
734 of services within its jurisdiction, whether capital or
735 operational. Upon request, the Department of Community Affairs
736 shall provide technical assistance to the local governments in
737 identifying deficits or duplication.

738 7. Within 6 months after submission of the report, the
739 Department of Community Affairs shall, through the appropriate
740 regional planning council, coordinate a meeting of all local
741 governments within the regional planning area to discuss the
742 reports and potential strategies to remedy any identified
743 deficiencies or duplications.

744 8. Each local government shall update its
745 intergovernmental coordination element based upon the findings
746 in the report submitted pursuant to subparagraph 6. The report
747 may be used as supporting data and analysis for the
748 intergovernmental coordination element.

HB 1059

2004
CS

749 9. By February 1, 2003, representatives of municipalities,
750 counties, and special districts shall provide to the Legislature
751 recommended statutory changes for annexation, including any
752 changes that address the delivery of local government services
753 in areas planned for annexation.

754 Section 7. This act shall take effect upon becoming a law.