

1 A bill to be entitled  
2 An act relating to education capital outlay; amending  
3 s. 1001.706, F.S.; deleting the requirement that the  
4 Board of Governors prepare a campus development  
5 agreement; amending s. 1009.24, F.S.; increasing the  
6 cap on the university Capital Improvement Trust Fund  
7 fee; revising the amount of the technology fee and  
8 allowing the fee to be used for technology-related  
9 facilities; amending s. 1010.62, F.S.; adding public-  
10 private partnership agreements to the definition of  
11 university debt; allowing the technology fee and sales  
12 and services of education departments to be used to  
13 secure revenue bonds; increasing the cap on the amount  
14 of athletic fees that may be used to secure revenue  
15 bonds; allowing revenues from royalties and licensing  
16 and auxiliary enterprise revenues to be used to secure  
17 debt for academic, educational, and research  
18 facilities that are part of a multipurpose project;  
19 allowing academic and educational facilities to be  
20 bonded without legislative approval of the specific  
21 project; amending s. 1013.30, F.S.; deleting  
22 university campus development agreements and  
23 requirements thereof; requiring a university campus  
24 master plan to identify the level-of-service standard  
25 established by the local government and the entity  
26 that will provide the service to the campus; deleting  
27 a requirement relating to verification of campus  
28 master plan regulations; amending s. 1013.33, F.S.;

29 conforming provisions; amending s. 1013.64, F.S.;  
 30 increasing the cap on certain appropriated funds a  
 31 university board of trustees may utilize for minor  
 32 projects; amending s. 1013.74, F.S.; increasing the  
 33 cap on funds a university may use from nonstate  
 34 revenue sources to construct new facilities or remodel  
 35 existing facilities; providing an effective date.  
 36

37 Be It Enacted by the Legislature of the State of Florida:  
 38

39 Section 1. Paragraphs (g) and (h) of subsection (7) of  
 40 section 1001.706, Florida Statutes, are amended to read:

41 1001.706 Powers and duties of the Board of Governors.—

42 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

43 ~~(g) The Board of Governors, or the board's designee, shall~~  
 44 ~~prepare, adopt, and execute a campus development agreement~~  
 45 ~~pursuant to s. 1013.30.~~

46 (g) ~~(h)~~ Notwithstanding the provisions of s. 216.351, the  
 47 Board of Governors, or the board's designee, may authorize the  
 48 rent or lease of parking facilities provided that such  
 49 facilities are funded through parking fees or parking fines  
 50 imposed by a university. The Board of Governors, or the board's  
 51 designee, may authorize a university board of trustees to charge  
 52 fees for parking at such rented or leased parking facilities.

53 Section 2. Paragraph (c) of subsection (8) and subsection  
 54 (13) of section 1009.24, Florida Statutes, are amended to read:

55 1009.24 State university student fees.—

56 (8)

57 (c) The fee may not exceed 20 ~~10~~ percent of the sum of  
 58 tuition and the tuition differential for resident students or 20  
 59 ~~10~~ percent of the sum of tuition, the tuition differential, and  
 60 out-of-state fees for nonresident students. The fee for resident  
 61 students shall be limited to an increase of \$3 ~~\$2~~ per credit  
 62 hour over the prior year. The Capital Improvement Trust Fund fee  
 63 may be used to fund any project or real property acquisition  
 64 that meets the requirements of chapter 1013. The Division of  
 65 Bond Finance of the State Board of Administration shall analyze  
 66 any proposed reductions to the Capital Improvement Trust Fund  
 67 fee to ensure consistency with prudent financial management of  
 68 the bond program associated with the revenues from the fee. The  
 69 Board of Governors shall approve any proposed fee reductions  
 70 provided that no such reduction reduces the fee below the level  
 71 established in paragraph (a).

72 (13) Each university board of trustees may establish a  
 73 technology fee of up to 5 percent of the sum of tuition and the  
 74 tuition differential per credit hour. The revenue from this fee  
 75 shall be used to enhance instructional technology resources and  
 76 related facilities for students and faculty. The technology fee  
 77 may not be included in any award under the Florida Bright  
 78 Futures Scholarship Program established pursuant to ss. 1009.53-  
 79 1009.538.

80 Section 3. Paragraph (c) of subsection (1), paragraph (a)  
 81 of subsection (2), paragraph (a) of subsection (3), and  
 82 paragraph (a) of subsection (7) of section 1010.62, Florida  
 83 Statutes, are amended to read:

84 1010.62 Revenue bonds and debt.-

85 (1) As used in this section, the term:

86 (c) "Debt" means bonds, except revenue bonds as defined in  
 87 paragraph (e), loans, promissory notes, lease-purchase  
 88 agreements, certificates of participation, installment sales,  
 89 leases, public-private partnership agreements, or any other  
 90 financing mechanism or financial arrangement, whether or not a  
 91 debt for legal purposes, for financing or refinancing for or on  
 92 behalf of a state university or a direct-support organization or  
 93 for the acquisition, construction, improvement, or purchase of  
 94 capital outlay projects.

95 (2) (a) The Board of Governors may request the issuance of  
 96 revenue bonds pursuant to the State Bond Act and s. 11(d), Art.  
 97 VII of the State Constitution to finance or refinance capital  
 98 outlay projects permitted by law. Revenue bonds may be secured  
 99 by or payable only from those revenues authorized for such  
 100 purpose, including the Capital Improvement Trust Fund fee, ~~the~~  
 101 ~~building fee~~, the health fee, the transportation access fee,  
 102 hospital revenues, or those revenues derived from or received in  
 103 relation to sales and services of auxiliary enterprises or  
 104 component units of the university, including, but not limited  
 105 to, housing, transportation, health care, research or research-  
 106 related activities, food service, retail sales, athletic  
 107 activities, or other similar services, other revenues  
 108 attributable to the projects to be financed or refinanced, any  
 109 other revenue approved by the Legislature for facilities  
 110 construction or for securing revenue bonds issued pursuant to s.  
 111 11(d), Art. VII of the State Constitution, or any other revenues  
 112 permitted by law. Revenues from the activity and service fee ~~and~~

113 | ~~the athletic fee~~ may be used to pay and secure revenue bonds  
 114 | except that the maximum annual debt service shall not exceed an  
 115 | amount equal to 5 percent of the fees collected during the most  
 116 | recent 12 consecutive months for which collection information is  
 117 | available before ~~prior to~~ the sale of the bonds. Revenues from  
 118 | the athletic fee, sales and services of educational departments,  
 119 | and the technology fee may be used to pay and secure revenue  
 120 | bonds except that the maximum annual debt service shall not  
 121 | exceed an amount equal to 75 percent of the pledged fees or  
 122 | revenue collected during the most recent 12 consecutive months  
 123 | for which collection information is available before the sale of  
 124 | the bonds. The assets of a university foundation and the  
 125 | earnings thereon may also be used to pay and secure revenue  
 126 | bonds of the university or its direct-support organizations.  
 127 | Revenues from royalties and licensing fees may also be used to  
 128 | pay and secure revenue bonds so long as either the facilities  
 129 | being financed are functionally related to the university  
 130 | operation or direct-support organization reporting such  
 131 | royalties and licensing fees or such revenues are used to secure  
 132 | revenue bonds issued to finance academic, educational, or  
 133 | research facilities that are part of a multipurpose capital  
 134 | outlay project. Revenue bonds may not be secured by or be  
 135 | payable from, directly or indirectly, tuition, the financial aid  
 136 | fee, ~~sales and services of educational departments,~~ revenues  
 137 | from grants and contracts, except for money received for  
 138 | overhead and indirect costs and other moneys not required for  
 139 | the payment of direct costs, or any other operating revenues of  
 140 | a state university. Revenues from one auxiliary enterprise may

141 | ~~not~~ be used to secure revenue bonds of another only if unless  
 142 | the Board of Governors, after review and analysis, determines  
 143 | that either the facilities being financed are functionally  
 144 | related to the auxiliary enterprise revenues being used to  
 145 | secure such revenue bonds or such revenues are used to secure  
 146 | revenue bonds issued to finance academic, educational, or  
 147 | research facilities that are part of a multipurpose capital  
 148 | outlay project.

149 |         (3) (a) A state university or direct-support organization  
 150 | may not issue debt without the approval of the Board of  
 151 | Governors. The Board of Governors may approve the issuance of  
 152 | debt by a state university or a direct-support organization only  
 153 | when such debt is used to finance or refinance capital outlay  
 154 | projects. The debt may be secured by or payable only from those  
 155 | revenues authorized for such purpose, including the health fee,  
 156 | the transportation access fee, hospital revenues, or those  
 157 | revenues derived from or received in relation to sales and  
 158 | services of auxiliary enterprises or component units of the  
 159 | university, including, but not limited to, housing,  
 160 | transportation, health care, research or research-related  
 161 | activities, food service, retail sales, athletic activities, or  
 162 | other similar services. Revenues derived from the activity and  
 163 | service fee ~~and the athletic fee~~ may be used to pay and secure  
 164 | debt except that the maximum annual debt service shall not  
 165 | exceed an amount equal to 5 percent of the fees collected during  
 166 | the most recent 12 consecutive months for which collection  
 167 | information is available before ~~prior to~~ incurring the debt.  
 168 | Revenues from the athletic fee, the sales and services of

169 educational departments, and the technology fee may be used to  
 170 pay and secure debt except that the maximum annual debt service  
 171 shall not exceed an amount equal to 75 percent of the pledged  
 172 fees or revenues collected during the most recent 12 consecutive  
 173 months for which collection information is available before  
 174 incurring the debt. The assets of university foundations and the  
 175 earnings thereon may be used to pay and secure debt of the  
 176 university or its direct-support organizations. Gifts and  
 177 donations or pledges of gifts may also be used to secure debt so  
 178 long as the maturity of the debt, including extensions,  
 179 renewals, and refundings, does not exceed 5 years. Revenues from  
 180 royalties and licensing fees may also be used to secure debt so  
 181 long as either the facilities being financed are functionally  
 182 related to the university operation or direct-support  
 183 organization reporting such royalties and licensing fees or such  
 184 revenues are used to secure debt issued to finance academic,  
 185 educational, or research facilities that are part of a  
 186 multipurpose capital outlay project. The debt may not be secured  
 187 by or be payable from, directly or indirectly, tuition, the  
 188 financial aid fee, ~~sales and services of educational~~  
 189 ~~departments,~~ revenues from grants and contracts, except for  
 190 money received for overhead and indirect costs and other moneys  
 191 not required for the payment of direct costs of grants, or any  
 192 other operating revenues of a state university. The debt of  
 193 direct-support organizations may not be secured by or be payable  
 194 under an agreement or contract with a state university unless  
 195 the source of payments under such agreement or contract is  
 196 limited to revenues that universities are authorized to use for

197 payment of debt service. Revenues from one auxiliary enterprise  
 198 may ~~not~~ be used to secure debt of another only if unless the  
 199 Board of Governors, after review and analysis, determines that  
 200 either the facilities being financed are functionally related to  
 201 the auxiliary enterprise revenues being used to secure such debt  
 202 or such revenues are used to secure debt issued to finance  
 203 academic, educational, or research facilities that are part of a  
 204 multipurpose capital outlay project. Debt may not be approved to  
 205 finance or refinance operating expenses of a state university or  
 206 a direct-support organization. The maturity of debt used to  
 207 finance or refinance the acquisition of equipment or software,  
 208 including any extensions, renewals, or refundings thereof, shall  
 209 be limited to 5 years or the estimated useful life of the  
 210 equipment or software, whichever is shorter. The Board of  
 211 Governors may establish conditions and limitations on such debt  
 212 as it determines to be advisable.

213 (7) (a) As required pursuant to s. 11(d), Art. VII of the  
 214 State Constitution and subsection (6), the Legislature approves  
 215 capital outlay projects meeting the following requirements:

216 1. The project is located on a campus of a state  
 217 university or on land leased to the university or is used for  
 218 activities relating to the state university;

219 2. The project is included in the master plan of the state  
 220 university or is for facilities that are not required to be in a  
 221 university's master plan;

222 3. The project is approved by the Board of Governors as  
 223 being consistent with the strategic plan of the state university  
 224 and the programs offered by the state university; and



225 4. The project is for purposes relating to the housing,  
 226 transportation, health care, research or research-related  
 227 activities, food service, retail sales, ~~or~~ student activities,  
 228 or academic or educational activities that are part of a  
 229 multipurpose capital outlay project of the state university.

230 Section 4. Section 1013.30, Florida Statutes, is amended  
 231 to read:

232 1013.30 University campus master plans ~~and campus~~  
 233 ~~development agreements.~~-

234 (1) This section contains provisions for campus planning  
 235 and concurrency management that supersede the requirements of  
 236 part II of chapter 163, except when stated otherwise in this  
 237 section. These special growth management provisions are adopted  
 238 in recognition of the unique relationship between university  
 239 campuses and the local governments in which they are located.  
 240 While the campuses provide research and educational benefits of  
 241 statewide and national importance, and further provide  
 242 substantial educational, economic, and cultural benefits to  
 243 their host local governments, they may also have an adverse  
 244 impact on the public facilities and services and natural  
 245 resources of host governments. On balance, however, universities  
 246 should be considered as vital public facilities of the state and  
 247 local governments. The intent of this section is to address this  
 248 unique relationship by providing for the preparation of campus  
 249 master plans ~~and associated campus development agreements.~~

250 (2) As used in this section:

251 (a) "Affected local government" means a unit of local  
 252 government that provides public services to or is responsible

253 | for maintaining facilities within a campus of an institution or  
 254 | is directly affected by development that is proposed for a  
 255 | campus.

256 |       (b) "Affected person" means a host local government; an  
 257 | affected local government; any state, regional, or federal  
 258 | agency; or a person who resides, owns property, or owns or  
 259 | operates a business within the boundaries of a host local  
 260 | government or affected local government. In order to qualify  
 261 | under this definition, each person, other than a host or  
 262 | affected local government, must have submitted oral or written  
 263 | comments, recommendations, or objections to the university  
 264 | during the period of time beginning with the advertisement of  
 265 | the first public hearing under subsection (6) and ending with  
 266 | the adoption of the campus master plan or plan amendment. If the  
 267 | plan or plan amendment is amended at the adoption hearing, the  
 268 | time period shall be extended by 7 calendar days. However, any  
 269 | comments, recommendations, or objections filed during the  
 270 | extension must be limited to those amendments adopted at the  
 271 | adoption hearing.

272 |       (c) "Host local government" means a local government  
 273 | within the jurisdiction of which all or part of a campus of an  
 274 | institution is located, but does not include a county if no part  
 275 | of an institution is located within its unincorporated area.

276 |       (d) "Institution" means a university.

277 |       (e) "Division" means the Division of Administrative  
 278 | Hearings.

279 |       (3) Each university board of trustees shall prepare and  
 280 | adopt a campus master plan for the university and maintain a

281 | copy of the plan on the university's website. The master plan  
 282 | must identify general land uses and address the need for and  
 283 | plans for provision of roads, parking, public transportation,  
 284 | solid waste, drainage, sewer, potable water, and recreation and  
 285 | open space during the coming 10 to 20 years. The plans must  
 286 | contain elements relating to future land use, intergovernmental  
 287 | coordination, capital improvements, recreation and open space,  
 288 | general infrastructure, housing, and conservation. Each element  
 289 | must address compatibility with the surrounding community. The  
 290 | master plan must identify specific land uses, general location  
 291 | of structures, densities and intensities of use, and contain  
 292 | standards for onsite development, site design, environmental  
 293 | management, and the preservation of historic and archaeological  
 294 | resources. The transportation element must address reasonable  
 295 | transportation demand management techniques to minimize offsite  
 296 | impacts where possible. Data and analyses on which the elements  
 297 | are based must include, at a minimum: the characteristics of  
 298 | vacant lands; projected impacts of development on onsite and  
 299 | offsite infrastructure, public services, and natural resources;  
 300 | student enrollment projections; student housing needs; and the  
 301 | need for academic and support facilities. For each of the  
 302 | facilities and services listed in the campus master plan, the  
 303 | level-of-service standard established by the applicable local  
 304 | government and the entity that will provide the service to the  
 305 | campus shall be identified. Master plans must be updated at  
 306 | least every 5 years.

307 | (4) Campus master plans may contain additional elements at  
 308 | the discretion of the Board of Governors; however, such elements

309 are not subject to review under this section. These additional  
 310 elements may include the academic mission of the institution,  
 311 academic program, utilities, public safety, architectural  
 312 design, landscape architectural design, and facilities  
 313 maintenance.

314 (5) Subject to the right of the university board of  
 315 trustees to initiate the dispute resolution provisions of  
 316 subsection (8), a campus master plan must not be in conflict  
 317 with the comprehensive plan of the host local government and the  
 318 comprehensive plan of any affected local governments. A campus  
 319 master plan must be consistent with the state comprehensive  
 320 plan.

321 (6) Before a campus master plan is adopted, a copy of the  
 322 draft master plan must be sent for review or made available  
 323 electronically to the host and any affected local governments,  
 324 the state land planning agency, the Board of Governors, the  
 325 Department of Environmental Protection, the Department of  
 326 Transportation, the Department of State, the Fish and Wildlife  
 327 Conservation Commission, and the applicable water management  
 328 district and regional planning council. At the request of a  
 329 governmental entity, a hard copy of the draft master plan shall  
 330 be submitted within 7 business days of an electronic copy being  
 331 made available. These agencies must be given 90 days after  
 332 receipt of the campus master plans in which to conduct their  
 333 review and provide comments to the university board of trustees.  
 334 The commencement of this review period must be advertised in  
 335 newspapers of general circulation within the host local  
 336 government and any affected local government to allow for public

337 comment. Following receipt and consideration of all comments and  
 338 the holding of an informal information session and at least two  
 339 public hearings within the host jurisdiction, the university  
 340 board of trustees shall adopt the campus master plan. It is the  
 341 intent of the Legislature that the university board of trustees  
 342 comply with the notice requirements set forth in s. 163.3184(11)  
 343 to ensure full public participation in this planning process.  
 344 The informal public information session must be held before the  
 345 first public hearing. The first public hearing shall be held  
 346 before the draft master plan is sent to the agencies specified  
 347 in this subsection. The second public hearing shall be held in  
 348 conjunction with the adoption of the draft master plan by the  
 349 university board of trustees. Campus master plans developed  
 350 under this section are not rules and are not subject to chapter  
 351 120 except as otherwise provided in this section.

352 (7) Notice that the campus master plan has been adopted  
 353 must be forwarded within 45 days after its adoption to any  
 354 affected person that submitted comments on the draft campus  
 355 master plan. The notice must state how and where a copy of the  
 356 master plan may be obtained or inspected. Within 30 days after  
 357 receipt of the notice of adoption of the campus master plan, or  
 358 30 days after the date the adopted plan is available for review,  
 359 whichever is later, an affected person who submitted comments on  
 360 the draft master plan may petition the university board of  
 361 trustees, challenging the campus master plan as not being in  
 362 compliance with this section or any rule adopted under this  
 363 section. The petition must state each objection, identify its  
 364 source, and provide a recommended action. A petition filed by an

365 affected local government may raise only those issues directly  
 366 pertaining to the public facilities or services that the  
 367 affected local government provides to or maintains within the  
 368 campus or to the direct impact that campus development would  
 369 have on the affected local government. A petition filed by an  
 370 affected person must include those items required by the uniform  
 371 rules adopted under s. 120.54(5). Any affected person who files  
 372 a petition under this subsection may challenge only those  
 373 provisions in the plan that were raised by that person's oral or  
 374 written comments, recommendations, or objections presented to  
 375 the university board of trustees, as required by paragraph  
 376 (2)(b). ~~The university may, during the pendency of a challenge,~~  
 377 ~~negotiate a campus development agreement as provided in~~  
 378 ~~subsection (11).~~

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

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

388 (b) If the matter is not resolved within 30 days, the  
 389 administrative law judge shall proceed with a hearing under ss.  
 390 120.569 and 120.57. The hearing shall be held in the county  
 391 where the campus of the university subject to the amendment is  
 392 located. Within 60 days after receiving the petition, the

393 administrative law judge must, consistent with the applicable  
 394 requirements and procedures of the Administrative Procedure Act,  
 395 hold a hearing, identify the issues remaining in dispute,  
 396 prepare a record of the proceedings, and submit a recommended  
 397 order to the state land planning agency for final action.  
 398 Parties to the proceeding may submit written exceptions to the  
 399 recommended order within 10 days after the recommended order is  
 400 issued. The state land planning agency must issue its final  
 401 order no later than 60 days after receiving the recommended  
 402 order.

403 (c) The final order of the state land planning agency is  
 404 subject to judicial review as provided in s. 120.68.

405 (d) The signature of an attorney or party constitutes a  
 406 certificate that he or she has read the pleading, motion, or  
 407 other paper and that, to the best of his or her knowledge,  
 408 information, and belief formed after reasonable inquiry, it is  
 409 not interposed for any improper purpose, such as to harass or to  
 410 cause unnecessary delay, or for economic advantage, competitive  
 411 reasons, frivolous purposes, or needless increase in the cost of  
 412 litigation. If a pleading, motion, or other paper is signed in  
 413 violation of these requirements, the division, upon motion or  
 414 its own initiative, shall impose upon either the person who  
 415 signed it or a represented party, or both, an appropriate  
 416 sanction, which may include an order to pay to the other party  
 417 or parties the amount of reasonable expenses incurred because of  
 418 the filing of the pleading, motion, or other paper, including  
 419 reasonable attorney's fees.

420 (9) An amendment to a campus master plan must be reviewed

421 and adopted under subsections (6)-(8) if such amendment, alone  
 422 or in conjunction with other amendments, would:

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

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

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

432 (10) Upon adoption of a campus master plan, all campus  
 433 development may proceed without further review by the host local  
 434 government if it is consistent with the adopted ~~the university~~  
 435 ~~board of trustees shall draft a proposed campus development~~  
 436 ~~agreement for each local government and send it to the local~~  
 437 ~~government within 270 days after the adoption of the relevant~~  
 438 ~~campus master plan.~~

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

440 ~~(a) Must identify the geographic area of the campus and~~  
 441 ~~local government covered by the campus development agreement.~~

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

444 ~~(c) Must address public facilities and services including~~  
 445 ~~roads, sanitary sewer, solid waste, drainage, potable water,~~  
 446 ~~parks and recreation, and public transportation.~~

447 ~~(d) Must, for each of the facilities and services listed~~  
 448 ~~in paragraph (c), identify the level of service standard~~



449 ~~established by the applicable local government, identify the~~  
450 ~~entity that will provide the service to the campus, and describe~~  
451 ~~any financial arrangements between the Board of Governors and~~  
452 ~~other entities relating to the provision of the facility or~~  
453 ~~service.~~

454 ~~(e) Must, for each of the facilities and services listed~~  
455 ~~in paragraph (c), determine the impact of existing and proposed~~  
456 ~~campus development reasonably expected over the term of the~~  
457 ~~campus development agreement on each service or facility and any~~  
458 ~~deficiencies in such service or facility which the proposed~~  
459 ~~campus development will create or to which it will contribute.~~

460 ~~(f) May, if proposed by the university board of trustees,~~  
461 ~~address the issues prescribed in paragraphs (d) and (e) with~~  
462 ~~regard to additional facilities and services, including, but not~~  
463 ~~limited to, electricity, nonpotable water, law enforcement, fire~~  
464 ~~and emergency rescue, gas, and telephone.~~

465 ~~(g) Must, to the extent it addresses issues addressed in~~  
466 ~~the campus master plan and host local government comprehensive~~  
467 ~~plan, be consistent with the adopted campus master plan and host~~  
468 ~~local government comprehensive plan.~~

469 ~~(12) (a) Each proposed campus development agreement must~~  
470 ~~clearly identify the lands to which the university board of~~  
471 ~~trustees intends the campus development agreement to apply.~~

472 ~~(b) Such land may include:~~

473 ~~1. Land to be purchased by the university board of~~  
474 ~~trustees and if purchased with state appropriated funds titled~~  
475 ~~in the name of the board of trustees of the Internal Improvement~~  
476 ~~Trust Fund for use by an institution over the life of the campus~~

477 ~~development agreement.~~

478 ~~2. Land not owned by the board of trustees of the Internal~~  
479 ~~Improvement Trust Fund if the university board of trustees~~  
480 ~~intends to undertake development activities on the land during~~  
481 ~~the term of the campus development agreement.~~

482 ~~(c) Land owned by the Board of Trustees of the Internal~~  
483 ~~Improvement Trust Fund for lease to the Board of Governors~~  
484 ~~acting on behalf of the institution may be excluded, but any~~  
485 ~~development activity undertaken on excluded land is subject to~~  
486 ~~part II of chapter 163.~~

487 ~~(13) With regard to the impact of campus development on~~  
488 ~~the facilities and services listed in paragraph (11)(c), the~~  
489 ~~following applies:~~

490 ~~(a) All improvements to facilities or services which are~~  
491 ~~necessary to eliminate the deficiencies identified in paragraph~~  
492 ~~(11)(c) must be specifically listed in the campus development~~  
493 ~~agreement.~~

494 ~~(b) The university board of trustees' fair share of the~~  
495 ~~cost of the measures identified in paragraph (a) must be stated~~  
496 ~~in the campus development agreement. In determining the fair~~  
497 ~~share, the effect of any demand management techniques, which may~~  
498 ~~include such techniques as flexible work hours and carpooling,~~  
499 ~~that are used by the Board of Governors to minimize the offsite~~  
500 ~~impacts shall be considered.~~

501 ~~(c) The university board of trustees is responsible for~~  
502 ~~paying the fair share identified in paragraph (b), and it may do~~  
503 ~~so by:~~

504 ~~1. Paying a fair share of each of the improvements~~

505 ~~identified in paragraph (a); or~~  
 506 ~~2. Taking on full responsibility for the improvements,~~  
 507 ~~selected from the list of improvements identified in paragraph~~  
 508 ~~(a), and agreed to between the host local government and the~~  
 509 ~~Board of Governors, the total cost of which equals the~~  
 510 ~~contribution identified in paragraph (b).~~  
 511 ~~(d) All concurrency management responsibilities of the~~  
 512 ~~university board of trustees are fulfilled if the university~~  
 513 ~~board of trustees expends the total amount of funds identified~~  
 514 ~~in paragraph (b) notwithstanding that the university board of~~  
 515 ~~trustees may not have undertaken or made contributions to some~~  
 516 ~~of the measures identified in paragraph (a).~~  
 517 ~~(e) Capital projects included in the campus development~~  
 518 ~~agreement may be used by the local government for the~~  
 519 ~~concurrency management purposes.~~  
 520 ~~(f) Funds provided by universities in accordance with~~  
 521 ~~campus development agreements are subject to appropriation by~~  
 522 ~~the Legislature. A development authorized by a campus~~  
 523 ~~development agreement may not be built until the funds to be~~  
 524 ~~provided pursuant to paragraph (b) are appropriated by the~~  
 525 ~~Legislature.~~  
 526 ~~(14) A campus development agreement may not address or~~  
 527 ~~include any standards or requirements for onsite development,~~  
 528 ~~including environmental management requirements or requirements~~  
 529 ~~for site preparation.~~  
 530 ~~(15) Once the university board of trustees and host local~~  
 531 ~~government agree on the provisions of the campus development~~  
 532 ~~agreement, the campus development agreement shall be executed by~~

533 ~~the university board of trustees and the host local government~~  
 534 ~~in a manner consistent with the requirements of s. 163.3225.~~  
 535 ~~Once the campus development agreement is executed, it is binding~~  
 536 ~~upon the university board of trustees and host local government.~~  
 537 ~~A copy of the executed campus development agreement must be sent~~  
 538 ~~to the state land planning agency within 14 days after the date~~  
 539 ~~of execution.~~

540 ~~(16) If, within 180 days following the host local~~  
 541 ~~government's receipt of the proposed campus development~~  
 542 ~~agreement, the university board of trustees and host local~~  
 543 ~~government cannot reach agreement on the provisions of the~~  
 544 ~~campus development agreement, the following procedures for~~  
 545 ~~resolving the matter must be followed:~~

546 ~~(a) The matter must be submitted to the state land~~  
 547 ~~planning agency, which has 60 days to hold informal hearings, if~~  
 548 ~~necessary.~~

549 ~~(b) In deciding upon a proper resolution, the state land~~  
 550 ~~planning agency shall consider the nature of the issues in~~  
 551 ~~dispute, the compliance of the parties with this section, the~~  
 552 ~~extent of the conflict between the parties, the comparative~~  
 553 ~~hardships, and the public interest involved. In resolving the~~  
 554 ~~matter, the state land planning agency may prescribe, by order,~~  
 555 ~~the contents of the campus development agreement.~~

556 ~~(17) Disputes that arise in the implementation of an~~  
 557 ~~executed campus development agreement must be resolved as~~  
 558 ~~follows:~~

559 ~~(a) Each party shall select one mediator and notify the~~  
 560 ~~other in writing of the selection. Thereafter, within 15 days~~

561 ~~after their selection, the two mediators selected by the parties~~  
 562 ~~shall select a neutral, third mediator to complete the mediation~~  
 563 ~~panel.~~

564 ~~(b) Each party is responsible for all costs and fees~~  
 565 ~~payable to the mediator selected by it and shall equally bear~~  
 566 ~~responsibility for the costs and fees payable to the third~~  
 567 ~~mediator for services rendered and costs expended in connection~~  
 568 ~~with resolving disputes pursuant to the campus development~~  
 569 ~~agreement.~~

570 ~~(c) Within 10 days after the selection of the mediation~~  
 571 ~~panel, proceedings must be convened by the panel to resolve the~~  
 572 ~~issues in dispute.~~

573 ~~(d) Within 60 days after the convening of the panel, the~~  
 574 ~~panel shall issue a report containing a recommended resolution~~  
 575 ~~of the issues in dispute.~~

576 ~~(e) If either the university board of trustees or local~~  
 577 ~~government rejects the recommended resolution of the issues in~~  
 578 ~~dispute, the disputed issues must be resolved pursuant to the~~  
 579 ~~procedures provided by subsection (16).~~

580 ~~(18) Once the campus development agreement is executed,~~  
 581 ~~all campus development may proceed without further review by the~~  
 582 ~~host local government if it is consistent with the adopted~~  
 583 ~~campus master plan and associated campus development agreement.~~

584 ~~(19) A campus development agreement may be amended under~~  
 585 ~~subsections (10)-(16):~~

586 ~~(a) In conjunction with any amendment to the campus master~~  
 587 ~~plan subject to the requirements in subsection (9).~~

588 ~~(b) If either party delays by more than 12 months the~~

589 ~~construction of a capital improvement identified in the~~  
 590 ~~agreement.~~

591 ~~(20) Any party to a campus development agreement or~~  
 592 ~~aggrieved or adversely affected person, as defined in s.~~  
 593 ~~163.3215(2), may file an action for injunctive relief in the~~  
 594 ~~circuit court where the host local government is located to~~  
 595 ~~enforce the terms of a campus development agreement or to~~  
 596 ~~challenge compliance of the agreement with this section. This~~  
 597 ~~action shall be the sole and exclusive remedy of an adversely~~  
 598 ~~affected person other than a party to the agreement to enforce~~  
 599 ~~any rights or obligations arising from a development agreement.~~

600 (11)~~(21)~~ State and regional environmental program  
 601 requirements remain applicable, except that this section  
 602 supersedes all other sections of part II of chapter 163 and s.  
 603 380.06 except as provided in this section.

604 (12)~~(22)~~ In consultation with the state land planning  
 605 agency, the Board of Governors shall adopt a single, uniform set  
 606 of regulations to administer subsections (3)-(6). The  
 607 regulations must set specific schedules and procedures for the  
 608 development and adoption of campus master plans. ~~Before adopting~~  
 609 ~~the regulations, the Board of Governors must obtain written~~  
 610 ~~verification from the state land planning agency that the~~  
 611 ~~regulations satisfy the minimum statutory criteria required by~~  
 612 ~~subsections (3)-(6). The state land planning agency shall~~  
 613 ~~provide the verification within 45 days after receiving a copy~~  
 614 ~~of the regulations.~~

615 (13)~~(23)~~ Until the campus master plan and campus  
 616 development agreement for an institution is ~~have been~~ finalized,

617 any dispute between the university board of trustees and a local  
 618 government relating to campus development for that institution  
 619 shall be resolved by the process established in subsection (8).

620 Section 5. Subsection (6) of section 1013.33, Florida  
 621 Statutes, is amended to read:

622 1013.33 Coordination of planning with local governing  
 623 bodies.—

624 (6) As early in the design phase as feasible and  
 625 consistent with an interlocal agreement entered pursuant to s.  
 626 163.31777, but no later than 90 days before commencing  
 627 construction, the district school board shall in writing request  
 628 a determination of consistency with the local government's  
 629 comprehensive plan. The local governing body that regulates the  
 630 use of land shall determine, in writing within 45 days after  
 631 receiving the necessary information and a school board's request  
 632 for a determination, whether a proposed educational facility is  
 633 consistent with the local comprehensive plan and consistent with  
 634 local land development regulations. If the determination is  
 635 affirmative, school construction may commence and further local  
 636 government approvals are not required, except as provided in  
 637 this section. Failure of the local governing body to make a  
 638 determination in writing within 90 days after a district school  
 639 board's request for a determination of consistency shall be  
 640 considered an approval of the district school board's  
 641 application. Campus master plans ~~and development agreements~~ must  
 642 comply with the provisions of s. 1013.30.

643 Section 6. Paragraph (h) of subsection (1) of section  
 644 1013.64, Florida Statutes, is amended to read:

645           1013.64 Funds for comprehensive educational plant needs;  
 646 construction cost maximums for school district capital  
 647 projects.—Allocations from the Public Education Capital Outlay  
 648 and Debt Service Trust Fund to the various boards for capital  
 649 outlay projects shall be determined as follows:

650           (1)

651           (h) University boards of trustees may utilize funds  
 652 appropriated pursuant to this section for replacement of minor  
 653 facilities provided that such projects do not exceed \$2 ~~\$1~~  
 654 million in cost ~~or 10,000 gross square feet in size~~. Minor  
 655 facilities may not be replaced from funds provided pursuant to  
 656 this section unless the board determines that the cost of repair  
 657 or renovation is greater than or equal to the cost of  
 658 replacement.

659           Section 7. Paragraph (e) of subsection (2) of section  
 660 1013.74, Florida Statutes, is amended to read:

661           1013.74 University authorization for fixed capital outlay  
 662 projects.—

663           (2) The following types of projects may be accomplished  
 664 pursuant to this section:

665           (e) Construction of facilities or remodeling of existing  
 666 facilities to meet needs as determined by the university,  
 667 provided that the amount of funds for any such project does not  
 668 exceed \$2 ~~\$1~~ million, and the trust funds, other than the funds  
 669 used to accomplish projects contemplated in this subsection, are  
 670 authorized and available for such purposes.

671           Section 8. This act shall take effect July 1, 2013.