

**FLORIDA BOARD OF GOVERNORS  
NOTICE OF PROPOSED REGULATION AMENDMENT**

**DATE:** April 2, 2009

**REGULATION NUMBER AND TITLE:** 21.109 Procedures for Dispute Resolution

**SUMMARY:** An advisory group has worked over the past year with the Florida Conflict Resolution Consortium to revise and update the Board of Governor Master Planning Regulations. The group is composed of university, local government and community representatives.

The draft document has been circulated as well as posted on the Board of Governor's website, with the goal of soliciting comments and feedback. These revisions were presented at the March 26, 2009 Board of Governors meeting for public notice purposes; and if approved, will be presented for final approval in June 2009.

**FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.**

**AUTHORITY TO AMEND REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

**THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED AMENDMENT TO THE REGULATION:** Chris Kinsley, Director, Finance & Facilities

**COMMENTS REGARDING THE PROPOSED AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation on which you are commenting:

Chris Kinsley, Director, Finance & Facilities, Board of Governors, State University System, 325 W. Gaines Street, Suite 1652, Tallahassee, Florida 32399, (850) 245-9677 (phone), (850) 245-9685 (fax), or [Chris.Kinsley@flbog.edu](mailto:Chris.Kinsley@flbog.edu)

## 21.109 Procedures for Mediation ~~Dispute Resolution~~.

(1) ~~Following receipt of a petition, the petitioning party or parties and the Board's Office of Capital Programs university General Counsel shall mediate the issues in dispute as follows:~~

~~(1) If a party requests mediation pursuant to Section 1013.30(8)(c), Florida Statutes, the mediation shall proceed as follows:~~

~~(a) Issues in dispute must be resolved within 60 days from the date the Board's university General Counsel receives the petition. In the event an amended petition is filed, issues in dispute must be resolved within 60 days from the date the Board's university General Counsel receives the amended petition.~~

~~(a) The petitioner and university shall agree upon a mutually acceptable mediator. The person so chosen does not need to be a certified mediator. The mediator shall be held on the university campus.~~

~~(b) The issues in dispute will be limited to those issues identified in the petition.s filed that meet the requirements of paragraphs 21.108(5)(a)-(g), F.A.C.~~

~~(c) Affected persons who submitted comments during the review and adoption of the campus master plan or amendment, but who did not petition the Board university General Counsel challenging the compliance of the plan or plan amendment, will be allowed to participate, on a limited basis, in the resolution of disputes. These persons will be allowed to attend dispute resolution sessions and monitor all proceedings; however, they will not be active parties to the resolution of such disputes.~~

~~(2) In the event issues in dispute have not been resolved within ~~60~~ 30 days from the date the petition is received by the Division of Administrative Hearings, the Board's university General Counsel receives the petition or amended petition, is received by the Division of Administrative Hearings, the Board's Office of Capital Programs university General Counsel shall so notify the Division of Administrative Hearings state land planning agency in writing. This notice shall include:~~

~~(a) The name of the campus master plan or plan amendment in question, and the date of its adoption;~~

~~(b) A copy of the petition challenging the compliance of the campus master plan or plan amendment;~~

~~(c) A summary of efforts to resolve the issues disputed in the petition; and~~

~~(d) A list of issues that have not been resolved. A copy of this notice shall be sent to the petitioner, the university, Board of Governors General Counsel the host local government, and any affected local government.~~

~~(3) The state land planning agency shall then have 60 days in which to hold informal hearings, if necessary, identify the remaining issues in dispute, prepare a record of the proceedings, and submit a report on the matter to the Administration Commission.~~

~~(3) In the event the petitioner and university successfully mediate the dispute, the mediator shall memorialize the terms of the settlement in a written settlement agreement to be signed by both parties. Upon execution of the settlement agreement, the General Counsel shall so notify the Division of Administrative Hearings, who shall close its file.~~

~~*Specific Authority 240.209(1), (3)(g), 240.155(22) FS. Law Implemented 240.155(8) FS. History—New 2-15-94.*~~

