

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

DATE: April 2, 2009

REGULATION NUMBER AND TITLE: 21.210 Intergovernmental Coordination Element.

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

21.210 Intergovernmental Coordination Element

~~The purpose of This element is to identify and resolves incompatible goals, objectives, policies and development proposed in campus master plans and to determine and respond to the needs for coordination processes and procedures with that may be incompatible with adjacent local governments, and regional and state agencies y plans.~~ Intergovernmental coordination shall be utilized to the extent required to carry out the provisions of this Chapter.

(1) INTERGOVERNMENTAL COORDINATION DATA AND ANALYSIS REQUIREMENTS. This element shall be based on the following data and analysis requirements, pursuant to Subparagraph ~~6C-21.2023~~(2).

~~(a) An inventory of all host and affected local governments, and other units of local government providing services but not having regulatory authority over the use of land, independent special districts, water management districts, regional planning councils, and state agencies with which the university coordinates, or which provide services to the university. This inventory shall also include regional or state agencies with land use or environmental regulatory authority, and authorities, independent special districts, and utility companies which provide services to the university.~~

~~(b) For each entity listed in Subparagraph (1) (a), the element shall briefly describe the existing coordination mechanisms indicating the subject, the nature of the relationship and the office with primary responsibility for coordination.~~

~~(2) INTERGOVERNMENTAL COORDINATION ANALYSIS~~ REQUIREMENTS. The element shall be based on the following analyses which support the campus master plan pursuant to ~~6C-21.2023~~(2).

~~(a) The effectiveness of existing coordination mechanisms described in Subparagraph (1) (b)-(c), such as intergovernmental agreements, joint planning and service agreements, special legislation and joint meetings or work groups which are used to further intergovernmental coordination.~~

~~(b) Specific problems and needs within each of the campus master plan elements which would benefit from improved or additional intergovernmental coordination and means for resolving those problems and needs.~~

~~(c) Growth and development proposed in comprehensive plans in the context area in order to evaluate the needs for additional planning coordination.~~

(a) Inventory and assess the list of all host and affected local governments, and other units of local government providing services but not having regulatory authority over the use of land, independent special districts, water management districts, regional planning councils, and state agencies with which the university coordinates, or which provide services to the university. This inventory shall also include regional or state agencies with land use or environmental regulatory authority, and authorities, independent special districts, and utility companies which provide services to the university.

(b) The assessment indicated in (1) (a) of this subsection shall include the following:

1. An assessment of the existing coordination mechanisms in place for each governmental entity. This assessment shall include the nature of the coordinating relationship, the mechanism used for coordination (such as intergovernmental agreements, joint planning and service agreements, special legislation, joint meetings/workgroups, mutual aid agreements, etc...) the office with primary responsibility for coordination, as well as the effectiveness of any existing coordination mechanisms.

2. An assessment of specific problems and needs within each of the campus master plan elements which would benefit from improved or additional intergovernmental coordination and means for resolving those problems and needs.

(c) Inventory and assess all previous fair share payments made by the University to its host or affected local government as a result of existing Campus Development Agreement(s). This assessment shall include a summary of how those funds have been spent by the local government, and the relative effectiveness of this spending in mitigating university generated impacts.

~~(2)~~⁽³⁾ REQUIREMENTS FOR INTERGOVERNMENTAL COORDINATION GOALS, OBJECTIVES, AND POLICIES.

(a) The element shall contain one or more goal statements which establish the long-term end toward which intergovernmental coordination activities are ultimately directed.

(b) The element shall contain one or more specific objectives and policies for each goal which:

1. Coordinate the campus master plan with the plans of other units of local government providing services but not having regulatory authority over the use of land, and the comprehensive plans of host and affected local governments;

2. Ensure that the university addresses through coordination and accountability mechanisms, the impacts of development proposed in the campus master plan upon development in the planning study area; and

3. Ensure coordination in establishing level of service standards for public facilities with any state, regional or local entity having operational and maintenance responsibility for such facilities.

~~(c) The element shall contain one or more policies for each objective which shall address programs, activities or procedures for:~~

~~1. The coordination of planning activities mandated by the various elements of the campus master plan with host and affected local governments, other units of local government providing services but not having regulatory authority over the use of land, the region and the state;~~

~~2. Resolving conflicts with host and affected local governments through informal mediation processes;~~

~~3. The provision of services and information; and~~

~~4. Reviewing the relationship of proposed campus development to the existing comprehensive plans of host and affected local governments.~~

~~(3)~~⁽⁴⁾ INTERGOVERNMENTAL COORDINATION PROCESS.

~~(a) The Intergovernmental Coordination Element shall establish a development review process, to be implemented in conjunction with host and affected local governments. This development review process shall ~~to~~ assess the impacts of proposed development on significant local, regional and state resources and facilities, and ~~This~~ shall be a reciprocal process whereby local officials are given an opportunity to review proposed campus development in order to assess its potential impacts on local, regional and state resources and facilities. The process should afford university officials ~~are given~~ an opportunity to review proposed development within the planning study area in order to assess its potential impacts on university resources and facilities. Prior to the approval and adoption of the Campus Development Agreement by the University Board of Trustees, the university will engage in a coordination process with the Board of Governors. As part of this process of~~

reviewing campus development agreements, the Board of Governors may require submission of more complete or more detailed data or analysis from the university.

This development review process shall include the following provisions:

1. ~~Except when otherwise stated in Section 240.155, F.S., the provisions of the campus master plan and associated campus development agreement supersede the requirements of Part II of Chapter 163, F.S.;~~

2. ~~Once the campus development agreement is executed, all campus development may proceed without further review by the host local government if it is consistent with the adopted campus master plan and associated campus development agreement;~~

3. ~~University officials shall participate and cooperate with local officials in the review of proposed development within the context area to assess potential impacts on university resources and facilities; and~~

4. ~~University officials shall participate and cooperate with local officials in the review of proposed campus development to assess potential impacts on local, regional and state resources and facilities until execution of the campus development agreement.~~

~~(b) The Intergovernmental Coordination Element shall establish a process for mitigating impacts identified during the development review process. This mitigation process shall include provisions that university officials shall participate and cooperate with local officials in the identification of appropriate strategies to mitigate the impacts of campus development on local, regional and state resources and facilities, and to mitigate the impacts of proposed development within the context area on university resources and facilities.~~

~~(c) The Intergovernmental Coordination Element shall include a provision that any dispute between the university and a host or affected local government regarding the assessment or mitigation of impacts shall be resolved in accordance with the process established in Subsection 240.155 (8), F.S.~~

~~*Specific Authority 240.209 (1), (3)(q), 240.155 (22) F.S. Law Implemented 240.155 (3), (8) F.S. History -- New 2-15-94.*~~