

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

DATE: April 2, 2009

REGULATION NUMBER AND TITLE: 21.108 Procedures for Petitioning the Board of Governors, Challenging Compliance of the Campus Master Plan or Plan Amendment.

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

21.108 Procedures for Petitioning the Board of Regents ~~Governors~~, Trustees Challenging Compliance of the Campus Master Plan or Plan Amendment.

~~(1) Any affected person who submitted comments on the draft campus master plan or plan amendment may petition the Board, challenging the campus master plan or plan amendment as not being in compliance with subsection 240.155(3), 1013.30 (3) Florida Statutes, and any rules promulgated pursuant to subsection 240.155(22)1013.30 (22), Florida Statutes.~~

~~(2) Optional elements which have been included in the adopted campus master plan at the discretion of the Board shall not be subject to challenge under this Rule.~~

~~(3) Plan amendments which, either alone or in conjunction with other amendments, do not exceed the thresholds established in Section 240.155(9)(a) (c)1013.30 (9) (a) (c), Florida Statutes, and subsection 21.103(2), F.A.C., and are adopted by the Board, shall not be subject to challenge under this Rule.~~

~~(4) Petitions challenging the compliance of the campus master plan or plan amendment must be filed within 30 days after receipt of the notice of adoption of the plan or plan amendment, or within 30 days after the date the adopted plan or plan amendment is available for review, whichever is greater.~~

~~(1)(5) The Petitions challenging a campus master plan or campus master plan amendment pursuant to Section 1013.30(7), Florida Statutes, shall be filed with the General Counsel, ~~Board of Regents Governors, 325 West Gaines Street, Tallahassee, Florida 32309-1950 0400 at the applicable university.~~ Each petition shall be typewritten or otherwise duplicated in legible form on white paper of standard letter size. Unless typewritten, the impression shall be on one side of the paper only and lines shall be double-spaced and indented. Each petition shall contain the following:~~

- ~~(a) The name of the party on whose behalf the petition is being filed;~~
- ~~(b) The name, address, and telephone number of the person filing the petition;~~
- ~~(c) The signature of the person filing the petition;~~
- ~~(d) A statement of facts sufficient to show that the petitioner is an affected person, as defined in subsection 240.155(2)(b) 1013.30 (2)(b), Florida Statutes, includer refBT/P 5(paTJ cauDC 0 Tw745~~

~~notify the petitioner by certified mail, return receipt requested, of the sufficiency of the petition forward the petition to the Division of Administrative Hearings as required by Section 1013.30(8), Florida Statutes. Copies of this notice and the petition shall be sent to the university Board of Governors general Counsel, host local government, and affected local governments.~~

~~(3) (7) If a petition is filed that does not substantially comply with the requirements of paragraphs (5)(a) (g) of this rule, the Board's 1013.30(7), Florida Statutes and this regulation, the university General Counsel shall may issue an order dismissing the petition with leave to file an amended petition complying with the requirements of the statute and regulation within 15 days of service of the order, or if a petitioner fails to file a legally sufficient petition after three attempts, the petition shall be dismissed by the General counsel with prejudice, which shall constitute final agency action. petitioner's right to mediate issues in dispute under subsection challenge the master plan or master plan amendment. A copy of this order shall be sent to the university, host local government, and affected local governments. If an amended petition complying with this Rule is not filed within 15 days of service of the order, the petitioner's right to mediate issues in dispute under subsection 240.155(8), 1013.30 (8) Florida Statutes, is waived.~~

~~(8) If no petition complying with the requirements of this rule is filed, the adoption of the campus master plan or plan amendment shall become final.~~

~~*Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(4), (7), (9) FS. History New 2*~~