

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

(1) 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 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 1013.30 (2)(b), Florida Statutes, including the date(s) and method by which the petitioner submitted oral or written comments or objections during the review and adoption of the plan or plan amendment;
- (e) A statement identifying the campus master plan or plan amendment(s) which is being challenged, including the name of the institution, date of adoption, and any other specific formal designation(s);
- (f) A statement describing how each portion of a campus master plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Section 1013.30, Florida Statutes, the State Comprehensive Plan, Chapter 21, or is in conflict with the comprehensive plans of appropriate host and/or affected local governments; and
- (g) A recommended action to bring the plan or plan amendment into compliance.

(2) If the university General Counsel determines that the petition filed by an affected person complies with Section 1013.30(7) and this regulation, the university General Counsel shall, within 10 working days of receipt of the petition, forward the petition to the Division of Administrative Hearings as required by Section 1013.30(8), Florida Statutes.

(3) If a petition is filed that does not substantially comply with the requirements of 1013.30(7), Florida Statutes and this regulation, the university General Counsel 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.

Authority: Section 7(d), Art. IX, Fla. Const., History – Formerly 6C-21.108, 2-15-94, Amended and Renumbered 6-18-09.