

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

DATE: September 29, 2009

REGULATION 21.111, Campus Master Plan Consistency with the State Comprehensive Plan and not in Conflict with Local Government Comprehensive Plans

SUMMARY: The Campus Master Plan advisory group recommended that the Board of Governors repeal Section 21.213 (of the same name,) readopt as Board of Governors Section 21.111 and specify that this requirement has been delegated to the university Board of Trustees.

Consideration was given to repealing this regulation, but the consensus position of the group was that this regulation afforded important safeguards to both the university and host local communities.

If approved for notice on September 24, 2009, final notice of the repeal of 21.213 and adoption of 21.111 will occur simultaneously, to avoid a "gap" in regulatory authority.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE 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 REGULATION: Chris Kinsley, Director, Finance & Facilities

COMMENTS REGARDING THE PROPOSED REGULATION 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:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

21.111 Campus Master Plan Consistency with the State Comprehensive Plan and not in Conflict with Local Government Comprehensive Plans

(1) Each campus master plan shall be consistent with the State Comprehensive Plan and not in conflict with the adopted comprehensive plans of the host local government and any affected local governments. A campus master plan is consistent with the State Comprehensive Plan if the master plan is compatible with and furthers such plan.

(2) The term “compatible with” means that the campus master plan is not in conflict with the State Comprehensive Plan or appropriate local government comprehensive plans. The term “furthers” means to take action in the direction of realizing goals or policies of the state or local plans.

(3) A campus master plan is in conflict with the adopted comprehensive plans of the host local government and any affected local governments if the master plan promotes an intrinsic or essential lack of harmony with the government comprehensive plan.

(4) For the purpose of determining whether campus master plans are consistent with the State Comprehensive Plan and not in conflict with appropriate local comprehensive plans, the state or local plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from other goals or policies in the plans.

(5) Each campus master plan shall address State Comprehensive Plan goal and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular State Comprehensive Plan goals and policies will be furthered by the expenditure of a university’s financial resources in any given year is a decision which rests with the Board of Trustees.

Authority: Section 7(d), Art. IX, Fla. Const; History: New