

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1027 Broward County Education, Research, and Training Authority, Broward County

**SPONSOR(S):** Waldman

**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	17 Y, 0 N	Nelson	Rojas
2) Education Committee	14 Y, 0 N	Thomas	Mizereck

### SUMMARY ANALYSIS

The Broward County Education, Research, and Training Authority (BERTA) was created by the 1994 Florida Legislature as an independent special district. BERTA was established for the purpose of promoting economic development and employment opportunities through public-private partnerships.

HB 1027 repeals the special act charter for BERTA. The bill abolishes the district, and transfers its \$37,527.10 in assets to the Broward Board of County Commissioners.

The bill has an effective date of upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### The Broward County Education, Research, and Training Authority

The Broward County Education, Research, and Training Authority (BERTA) was created by the 1994 Florida Legislature as an independent special district pursuant to ch. 94-431, L.O.F. This chapter law has never been amended.

BERTA was established for the purpose of promoting economic development and employment opportunities through public-private partnerships. These partnerships were envisioned to integrate resources to facilitate job training and retraining programs to meet midcareer changes and technological advances; address community school skill-building efforts to enhance practical competency; and provide opportunities for vocational training in conjunction with academic education, targeting the changing needs of the private sector. It was intended that such partnerships combine resources of secondary, postsecondary, and vocational-technical education facilities, together with education and training administrations, to facilitate a broad range of academic and training opportunities and to better utilize federal and other training funds. Specifically, BERTA was constituted as a public instrumentality for the purposes of development, operation, management and financing of an education, research and training park. Through major facilities presently existing and as planned for the future within the Town of Davie, and Broward County as a whole, it was contemplated that the impact of the Broward County Education, Research, and Training Authority be countywide in order to successfully promote and compete with other nationally recognized education, research, and training authorities throughout the United States.

The authority's board consists of five members: three appointed by the Broward County Commission, one by the Broward School Board and one by the town of Davie. BERTA does not have the power of ad valorem taxation, nor the power to provide for non-ad valorem assessments, but is authorized to issue bonds, charge and collect rates, rents, fees, and charges for the use of and for the services furnished by a project, and to receive and accept loans, grants and contributions. The boundaries of BERTA are coextensive with the boundaries of Broward County.

Section 10 of ch. 94-431, L.O.F, provides that the authority may only be dissolved by special act of the Florida Legislature, or as otherwise provided in ch.189, F.S.

According to Broward County, BERTA no longer serves its original purpose, and its board has not met or taken action in four years. The special district has no debt, but retains \$37,527.10 in assets.<sup>1</sup> These assets are held in a bank account in the Town of Davie, and are the result of previous BERTA bond transactions.<sup>2</sup>

Broward County has requested the dissolution of BERTA.

##### Dissolution of an Independent Special District

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<sup>1</sup> Letter from C. Marty Cassini, Broward County Office of Intergovernmental Affairs and Professional Standards, to Sandy Harris, on file with the House Local & Federal Affairs Committee. Executive Director of the Broward County Legislative Delegation dated December 13, 2012, on file with the House Local & Federal Affairs Committee.

<sup>2</sup> March 8, 2013, telephone conversation with Leah Brasso, Assistant to the Director of the Broward County Finance & Administrative Services Department.

Chapter 189, F.S., the "Uniform Special District Accountability Act of 1989," provides general provisions for the definition, creation and operation of special districts. That chapter also contains several provisions relating to the dissolution of these entities.

Section 189.4042, F.S., provides for general merger and dissolution procedures. Section 189.4042 (3)(c), F.S., describes dissolution of an inactive independent special district, specifying that when such a district meets any criteria for being declared inactive, or has already been declared inactive, pursuant to s. 189.4044, F.S., it may be dissolved by special act without a referendum.

Section 189.4044, F.S., provides various criteria by which a special district may be declared inactive, including notification that the district has taken no action for two or more years. See, s. 189.4044(1)(a)1., F.S.

Section 189.4042(3)(d), F.S., provides that financial allocations of the assets and indebtedness of a dissolved independent special district will be effected pursuant to s. 189.4045, F.S. Section 189.4045 (2), F.S., provides that unless otherwise provided by law or ordinance, the dissolution of a special district government transfers the title to all property owned by the preexisting special district government to the local general-purpose government, which also assumes all indebtedness of the preexisting special district.

### **Effect of Proposed Changes**

HB 1027 repeals ch. 94-431, L.O.F., the charter for the Broward County Education, Research, and Training Authority. The bill abolishes this district and transfers its \$37,527.10 in assets to the Board of County Commissioners of Broward County in accordance with s. 189.4045(2), F.S.

The bill has an effective date of upon becoming a law.

#### **B. SECTION DIRECTORY:**

Section 1: Repeals ch. 94-431, L.O.F.

Section 2: Abolishes the Broward County Education, Research, and Training Authority and transfers its assets and liabilities.

Section 3: Provides an effective date.

## **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 23, 2013

WHERE? The *Sun-Sentinel*, a daily newspaper of general circulation published in Broward County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.