

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 1027

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Waldman

114 Y's 0 N's

COMPANION N/A
BILLS:

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 1027 passed the House on April 26, 2013, and subsequently passed the Senate on April 30, 2013.

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 was approved by the Governor on June 28, 2013, ch. 2013-260, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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.¹ These assets are held in a bank account in the Town of Davie, and are the result of previous BERTA bond transactions.²

Broward County has requested the dissolution of BERTA.

Dissolution of an Independent Special District

¹ 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.

² 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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.