

Tab 1	SB 574 by Flores (CO-INTRODUCERS) Gaetz; (Identical to H 0299) Expressway Authorities
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Thursday, November 19, 2015
TIME: 9:00—11:00 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 574 Flores (Identical H 299)	Expressway Authorities; Revising qualifications for membership on the governing body of certain expressway authorities; providing for termination from an authority's governing body upon a finding of a violation of specified ethical conduct provisions or failure to comply with a notice of failure to comply with financial disclosure requirements, etc. TR 11/19/2015 Favorable EE RC	Favorable Yeas 6 Nays 0
Presentation by the Transportation Disadvantaged Commission - Program Overview			Presented
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 574

INTRODUCER: Senators Flores and Gaetz

SUBJECT: Expressway Authorities

DATE: November 19, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			EE	
3.			RC	

I. Summary:

SB 574 reduces the Miami-Dade County Expressway Authority (MDX) governing body from thirteen to nine members, prohibits appointment of a person to serve as an MDX governing body member under certain circumstances, and provides for immediate termination from the MDX governing body for specified violations.

II. Present Situation:

The Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (Act), codified in part I of ch. 348, F.S.,¹ authorizes any county or two or more contiguous counties within a single district of the Florida Department of Transportation (FDOT) to form an expressway authority by resolution adopted by the board of county commissioners. The Miami-Dade County Expressway Authority (MDX), an agency of the state,² is the only expressway authority created under the Act.

The qualifications, terms of office, and obligations and rights of the members of the MDX, by statute, are determined by resolution or ordinance of the Miami-Dade County Commission consistent with specified statutory provisions relating to the MDX governing body.³ The MDX was created by the Miami-Dade County Commission in 1994, pursuant to Chapter 2 Article XVIII of the Miami-Dade County Code of Ordinances.⁴

¹Part I of ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S. Per the exemptions in s. 348.0012, F.S., Part I applies only to the Miami-Dade County Expressway Authority.

² Section 348.0003(1), F.S.

³ Section 348.0003(2)(d), F.S.

⁴ A copy of the ordinance is available at <http://mdxway.com/about/history> (Last visited November 4, 2015).

The MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (State Road 112);
- Dolphin Expressway (State Road 836);
- Don Shula Expressway (State Road 874);
- Snapper Creek Expressway (State Road 878); and
- Gratigny Parkway (State Road 924).⁵

The MDX Governing Body

Section 348.0003(2)(d), F.S., provides the MDX governing body consists of up to 13 members, seven of whom are appointed by the County Commission and five of whom are appointed by the Governor. The 13th member is the FDOT's district six secretary, who is an ex-officio voting member. If the MDX governing body includes any member originally appointed by the County Commission as a nonvoting member, that member is replaced by a Governor's appointee when the nonvoting member's term expires, until the MDX governing body is composed of seven members appointed by the County Commission and five members appointed by the Governor.⁶

Members of the MDX governing body must comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution.⁷ A lobbyist may not serve as a member.⁸

Post-Employment Restrictions, Ethical Prohibitions, and Financial Disclosures

A member and the MDX executive director are prohibited from:

- Personally representing another person or entity for compensation before the MDX for two years after leaving his or her position;⁹
- Having an employment or contractual relationship, after retirement or termination, with a business entity other than an agency¹⁰ in connection with a contract in which the member or executive director personally and substantially participated while he or she was a member or employee;¹¹ and
- Engaging in any relationship that may adversely affect their judgment in carrying out authority business.¹²

⁵ See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2014 Report*, at p. 2: <http://www.ftc.state.fl.us/reports/TAMO.shtm>. Last visited November 4, 2015.

⁶ Section 348.0003(2)(d), F.S.

⁷ Section 348.0003(4)(c), F.S.

⁸ Section 348.0003(5)(a), F.S.

⁹ Section 348.0003(5)(b)1., F.S. See also s. 112.313(9)(a)3.a., F.S.

¹⁰ Defined to mean "any state, regional, county,, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012." Section 112.312(2), F.S.

¹¹ Section 348.0003(5)(b)2., F.S.

¹² Section 348.0003(5)(d), F.S.

The MDX members must make the following annual disclosures:

- Any relationship that affords a current or future financial benefit to a member, or a member's relative¹³ or business associate, that a reasonable person would conclude has the potential to create a prohibited conflict of interest.¹⁴
- Whether a relative of the member is a registered lobbyist and the names of any such lobbyist's clients.¹⁵
- All interests in real property that a member or a member's immediate family has, if such property is located in or within a ½ mile radius of any actual or prospective authority roadway project.¹⁶

Violations and Penalties

These restrictions, prohibitions, and financial disclosure requirements are in addition to requirements that members and the executive director are required to follow under chapter 112, F.S.¹⁷ Violations of the prohibitions and financial disclosure requirements are punishable as provided in s. 112.317, F.S. Potential penalties include public censure and reprimand, suspension or dismissal from employment, a \$10,000 civil penalty, loss of some portion of salary, impeachment or removal from office, and restitution of any benefits received because of a violation.

III. Effect of Proposed Changes:

Section 1 reduces the MDX governing body from thirteen to nine members, providing that five members be appointed by the Miami-Dade County Commission, three members will be appointed by the Governor, and retaining the Florida Department of Transportation (FDOT) district six secretary as an ex-officio voting member.

The bill makes an exception from the requirement that qualifications, terms, obligations and rights of the MDX members be determined by resolution or ordinance of the Miami-Dade County Commission and prohibits a person from being appointed to or serve as a member of the governing body of the MDX if the person currently represents or represented in the previous four years:

- Any client for compensation before any state or municipal governmental body, including any agency, quasi-governmental entity, or body staffed by public employees, or entity that has its operations paid for by public dollars; or
- Any person or entity that is doing business or has in the previous four years done business with any state or municipal governmental agency or body.

The exception obviates the need for the Miami-Dade County Commission to amend its ordinance to include the prohibitions.

¹³ See s. 112.312(21), F.S., for the broad definition of "relative."

¹⁴ Section 348.0003(5)(d)1., F.S.

¹⁵ Section 348.0003(5)(d)2., F.S.

¹⁶ Section 348.0003(5)(d)3., F.S.

¹⁷ Section 348.0003(5)(j), F.S.

In addition to existing penalties under s. 112.317, F.S., the bill also requires immediate termination of a member from the MDX governing body upon a finding of a violation of s. 348.0003(5), F.S., chapter 112, F.S., or for failure to comply within 90 days after receiving a notice of failure to comply with financial disclosure requirements.

Section 2 provides the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that any of the penalties for specified violations are applied to any individual, that individual may experience a negative fiscal impact.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 348.0003 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Flores

37-00730-16

2016574__

1 A bill to be entitled
 2 An act relating to expressway authorities; amending s.
 3 348.0003, F.S.; revising qualifications for membership
 4 on the governing body of certain expressway
 5 authorities; providing for termination from an
 6 authority's governing body upon a finding of a
 7 violation of specified ethical conduct provisions or
 8 failure to comply with a notice of failure to comply
 9 with financial disclosure requirements; providing an
 10 effective date.

11 Be It Enacted by the Legislature of the State of Florida:
 12
 13

14 Section 1. Paragraph (d) of subsection (2) and paragraph
 15 (a) of subsection (5) of section 348.0003, Florida Statutes, are
 16 amended, and paragraph (1) is added to subsection (5) of that
 17 section, to read:

18 348.0003 Expressway authority; formation; membership.—

19 (2) The governing body of an authority shall consist of not
 20 fewer than five nor more than nine voting members. The district
 21 secretary of the affected department district shall serve as a
 22 nonvoting member of the governing body of each authority located
 23 within the district. Each member of the governing body must at
 24 all times during his or her term of office be a permanent
 25 resident of the county which he or she is appointed to
 26 represent.

27 (d) Notwithstanding any provision to the contrary in this
 28 subsection, in any county as defined in s. 125.011(1), the
 29 governing body of an authority shall consist of up to nine ~~13~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 members, and the following provisions of this paragraph shall
 31 apply specifically to such authority. Except for the district
 32 secretary of the department, the members must be residents of
 33 the county. ~~Five Seven~~ voting members shall be appointed by the
 34 governing body of the county. At the discretion of the governing
 35 body of the county, up to two of the members appointed by the
 36 governing body of the county may be elected officials residing
 37 in the county. ~~Three Five~~ voting members of the authority shall
 38 be appointed by the Governor. One member shall be the district
 39 secretary of the department serving in the district that
 40 contains such county. This member shall be an ex officio voting
 41 member of the authority. If the governing ~~body~~ board of an
 42 authority includes any member originally appointed by the
 43 governing body of the county as a nonvoting member, when the
 44 term of such member expires, that member shall be replaced by a
 45 member appointed by the Governor until the governing body of the
 46 authority is composed of five ~~seven~~ members appointed by the
 47 governing body of the county and three ~~five~~ members appointed by
 48 the Governor. Except as provided in subsection (5), the
 49 qualifications, terms of office, and obligations and rights of
 50 members of the authority shall be determined by resolution or
 51 ordinance of the governing body of the county in a manner that
 52 is consistent with subsections (3) and (4).

53 (5) In a county as defined in s. 125.011(1):

54 (a) 1. A lobbyist, as defined in s. 112.3215, may not be
 55 appointed or serve as a member of the governing body of an
 56 authority.

57 2. A person may not be appointed to or serve as a member of
 58 the governing body of an authority if that person currently

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

37-00730-16

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59 represents or has in the previous 4 years represented any client
60 for compensation before any state or municipal governmental
61 body, including any agency, quasi-governmental entity, or body
62 staffed by public employees, or entity that has its operations
63 paid for by public dollars.

64 3. A person may not be appointed to or serve as a member of
65 the governing body of an authority if that person currently
66 represents or has in the previous 4 years represented any person
67 or entity that is doing business, or in the previous 4 years has
68 done business, with any state or municipal governmental agency
69 or body.

70 (1) A finding of a violation of this subsection or chapter
71 112, or failure to comply within 90 days after receiving a
72 notice of failure to comply with financial disclosure
73 requirements, results in immediate termination from the
74 governing body of the authority.

75 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/19/15

Meeting Date

SB574

Bill Number (if applicable)

Topic MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

Amendment Barcode (if applicable)

Name FAUSTO GOMEZ

Job Title

Address 2350 CORAL WAY, #301

Phone (305) 860-0780

Street

MIAMI

FL

33145

City

State

Zip

Email FGOMEZ@GOMEZ

BARICER.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MDX

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



**Transportation
Disadvantaged**

Commission for the Transportation Disadvantaged Program Overview

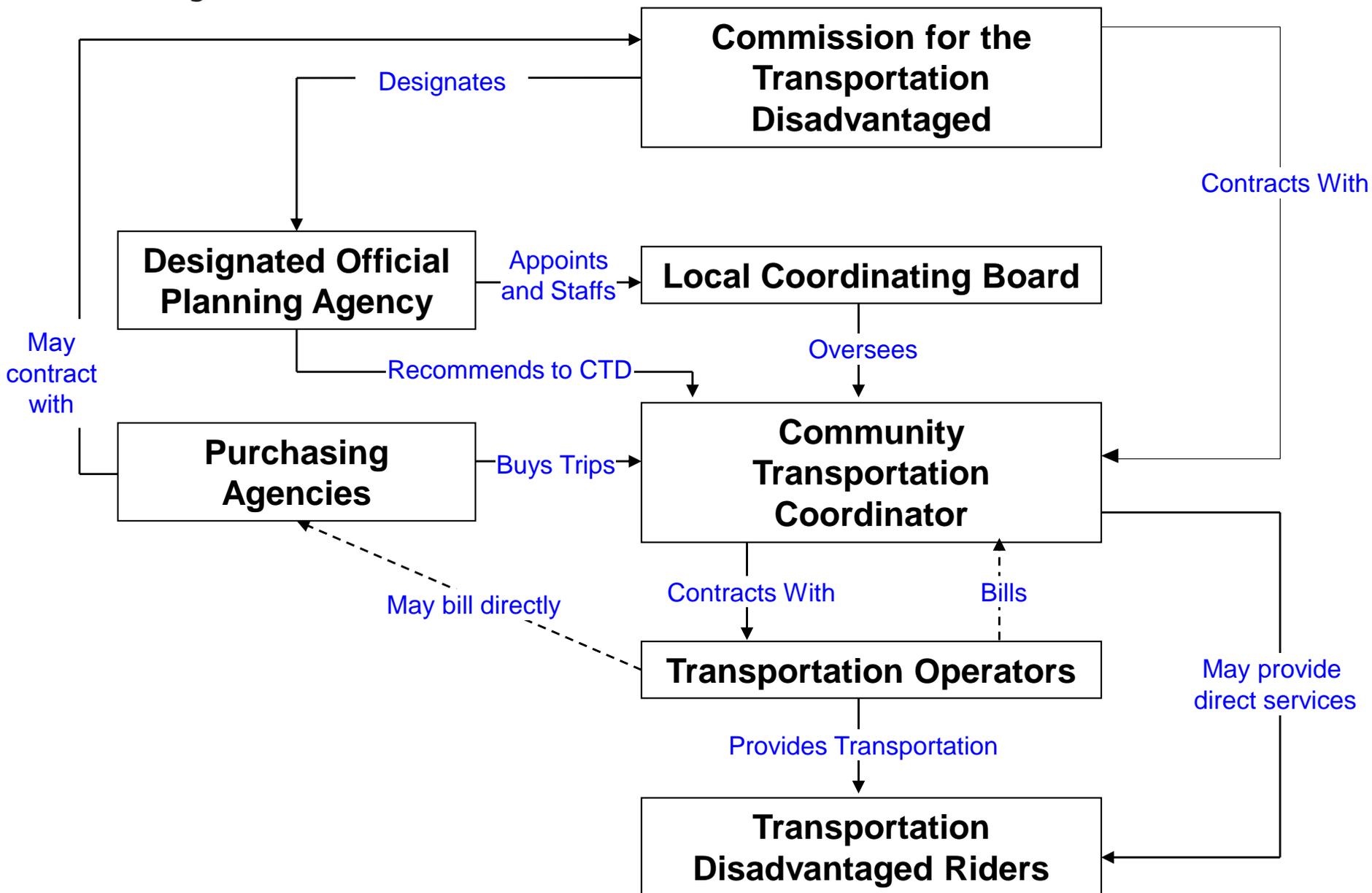
Senate Transportation

November 19, 2015



**Transportation
Disadvantaged**

Coordinated Transportation System Organization



THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/19/15
Meeting Date

Bill Number (if applicable)

Topic Commission for the Transportation Disadvantaged. Amendment Barcode (if applicable) _____

Name Steve Holmes

Job Title Ex Director

Address 605 Suwannee Street MS 49
Street

Phone 850 688-2953

Tallahassee FL 32399
City State Zip

Email steven.holmes@dot.state.fl.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

Transportation Disadvantaged

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/19

Meeting Date

Bill Number (if applicable)

Topic CTC

Amendment Barcode (if applicable)

Name Alan Mandel

Job Title CEO Good Wheels, Inc

Address 10075 Bavaria Rd Fort Myers

Phone 239-980-9898

Fort Myers FC 33913
City State Zip

Email amandel@goodwheels.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Good Wheels

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Communications, Energy, and Public Utilities, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health
and Human Services
Health Policy
Transportation

JOINT COMMITTEES:

Joint Administrative Procedures Committee
Joint Legislative Budget Commission

SENATOR DENISE GRIMSLEY

Deputy Majority Leader
21st District

November 9, 2015

The Honorable Jeff Brandes, Chair
Senate Committee on Transportation
Room 401 Knott Building
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Mr. Chairman,

I respectfully request permission to be excused from our committee meeting on Thursday, November 19, 2015. I have a previous commitment in my district to attend.

Sincerely,

A handwritten signature in cursive script that reads "Denise Grimsley".

Denise Grimsley
Senator, District 21

cc: Kurt Elchin, Staff Director
Senate Committee on Transportation

DG/mm

REPLY TO:

- 205 South Commerce Avenue, Suite A, Sebring, Florida 33870 (863) 386-6016
- 212 East Stuart Avenue, Lake Wales, Florida 33853 (863) 679-4847
- 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 11/19/2015 9:02:31 AM

Ends: 11/19/2015 9:55:38 AM

Length: 00:53:08

9:02:30 AM Meeting called to order by Chair Brandes
9:02:37 AM Roll call by Administrative Assistant, Marilyn Hudson
9:02:45 AM Quorum present announced
9:02:57 AM Comments from Chair Brandes
9:03:05 AM Introduction of SB 574, Expressway Authorities by Senator Flores
9:03:13 AM Explanation of SB 574 by Senator Flores
9:03:43 AM Comments from Chair Brandes
9:03:54 AM Speaker Fausto Gomez, Miami Dade Expressway Authority
9:04:21 AM Closure waived by Senator Flores
9:04:27 AM Roll call on SB 574 by Administrative Assistant, Marilyn Hudson
9:04:36 AM SB 574 reported favorably
9:04:47 AM Introduction of Mr. Steve Holmes, Executive Director, Commission for the Transportation Disadvantaged
by Chair Brandes
9:05:15 AM Presentation by Mr. Steve Holmes
9:06:32 AM Question from Chair Brandes
9:06:42 AM Response from Mr. Holmes
9:07:05 AM Continued presentation by Mr. Holmes
9:08:29 AM Question from Chair Brandes regarding selection of companies
9:08:40 AM Response from Mr. Holmes
9:08:49 AM Follow-up question from Chair Brandes
9:08:57 AM Response from Mr. Holmes
9:09:10 AM Question from Senator Evers regarding HMO's
9:10:28 AM Response from Mr. Holmes
9:11:48 AM Follow-up question from Senator Evers
9:12:32 AM Question from Chair Brandes
9:12:37 AM Response from Mr. Holmes regarding riding the same bus
9:13:37 AM Question from Senator Evers
9:13:56 AM Response from Mr. Holmes
9:14:33 AM Question from Chair Brandes regarding study being done
9:14:45 AM Response from Mr. Holmes
9:14:55 AM Question from Senator Evers regarding appointments
9:15:11 AM Continued presentation by Mr. Holmes
9:17:49 AM Question from Chair Brandes
9:17:59 AM Response from Mr. Holmes
9:18:10 AM Continued presentation by Mr. Holmes
9:19:46 AM Question from Senator Evers regarding riders
9:20:01 AM Response from Mr. Holmes
9:20:20 AM Question from Chair Brandes
9:20:31 AM Response from Mr. Holmes regarding time of notice
9:21:04 AM Question from Senator Evers regarding scheduling
9:21:17 AM Question from Senator Thompson regarding funding sources
9:22:07 AM Response from Mr. Holmes
9:23:11 AM Question from Chair Brandes regarding people that are dual enrolled
9:23:25 AM Response from Mr. Holmes
9:24:06 AM Question from Chair Brandes
9:24:13 AM Response from Mr. Holmes
9:24:27 AM Follow-up question from Chair Brandes
9:24:37 AM Response from Mr. Holmes
9:24:57 AM Question from Senator Evers regarding type of vehicles running
9:25:18 AM Response from Mr. Holmes
9:25:44 AM Comments from Senator Evers
9:26:18 AM Response from Mr. Holmes

9:27:05 AM Follow-up question from Senator Evers regarding cost share
9:27:18 AM Response from Mr. Holmes
9:27:46 AM Additional question from Senator Evers
9:28:09 AM Response from Mr. Holmes regarding how long vehicle can be used
9:28:38 AM Question from chair Brandes
9:28:48 AM Response from Mr. Holmes
9:28:53 AM Continued presentation by Mr. Holmes
9:29:55 AM Question from Senator Evers regarding MV1
9:30:16 AM Response from Mr. Holmes
9:30:22 AM Question from Chair Brandes
9:30:38 AM Response from Mr. Holmes
9:32:02 AM Follow-up question from Chair Brandes regarding structure
9:32:26 AM Response from Mr. Holmes
9:32:44 AM Additional question from Chair Brandes
9:32:51 AM Response from Mr. Holmes
9:33:15 AM Additional question from Chair Brandes
9:33:23 AM Response from Mr. Holmes
9:33:47 AM Additional question from Chair Brandes
9:34:17 AM Response from Mr. Holmes
9:35:17 AM Continued presentation by Mr. Holmes
9:35:58 AM Question from Chair Brandes
9:36:04 AM Response from Mr. Holmes regarding background check
9:36:28 AM Follow-up question from Chair Brandes regarding background check and insurance
9:36:43 AM Response from Mr. Holmes
9:36:52 AM Question from Senator Evers
9:37:01 AM Response from Mr. Holmes
9:37:06 AM Question from Chair Brandes
9:37:15 AM Response from Mr. Holmes
9:37:56 AM Introduction of Mr. Alan Mandel, CEO, Good Wheels, Inc. by Chair Brandes
9:38:08 AM Speaker, Alan Mandel, CEO Good Wheels, Inc.
9:41:13 AM Comments from Senator Evers regarding contracting with HMO's
9:42:00 AM Response from Mr. Mandel
9:43:00 AM Question from Chair Brandes regarding non-Medicaid service vs. Medicaid service
9:43:27 AM Response from Mr. Mandel
9:44:20 AM Follow-up question from Chair Brandes
9:44:26 AM Response from Mr. Mandel
9:45:26 AM Question from Chair Brandes
9:46:25 AM Response from Mr. Mandel regarding people other than dialysis, etc.
9:47:22 AM Question from Chair Brandes regarding pay
9:47:30 AM Response from Mr. Mandel
9:48:30 AM Question from Chair Brandes
9:48:36 AM Response from Mr. Mandel
9:49:25 AM Question from Senator Evers regarding drivers going into home
9:49:46 AM Response from Mr. Mandel
9:49:53 AM Question from Senator Thompson regarding training
9:50:09 AM Response from Mr. Mandel
9:50:36 AM Question from Chair Brandes regarding training
9:50:46 AM Response from Mr. Mandel
9:50:50 AM Question from Chair Brandes regarding items for Senate to look at
9:51:41 AM Response from Mr. Mandel
9:52:30 AM Comments from Senator Evers regarding the needs that the company need to opera
9:53:22 AM Comments from Chair Brandes
9:53:41 AM Response from Mr. Mandel
9:54:54 AM Thanks from Chair Brandes to speakers
9:55:24 AM Senator Thompson moves to rise