

Amendment No.

CHAMBER ACTION

Senate

House

.



1 Representative Andrade offered the following:

2

3 **Amendment (with title amendment)**

4 Remove line 403 and insert:

5 Section 10. Effective upon this act becoming a law, the
6 Greater Miami Expressway Agency created by chapter 2019-169,
7 Laws of Florida, is reestablished subject to the revised powers
8 and duties set forth herein.

9 Section 11. Effective upon this act becoming a law,
10 section 348.0301, Florida Statutes, is amended to read:

11 348.0301 Short title.—This part may be cited as the
12 "Greater Miami Expressway Agency Act of 2022."

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13 Section 12. Effective upon this act becoming a law,
14 section 348.0302, Florida Statutes, is repealed.

15 Section 13. Effective upon this act becoming a law,
16 subsections (5) through (11) of section 348.0303, Florida
17 Statutes, are renumbered as subsections (4) through (10),
18 respectively, present subsections (4) and (9) are amended, and a
19 new subsection (11) is added to that section, to read:

20 348.0303 Definitions.—As used in the this part, the term:

21 ~~(4) "County" means a county as defined in s. 125.011(1).~~

22 ~~(8)-(9) "Expressway system" means any and all expressways~~
23 ~~not owned by the department~~ which fall within the geographic
24 boundaries of the agency established pursuant to this act and
25 appurtenant facilities thereto, including but not limited to,
26 all approaches, roads, bridges, and avenues of access for such
27 expressway. The term includes a public transportation facility.

28 (11) "Miami-Dade County Expressway Authority" means the
29 state agency previously existing and originally established
30 under the Florida Expressway Authority Act and subsequently
31 dissolved by the Greater Miami Expressway Agency Act.

32 Section 14. Effective upon this act becoming a law,
33 section 348.03031, Florida Statutes, is created to read:

34 348.03031 Legislative findings, intent, and declaration.—

35 (1) The Legislature finds the need to clarify the legal
36 status, ownership, and control of the roads that constitute the
37 expressway system in Miami-Dade County and portions of northeast

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38 Monroe County, following Miami-Dade County's attempt to abolish
39 the Greater Miami Expressway Agency in Miami-Dade Ordinance 21-
40 35 (May 4, 2021).

41 (2) The Legislature recognizes that the original
42 expressway system previously operated by the former Miami-Dade
43 County Expressway Authority is owned by the department. The
44 transfer agreement dated December 10, 1996, entered into by the
45 department and the former Miami-Dade County Expressway
46 Authority, transferred only operational and financial control of
47 the expressways owned by the department.

48 (3) The Legislature recognizes the Miami-Dade County
49 Expressway Authority was dissolved by chapter 2019-169, Laws of
50 Florida, and all assets, employees, contracts, rights, and
51 liabilities were purportedly transferred to the Greater Miami
52 Expressway Agency. All assets, employees, contracts, rights, and
53 liabilities previously owned or controlled by the former Miami-
54 Dade County Expressway Authority, including, without limitation,
55 those previously transferred to the Greater Miami Expressway
56 Agency, are transferred back to the reestablished Greater Miami
57 Expressway Agency created in s. 348.0304 on the effective date
58 of this act.

59 (4) It is the intent of the Legislature to confirm that
60 the Greater Miami Expressway Agency that was created by chapter
61 2019-169, Laws of Florida, is hereby reestablished. The Greater
62 Miami Expressway Agency is the state agency that shall govern

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63 the expressway system within the geographical boundaries of
64 Miami-Dade County and the portion of northeast Monroe County
65 which includes County Road 94 and the portion of Monroe County
66 bounded on the north and east by the borders of Monroe County
67 and on the south and west by County Road 94. It is further the
68 express intent of the Legislature that the Greater Miami
69 Expressway Agency created by this law is an agency of the state
70 and not subject to any county's home rule powers.

71 Section 15. Effective upon this act becoming a law,
72 subsection (1) and paragraphs (a) and (b) of subsection (2) of
73 section 348.0304, Florida Statutes, are amended to read:

74 348.0304 Greater Miami Expressway Agency.—

75 (1) There is hereby created and established a body politic
76 and corporate, an agency of the state, to be known as the
77 "Greater Miami Expressway Agency." The agency shall serve the
78 area within the geographical boundaries of Miami-Dade County and
79 the portion of northeast Monroe County including County Road 94
80 and the portion of Monroe County bounded on the north and east
81 by the borders of Monroe County and on the south and west by
82 County Road 94.

83 (2) (a) The governing body of the agency shall consist of
84 nine voting members. Except for the district secretary of the
85 department, each member must be a permanent resident of a the
86 county served by the agency and may not hold, or have held in
87 the previous 2 years, elected or appointed office in such the

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88 county, except this provision does not apply to any initial
89 appointment under paragraph (b) or to any member who previously
90 served on the governing body of the former Greater Miami
91 Expressway Agency. Each member may only serve two terms of 4
92 years each, except there is no restriction on the term of the
93 department's district secretary for the district serving Miami-
94 Dade County. Four members shall be appointed by the Governor,
95 one of whom must be a member of the metropolitan planning
96 organization for Miami-Dade ~~the~~ County. Two members, who must be
97 residents of an unincorporated portion of the geographic area
98 described in subsection (1) and residing within 15 miles of an
99 area with the highest amount of agency toll roads, shall be
100 appointed by the board of county commissioners of Miami-Dade
101 ~~County residing within 15 miles of an area with the highest~~
102 ~~amount of agency toll roads, shall be appointed by the board of~~
103 ~~county commissioners of the county.~~ Two members, who must be
104 residents of incorporated municipalities within a county served
105 by the agency, shall be appointed by the metropolitan planning
106 organization for a county served by the agency ~~the county, shall~~
107 ~~be appointed by the metropolitan planning organization for the~~
108 ~~county.~~ The district secretary of the department serving in the
109 district that contains Miami-Dade ~~the~~ County shall serve as an
110 ex officio voting member of the governing body.

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111 (b) Initial appointments to the governing body of the
112 agency shall be made by July 31, 2019. For the initial
113 appointments:

114 1. The Governor shall appoint one member for a term of 1
115 year, one member for a term of 2 years, one member for a term of
116 3 years, and one member for a term of 4 years.

117 2. The board of county commissioners of Miami-Dade County
118 shall appoint one member for a term of 1 year and one member for
119 a term of 3 years.

120 3. The metropolitan planning organization of Miami-Dade
121 County shall appoint one member for a term of 2 years and one
122 member for a term of 4 years.

123 Section 16. Effective upon this act becoming a law,
124 paragraph (b) of subsection (1), paragraph (f) of subsection
125 (2), and subsections (6) and (8) of section 348.0306, Florida
126 Statutes, are amended to read:

127 348.0306 Purposes and powers.—

128 (1)

129 (b) The agency, in the construction of an expressway
130 system, may ~~shall~~ construct expressways. Construction of an
131 expressway system may be completed in segments, phases, or
132 stages in a manner that will permit the expansion of these
133 segments, phases, or stages to the desired expressway
134 configuration. The agency, in the construction of an expressway
135 system, may construct any extensions of, additions to, or

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136 improvements to the expressway system or appurtenant facilities,
137 including all necessary approaches, roads, bridges, and avenues
138 of access, with such changes, modifications, or revisions of the
139 project that are deemed desirable and proper. For new capacity
140 projects, the agency shall use the department's design standards
141 and, to the maximum extent practicable, design facilities such
142 as the department would for high-speed limited access
143 facilities. The agency may only add additional expressways to an
144 expressway system, under the terms and conditions set forth in
145 this act, with the prior express written consent of the board of
146 county commissioners of Miami-Dade ~~the County~~ or Monroe County,
147 as applicable, and only if such additional expressways lack
148 adequate committed funding for implementation, are financially
149 feasible, and are compatible with the existing plans, projects,
150 and programs of the agency.

151 (2) The agency may exercise all powers necessary,
152 appurtenant, convenient, or incidental to the carrying out of
153 its purposes, including, but not limited to, the following
154 rights and powers:

155 (f) To borrow money, make and issue negotiable notes,
156 bonds, refund bonds, and other evidence of indebtedness of the
157 agency, which bonds or other evidence of indebtedness may be
158 issued pursuant to the State Bond Act or, in the alternative,
159 pursuant to s. 348.0309(2) to finance or refinance additions,
160 extensions, or improvements to the expressway system within the

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161 geographic boundaries of the agency, and to provide for the
162 security of the bonds or other evidence of indebtedness and the
163 rights and remedies of the holders of the bonds or other
164 evidence of indebtedness. Any bonds or other evidence of
165 indebtedness pledging the full faith and credit of the state may
166 only be issued pursuant to the State Bond Act.

167 1. The agency shall reimburse the counties ~~county~~ in which
168 it exists for any sums expended from any county gasoline tax
169 funds used for payment of such obligations. Any county gasoline
170 tax funds so disbursed shall be repaid in accordance with the
171 terms of any lease-purchase or interlocal agreement with any
172 county or the department together with interest, at the rate
173 agreed to in such agreement. In no event shall any county
174 gasoline tax funds be more than a secondary pledge of revenues
175 for repayment of any obligations issued pursuant to this part.

176 2. The agency may refund any bonds previously issued, to
177 the extent allowable by federal tax laws, to finance or
178 refinance an expressway system located within the geographic
179 boundaries of the agency regardless of whether the bonds being
180 refunded were issued by such agency, an agency of the state, or
181 a county.

182 (6) Notwithstanding subsection (3) or any other provision
183 of law to the contrary, the agency may not undertake any
184 construction that is not consistent with both the metropolitan

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185 | planning organization's transportation improvement program and
186 | the county's comprehensive plan in an area served by the agency.

187 | (8) The governing body of a the county served by the
188 | agency may enter into an interlocal agreement with the agency
189 | pursuant to s. 163.01 for the joint performance or performance
190 | by either governmental entity of any corporate function of the
191 | county or agency necessary or appropriate to enable the agency
192 | to fulfill the powers and purposes of this part and promote the
193 | efficient and effective transportation of persons and goods in
194 | such county.

195 | Section 17. Effective upon this act becoming a law,
196 | subsections (1) and (2) of section 348.0307, Florida Statutes,
197 | are amended to read:

198 | 348.0307 Greater Miami Toll Rebate Program.—There is
199 | created by the agency the Greater Miami Toll Rebate Program.

200 | (1) The agency shall develop and implement a monthly
201 | rebate program for the month beginning January 1, 2023 ~~2020~~,
202 | subject to:

203 | (a) Compliance with any covenants made with the holders of
204 | the agency's bonds which are in the trust indentures or
205 | resolutions adopted in connection with the issuance of the
206 | agency's bonds;

207 | (b) Consideration of the financial feasibility of such a
208 | program as reported by the Auditor General as required by this
209 | act; and

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210 (c) Consideration of the impact of such a program to the
211 financial feasibility of prioritized projects that have been
212 allocated funds for a project development and an environmental
213 study but are not contained in the 5-year work program on July
214 1, 2019.

215 (2) Monthly rebates shall be credited to the account of
216 each SunPass holder who incurs \$12.50 or more in tolls on the
217 expressway system each month and whose SunPass is registered to
218 a motor vehicle registered to an address in the geographic area
219 described in s. 348.0304(1) county.

220 Section 18. Effective upon this act becoming a law,
221 paragraph (c) of subsection (2) of section 348.0309, Florida
222 Statutes, is amended to read:

223 348.0309 Bonds.—

224 (2)

225 (c) Such bonds shall be sold by the agency at public sale
226 by competitive bid. However, if the agency, after receipt of a
227 written recommendation from a financial adviser, determines by
228 official action after public hearing by a two-thirds vote of all
229 voting members of the agency that a negotiated sale of the bonds
230 is in the best interest of the agency, the agency may negotiate
231 for sale of the bonds with the underwriter or underwriters
232 designated by the agency and the counties ~~county~~ in which the
233 agency exists. The agency shall provide specific findings in a
234 resolution as to the reasons requiring the negotiated sale,

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235 | which resolution shall incorporate and have attached thereto the
236 | written recommendation of the financial adviser required by this
237 | subsection.

238 | Section 19. Effective upon this act becoming a law,
239 | subsection (2) of section 348.0315, Florida Statutes, is amended
240 | to read:

241 | 348.0315 Public accountability.—

242 | (2) Beginning October 1, 2023 ~~2020~~, and annually
243 | thereafter, the agency shall submit to the metropolitan planning
244 | organization for each ~~the~~ county served by the agency a report
245 | providing information regarding the amount of tolls collected
246 | and how those tolls were used in the agency's previous fiscal
247 | year. The report shall be posted on the agency's website.

248 | Section 20. Effective upon this act becoming a law,
249 | subsection (1) of section 348.0318, Florida Statutes, is amended
250 | to read:

251 | 348.0318 This part complete and additional authority.—

252 | (1) The powers conferred by this part are in addition and
253 | supplemental to the existing powers of the department and the
254 | governing body of the agency, and this part may not be construed
255 | as repealing any of the provisions of any other law, general,
256 | special, or local, but to supersede such other laws in the
257 | exercise of the powers provided in this part and to provide a
258 | complete method for the exercise of the powers granted in this
259 | part. The extension and improvement of the expressway system,

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260 and the issuance of bonds pursuant to this part to finance all
 261 or part of the cost of the system, may be accomplished upon
 262 compliance with the provisions of this part without regard to or
 263 necessity for compliance with the provisions, limitations, or
 264 restrictions contained in any other general, special, or local
 265 law, including, but not limited to, s. 215.821, and no approval
 266 of any bonds issued under this part by the qualified electors or
 267 qualified electors who are freeholders in the state or in Miami-
 268 Dade County, in Monroe County, or in any other political
 269 subdivision of the state, is required for the issuance of such
 270 bonds pursuant to this part, including, but not limited to, s.
 271 215.821.

272 Section 21. The Division of Law Revision is directed to
 273 replace the phrase "the effective date of this act" wherever it
 274 occurs in this act with the date this act becomes a law.

275 Section 22. Except as otherwise expressly provided in this
 276 act and except for this section, which shall take effect upon
 277 this act becoming a law, this act shall take effect July 1,
 278 2022.

279 -----
 280

281 **T I T L E A M E N D M E N T**

282 Remove lines 44-45 and insert:
 283 make toll rate adjustments for inflation;
 284 reestablishing the Greater Miami Expressway Agency;

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285 | amending s. 348.0301, F.S.; revising a short title;
286 | repealing s. 348.0302, F.S., relating to
287 | applicability; amending s. 348.0303, F.S.; deleting
288 | the term "county"; revising the definition of the term
289 | "expressway system"; defining the term "Miami-Dade
290 | County Expressway Authority"; creating s. 348.03031,
291 | F.S.; providing legislative findings and intent;
292 | amending s. 348.0304, F.S.; revising the area served
293 | by the agency to include specified portions of Monroe
294 | County; revising requirements for membership of the
295 | agency's governing body; revising requirements for
296 | initial appointments; amending s. 348.0306, F.S.;
297 | authorizing, rather than requiring, the agency to
298 | construct expressways; conforming provisions to
299 | changes made by the act; amending s. 348.0307, F.S.;
300 | revising the date by which the agency must develop and
301 | implement a certain toll rebate program; revising
302 | persons who are eligible for the program; amending s.
303 | 348.0309, F.S.; conforming a provision to changes made
304 | by the act; amending s. 348.0315, F.S.; revising the
305 | date by which, and the entities to which, the agency
306 | must begin submitting certain annual reports relating
307 | to tolls; amending s. 348.0318, F.S.; conforming a
308 | provision to changes made by the act; providing a

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309 | directive to the Division of Law Revision; providing
310 | effective dates.

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