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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2022	.	
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The Committee on Appropriations (Diaz) recommended the following:

1           **Senate Amendment to Amendment (639566) (with title**  
2 **amendment)**

3  
4           Delete line 361  
5 and insert:

6           Section 9. Effective upon this act becoming a law, the  
7 Greater Miami Expressway Agency created by chapter 2019-169,  
8 Laws of Florida, is reestablished subject to the revised powers  
9 and duties set forth herein.

10           Section 10. Effective upon this act becoming a law, section



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11 348.0301, Florida Statutes, is amended to read:

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

14 Section 11. Effective upon this act becoming a law, section  
15 348.0302, Florida Statutes, is repealed.

16 Section 12. Effective upon this act becoming a law,  
17 subsection (4) and present subsection (9) of section 348.0303,  
18 Florida Statutes, are amended, and a new subsection (11) is  
19 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 13. Effective upon this act becoming a law, section  
33 348.03031, 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  
38 Monroe County, following Miami-Dade County’s attempt to abolish  
39 the Greater Miami Expressway Agency in Miami-Dade Ordinance 21-



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40 35 (May 4, 2021).

41 (2) The Legislature recognizes that the original expressway  
42 system previously operated by the former Miami-Dade County  
43 Expressway Authority is owned by the department. The transfer  
44 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 the  
60 Greater Miami Expressway Agency that was created by chapter  
61 2019-169, Florida Statutes, is hereby reestablished. The Greater  
62 Miami Expressway Agency is the state agency that shall govern  
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



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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 14. 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  
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



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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.

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 15. 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:



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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  
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,



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

195 Section 16. 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 rebate  
201 program for the month beginning January 1, 2023 ~~2020~~, subject  
202 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

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





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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 17. 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,  
235 which resolution shall incorporate and have attached thereto the  
236 written recommendation of the financial adviser required by this  
237 subsection.

238 Section 18. 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



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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 19. 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,  
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.



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272           Section 20. 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 21. 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 ===== T I T L E   A M E N D M E N T =====

281 And the title is amended as follows:

282           Delete line 415

283 and insert:

284           reestablishing the Greater Miami Expressway Agency;  
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



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