

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Abbott offered the following:

Amendment (with title amendment)

Between lines 374 and 375, insert:

Section 13. Effective upon this act becoming a law, the Greater Miami Expressway Agency created by chapter 2019-169, Laws of Florida, is reestablished subject to the revised powers and duties set forth herein.

Section 14. Effective upon this act becoming a law, section 348.0301, Florida Statutes, is amended to read:

348.0301 Short title.—This part may be cited as the "Greater Miami Expressway Agency Act of 2023."

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14 section 348.0302, Florida Statutes, is repealed.

15 Section 16. 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 17. 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 18. 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 that 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 that there is no restriction on the term of
93 the department's district secretary. Four members shall be
94 appointed by the Governor, one of whom must be a member of the
95 metropolitan planning organization for Miami-Dade ~~the~~ County.
96 Two members, who must be residents of an unincorporated portion
97 of the geographic area described in subsection (1) and residing
98 within 15 miles of an area with the highest amount of agency
99 toll roads, shall be appointed by the board of county
100 commissioners of Miami-Dade County ~~residing within 15 miles of~~
101 an area with the highest amount of agency toll roads, shall be
102 appointed by the board of county commissioners of the county.
103 Two members, who must be residents of incorporated
104 municipalities within a county served by the agency, shall be
105 appointed by the metropolitan planning organization for a county
106 served by the agency ~~the county, shall be appointed by the~~
107 metropolitan planning organization for the county. The district
108 secretary of the department serving in the district that
109 contains Miami-Dade ~~the~~ County shall serve as an ex officio
110 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 19. 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 20. Effective upon this act becoming a law,
196 | paragraph (c) of subsection (2) of section 348.0309, Florida
197 | Statutes, is amended to read:

198 | 348.0309 Bonds.—

199 | (2)

200 | (c) Such bonds shall be sold by the agency at public sale
201 | by competitive bid. However, if the agency, after receipt of a
202 | written recommendation from a financial adviser, determines by
203 | official action after public hearing by a two-thirds vote of all
204 | voting members of the agency that a negotiated sale of the bonds
205 | is in the best interest of the agency, the agency may negotiate
206 | for sale of the bonds with the underwriter or underwriters
207 | designated by the agency and the counties ~~county~~ in which the
208 | agency exists. The agency shall provide specific findings in a
209 | resolution as to the reasons requiring the negotiated sale,

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210 which resolution shall incorporate and have attached thereto the
211 written recommendation of the financial adviser required by this
212 subsection.

213 Section 21. Effective upon this act becoming a law,
214 subsection (2) of section 348.0315, Florida Statutes, is amended
215 to read:

216 348.0315 Public accountability.—

217 (2) Beginning October 1, 2024 ~~2020~~, and annually
218 thereafter, the agency shall submit to the metropolitan planning
219 organization for each the county served by the agency a report
220 providing information regarding the amount of tolls collected
221 and how those tolls were used in the agency's previous fiscal
222 year. The report shall be posted on the agency's website.

223 Section 22. Effective upon this act becoming a law,
224 subsection (1) of section 348.0318, Florida Statutes, is amended
225 to read:

226 348.0318 This part complete and additional authority.—

227 (1) The powers conferred by this part are in addition and
228 supplemental to the existing powers of the department and the
229 governing body of the agency, and this part may not be construed
230 as repealing any of the provisions of any other law, general,
231 special, or local, but to supersede such other laws in the
232 exercise of the powers provided in this part and to provide a
233 complete method for the exercise of the powers granted in this
234 part. The extension and improvement of the expressway system,

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235 and the issuance of bonds pursuant to this part to finance all
 236 or part of the cost of the system, may be accomplished upon
 237 compliance with the provisions of this part without regard to or
 238 necessity for compliance with the provisions, limitations, or
 239 restrictions contained in any other general, special, or local
 240 law, including, but not limited to, s. 215.821, and no approval
 241 of any bonds issued under this part by the qualified electors or
 242 qualified electors who are freeholders in the state or in Miami-
 243 Dade County, in Monroe County, or in any other political
 244 subdivision of the state, is required for the issuance of such
 245 bonds pursuant to this part, including, but not limited to, s.
 246 215.821.

247 Section 23. Effective upon this act becoming a law,
 248 subsection (5) is added to section 189.072, Florida Statutes, to
 249 read:

250 189.072 Dissolution of an independent special district.-

251 (5) The provisions of this section do not apply to any
 252 entity created pursuant to the Florida Expressway Authority Act,
 253 derived from chapter 90-136, Laws of Florida, and subsequently
 254 repealed by chapter 2019-169, Laws of Florida.

255 Section 24. The Division of Law Revision is directed to
 256 replace the phrase "the effective date of this act" wherever it
 257 occurs in this act with the date this act becomes a law.

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

Remove line 59 and insert:
Authority; reestablishing the Greater Miami Expressway Agency; amending s. 348.0301, F.S.; revising a short title; repealing s. 348.0302, F.S., relating to applicability; amending s. 348.0303, F.S.; deleting the term "county"; revising the definition of the term "expressway system"; defining the term "Miami-Dade County Expressway Authority"; creating s. 348.03031, F.S.; providing legislative findings and intent; amending s. 348.0304, F.S.; revising the area served by the agency to include specified portions of Monroe County; revising requirements for membership of the agency's governing body; revising requirements for initial appointments; amending s. 348.0306, F.S.; authorizing, rather than requiring, the agency to construct expressways; conforming provisions to changes made by the act; amending s. 348.0309, F.S.; conforming a provision to changes made by the act; amending s. 348.0315, F.S.; revising the date by which, and the entities to which, the agency must begin submitting certain annual reports relating to tolls; amending s. 348.0318, F.S.; conforming a provision to changes made by the act; amending s. 189.072, F.S.; providing applicability; providing a

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285 | directive to the Division of Law Revision; providing
286 | effective dates.

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