

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Gonzalez offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 73 and 74, insert:

5 Section 1. Section 348.0003, Florida Statutes, is amended
6 to read:

7 348.0003 Expressway authority; formation; membership.—

8 (1) Any county, or two or more contiguous counties located
9 within a single district of the department, may, by resolution
10 adopted by the board of county commissioners, form an expressway
11 authority, which shall be an agency of the state, pursuant to
12 the Florida Expressway Authority Act.

13 (2) The governing body of an authority shall consist of
14 not fewer than five nor more than nine voting members. The

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15 district secretary of the affected department district shall
16 serve as a nonvoting member of the governing body of each
17 authority located within the district. Each member of the
18 governing body must at all times during his or her term of
19 office be a permanent resident of the county which he or she is
20 appointed to represent.

21 (a) Two members of the authority shall be appointed for
22 terms of 4 years by the Governor, subject to confirmation by the
23 Senate. Such persons may not hold elective office during their
24 terms of office.

25 (b) For a single-county authority, the remaining members
26 shall be appointed by the board of county commissioners for
27 terms of 3 years.

28 (c) For a multicounty authority, the remaining members
29 shall be apportioned, based on the population of such counties,
30 among the counties within the authority. Each such member shall
31 be appointed by the applicable board of county commissioners for
32 a term of 3 years.

33 (d) Notwithstanding any provision of ~~to the contrary in~~
34 this subsection, in any county as defined in s. 125.011(1), the
35 governing body of an authority shall consist of nine ~~up to 13~~
36 members, and the following provisions of this paragraph shall
37 apply specifically to such authority. Except for the district
38 secretary of the department, the members must be residents of
39 the county. Four ~~Seven~~ voting members shall be appointed by the
40 governing body of the county. At the discretion of the governing

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41 body of the county, up to two of the members appointed by the
42 governing body of the county may be elected officials residing
43 in the county. Four ~~Five~~ voting members of the authority shall
44 be appointed by the Governor. One member shall be the district
45 secretary of the department serving in the district that
46 contains such county. This member shall be an ex officio voting
47 member of the authority. If the governing board of an authority
48 includes any member originally appointed by the governing body
49 of the county as a nonvoting member, when the term of such
50 member expires, that member shall be replaced by a member
51 appointed by the Governor until the governing body of the
52 authority is composed of four ~~seven~~ members appointed by the
53 governing body of the county and four ~~five~~ members appointed by
54 the Governor. The qualifications, terms of office, and
55 obligations and rights of members of the authority shall be
56 determined by resolution or ordinance of the governing body of
57 the county in a manner that is consistent with this paragraph,
58 paragraphs (e)-(i), and subsections (3)-(12) ~~(3) and (4)~~.

59 (e) A member of the authority appointed by the governing
60 board of the county or appointed by the Governor may not serve
61 as a member of any other transportation-related board,
62 commission, or organization with audit oversight of the
63 authority while serving as a member of the authority.

64 (f) A lobbyist, as defined in s. 112.3215, may not be
65 appointed or serve as a member of an authority.

66 (g) A member of an authority may be removed from office by

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67 the Governor for misconduct, malfeasance, misfeasance, or
68 nonfeasance in office.

69 (h) Members of an authority are entitled to reimbursement
70 from the authority for travel and other necessary expenses
71 incurred in connection with the business of the authority as
72 provided in s. 112.061. Members may not draw salaries or other
73 compensation.

74 (i) Members of each expressway authority, transportation
75 authority, bridge authority, or toll authority, created pursuant
76 to this chapter, chapter 343, or any other general law, shall
77 comply with the applicable financial disclosure requirements of
78 s. 8, Art. II of the State Constitution. This paragraph does not
79 subject any statutorily created authority, other than an
80 expressway authority created under this part, to any other
81 requirement of this part except the requirement of this
82 paragraph.

83 (3) (a) The governing body of each authority shall elect
84 one of its members as its chair and shall elect a secretary and
85 a treasurer who need not be members of the authority. The chair,
86 secretary, and treasurer shall hold their offices at the will of
87 the authority. A simple majority of the governing body of the
88 authority constitutes a quorum, and the vote of a majority of
89 those members present is necessary for the governing body to
90 take any action. A vacancy on an authority shall not impair the
91 right of a quorum of the authority to exercise all of the rights
92 and perform all of the duties of the authority.

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93 (b) Upon the effective date of his or her appointment, or
94 as soon thereafter as practicable, each appointed member of an
95 authority shall enter upon his or her duties.

96 (4)~~(a)~~ An authority may employ an executive secretary, an
97 executive director, its own counsel and legal staff, technical
98 experts, and such engineers and employees, permanent or
99 temporary, as it may require and shall determine the
100 qualifications and fix the compensation of such persons, firms,
101 or corporations. An authority may employ a fiscal agent or
102 agents; however, the authority must solicit sealed proposals
103 from at least three persons, firms, or corporations for the
104 performance of any services as fiscal agents. An authority may
105 delegate to one or more of its agents or employees such of its
106 power as it deems necessary to carry out the purposes of the
107 Florida Expressway Authority Act, subject always to the
108 supervision and control of the authority. ~~Members of an~~
109 ~~authority may be removed from office by the Governor for~~
110 ~~misconduct, malfeasance, misfeasance, or nonfeasance in office.~~

111 ~~(b) Members of an authority are entitled to receive from~~
112 ~~the authority their travel and other necessary expenses incurred~~
113 ~~in connection with the business of the authority as provided in~~
114 ~~s. 112.061, but they may not draw salaries or other~~
115 ~~compensation.~~

116 ~~(c) Members of each expressway authority, transportation~~
117 ~~authority, bridge authority, or toll authority, created pursuant~~
118 ~~to this chapter, chapter 343, or any other general law, shall~~

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119 ~~comply with the applicable financial disclosure requirements of~~
120 ~~s. 8, Art. II of the State Constitution. This paragraph does not~~
121 ~~subject any statutorily created authority, other than an~~
122 ~~expressway authority created under this part, to any other~~
123 ~~requirement of this part except the requirement of this~~
124 ~~paragraph.~~

125 (5) A member or the executive director of an authority may
126 not:

127 (a) Personally represent another person or entity for
128 compensation before the authority for a period of 2 years after
129 vacation of his or her position; or

130 (b) After retirement or termination, have an employment or
131 contractual relationship with a business entity other than an
132 agency, as defined in s. 112.312, in connection with a contract
133 in which the member or executive director personally and
134 substantially participated through decision, approval,
135 disapproval, recommendation, rendering of advice, or
136 investigation while he or she was a member or employee of the
137 authority.

138 (6) The authority's general counsel shall serve as the
139 authority's ethics officer.

140 (7) Authority board members, employees, and consultants
141 who hold positions that may influence authority decisions shall
142 refrain from engaging in any relationship that may adversely
143 affect their judgment in carrying out authority business. To
144 prevent such conflicts of interest and preserve the integrity

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145 and transparency of the authority to the public, the following
146 disclosures must be made annually on a disclosure form:

147 (a) Any relationship that a board member, employee, or
148 consultant has which affords a current or future financial
149 benefit to such board member, employee, or consultant, or to a
150 relative or business associate of such board member, employee,
151 or consultant, and which a reasonable person would conclude has
152 the potential to create a prohibited conflict of interest. As
153 used in this subsection, the term "relative" has the same
154 meaning as provided in s. 112.312.

155 (b) Whether a relative of such board member, employee, or
156 consultant is a registered lobbyist and, if so, the names of
157 such lobbyist's clients. Such names shall be provided in writing
158 to the ethics officer.

159 (c) Any and all interests in real property that such board
160 member, employee, or consultant has, or that a relative,
161 principal, client, or business associate of such board member,
162 employee, or consultant has, if such real property is located
163 within, or within a 1/2-mile radius of, any actual or
164 prospective authority roadway project. The executive director
165 shall provide a corridor map and a property ownership list
166 reflecting the ownership of all real property within the
167 disclosure area, or an alignment map with a list of associated
168 owners, to all board members, employees, and consultants.

169 (8) The disclosure forms filed as required under
170 subsection (7) must be reviewed by the ethics officer or, if a

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171 form is filed by the general counsel, by the executive director.

172 (9) The conflict of interest process shall be outlined in
173 the authority's code of ethics.

174 (10) Authority employees and consultants are prohibited
175 from serving on the governing body of the authority while
176 employed by or under contract with the authority.

177 (11) The code of ethics policy shall be reviewed and
178 updated by the ethics officer and presented for board approval
179 at least once every 2 years.

180 (12) Employees shall be adequately informed and trained on
181 the code of ethics and shall continually participate in ongoing
182 ethics education.

183 (13) The requirements of subsections (5)-(12) are in
184 addition to the requirements that the members and the executive
185 director of the authority are required to follow under chapter
186 112.

187 (14) Violations of subsections (5), (7), and (10) are
188 punishable in accordance with s. 112.317.

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

192 Remove lines 2-3 and insert:

193 An act relating to expressway authorities; amending s.
194 348.0003, F.S.; revising provisions for membership of
195 an expressway authority in specified counties;
196 prohibiting certain activities by authority board

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197 members and executive directors during and after
198 membership or employment; providing for an ethics
199 officer; requiring disclosure of certain relationships
200 and interest; prohibiting employees and consultants
201 from membership on a board; providing for a code of
202 ethics policy; providing for violations; amending ss.
203 348.751 and

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