

MEMORANDUM

Non-Agenda Item No. 15(F)(1)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: February 4, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing that
County will not appeal the Court
Order entered on September 25,
2024 in Case No. 2021-024025-
CA-01 and will not continue
participating in any current
litigation concerning the Greater
Miami Expressway Agency Act
of 2023; directing County
Attorney to take certain actions
consistent with this policy

R-92-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: February 4, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Non-Agenda Item No.15(F)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Non-Agenda Item No. 15(F)(1)
2-4-25

RESOLUTION NO. R-92-25

RESOLUTION ESTABLISHING THAT COUNTY WILL NOT APPEAL THE COURT ORDER ENTERED ON SEPTEMBER 25, 2024 IN CASE NO. 2021-024025-CA-01 AND WILL NOT CONTINUE PARTICIPATING IN ANY CURRENT LITIGATION CONCERNING THE GREATER MIAMI EXPRESSWAY AGENCY ACT OF 2023; DIRECTING COUNTY ATTORNEY TO TAKE CERTAIN ACTIONS CONSISTENT WITH THIS POLICY

WHEREAS, on November 20, 2023, the Miami-Dade Expressway Authority filed an Amended Complaint for Declaratory and Injunctive Relief in the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 2021-024025-CA-01 (the “Lawsuit”) against the Greater Miami Expressway Agency (“GMX”), Marili Cancio, Richard Blanco, Stacy Miller, Rodolfo Pages, and Fatima Perez, as well as Bank of New York and Bank of America; and

WHEREAS, the County was joined in the Lawsuit as a necessary party under section 86.091, Florida Statutes; and

WHEREAS, on September 25, 2024, the Court entered an order in the Lawsuit determining that sections 18 through 28 of Chapter 2023-70 of the Laws of Florida (collectively, the “Greater Miami Expressway Agency Act of 2023”) was a valid general law pertaining to a matter of statewide concern because it dealt with components of the State Highway System (“Court Order”) in response to which the County filed a motion for rehearing in the underlying action and a notice of joinder at the appellate court; and

WHEREAS, at the February 4, 2025 Board of County Commissioners’ meeting, a motion was made to not appeal the Court Order and to not continue participating in any current litigation concerning the Greater Miami Expressway Agency Act of 2023; and

WHEREAS, the County expressly notes that it is taking this action to simply move beyond the dispute regarding the operation of the state-owned expressway system operated by GMX within Miami-Dade County so that the County and GMX can move forward with various pending projects and initiatives; and

WHEREAS, the County does not intend for this resolution, or anything in the Court Order, to serve as precedent in any future matters concerning the County's Home Rule powers, including the County's power to adopt ordinances that conflict with, modify, or nullify any existing local, special, or general law applicable only to Miami-Dade County, as granted in the Florida Constitution and Home Rule Charter,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The County agrees to not appeal the Court Order and shall not continue participating in any current litigation seeking to challenge the validity of the Greater Miami Expressway Agency Act of 2023.

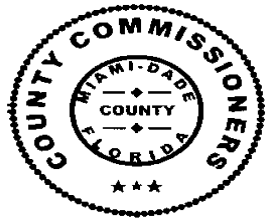
Section 2. The County Attorney is directed to have the County voluntarily withdraw any pending motion that seeks the foregoing and voluntarily dismiss itself from any current appellate review of the Court Order.

Section 3. The Clerk of the Board is directed to transmit a certified copy of this resolution to the Executive Director and the Chairperson of the Greater Miami Expressway Agency.

The Prime Sponsor of the foregoing resolution is Commissioner Kevin Marino Cabrera. It was offered by Commissioner **Kevin Marino Cabrera** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of February, 2025. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "MBV", is written over a horizontal line.

Michael B. Valdes
Miguel A. Gonzalez