

# Judge rules Miami-Dade Expressway Authority dead. It doubts it

[Miami Today](#)

In the latest turn in a long drive to control five Miami-Dade toll roads, a court ruling this week ordered a turnover of assets of the Miami-Dade Expressway Authority to a state agency and ruled the former expressway authority dissolved. The expressway authority responded Tuesday with plans to file for immediate injunctive relief in another court.

The ruling in favor of the state's Greater Miami Expressway Agency (GMX) by Circuit Judge Angela Dempsey in Leon County says the agency was given control as of July 1 by new state legislation that also dissolved the authority, though the authority was functioning Tuesday.

"All of the assets, employees, contracts, rights, and liabilities previously owned or controlled by the former MDX, including any accounts and/or monies maintained by BOA (Bank of America) on behalf of MDX, have been transferred to and are now the property of GMX," Judge Dempsey ruled.

That action is part of a long struggle by state officials to wrest control of five expressways in the county and their revenues from a local authority.

Neither the county nor MDX was a party to the legal action, in which GMX sued Bank of America to gain control of MDX funds. But MDX has money in other financial institutions as well, said Eugene Stearns, an attorney representing MDX in the case.

Mr. Stearns said injunctive relief would be sought in circuit court from Judge Lisa Walsh.

A separate case pending in the 3rd District initiated by GMX meanwhile is challenging a final judgment against it and in favor of MDX, Mr. Stearns

noted. Arguments, he said, are to be heard in September in that case.

"They just bypassed the 3rd District to go to Leon County," he said. "This is a sneak attack.... This is unprecedented."

The five toll roads under Miami-Dade Expressway Authority control are SR 122, the Airport Expressway; SR 836, the Dolphin Expressway; SR 874, the Don Shula Expressway; SR 878, the Snapper Creek Expressway, and SR 924, the Gratigny Parkway.

"The GMX Board is excited about Judge Dempsey's ruling following the law and we look forward to a compassionate transition as we ensure financial stability, continuity of operations, quality services, and uninterrupted employee payroll as we serve the public of Miami-Dade and Monroe counties," Torey Alston, GMX interim executive director, said in a prepared statement on Monday.

A potential future highway in Monroe County was included in the new state legislation that put GMX in charge of the expressways. A key issue has been that MDX operates entirely within Miami-Dade County and the state could not control a county agency under Miami-Dade's home rule charter.

Mr. Stearns, citing \$4 billion in MDX assets, said the state in various battles has sought to gain control of the county's assets since the home rule charter took effect in 1957. In this case, he said, the governor is going after those assets. "He's been rebuffed by court after court after court," Mr. Stearns said.

In the current case, he said the road site in question in Monroe County is 25 miles from the nearest MDX expressway.

"This is all about power and money" that the state seeks to take over, Mr. Stearns said. "Today it's MDX. Tomorrow it's the airport or the seaport." Although MDX is a county authority and not an agency, that is not how Ms.

Alston termed it in her statement.

“The GMX Board will continue to work with the recently dissolved Miami-Dade Expressway Agency (MDX) organization during this compassionate transition and ensuring full transparency for the public,” her statement said.

MDX was a big winner in June 2022 when the 11th Judicial Circuit granted its motion for summary judgment in a dispute over control of the five expressways.

The State Legislature voted in 2019 to dissolve MDX and created GMX to run the toll roads that MDX has controlled since its birth in 1994. Both have been in a legal battle since 2019, with a first suit by MDX against the Florida Department of Transportation and a second in October 2021 against GMX and its appointed members.

Miami-Dade passed an ordinance in May 2021 invoking its home rule authority to create MDX and abolish GMX. Under the Florida Constitution, home rule authority allows the county to abolish authorities, boards or other governmental units whose jurisdiction lies wholly within Dade County, the motion closing that case signed by Judge Alan Fine said.