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MIAMI-DADE COUNTY

## In Miami-Dade’s toll wars, a new skirmish: severance packages for ousted executives

BY DOUGLAS HANKS

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A view of State Road 836, also known as the Dolphin Expressway. It's one of five toll roads now run by the Greater Miami Expressway Agency under a 2023 state law that went into effect over legal challenges from Miami-Dade, which has been fighting similar legislation since 2019. *Miami Herald file*



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In the [messy fight](#) that shifted power over Miami-Dade's toll roads from Miami to Tallahassee, a new skirmish is emerging: severance deals approved by the old toll board for top executives ousted by the current board.

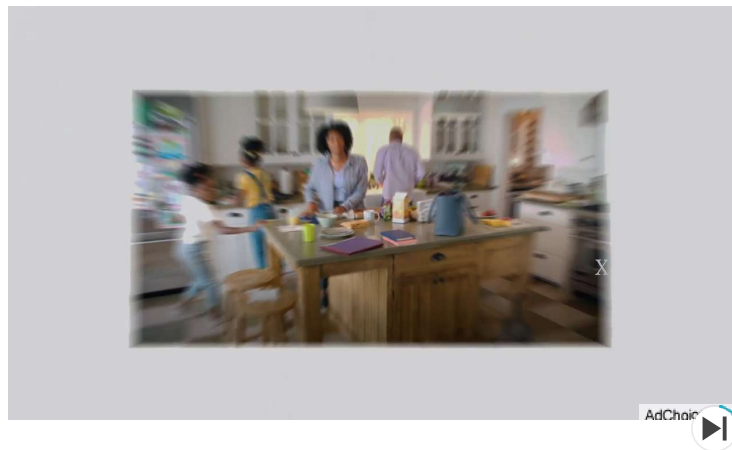
The Greater Miami Expressway Agency (GMX) is a state-backed board that last month took over the Dolphin Expressway and four other busy commuting routes generating more than \$200 million in toll revenue each year.

Since the 1990s, those roads have been under the control of the Miami-Dade Expressway Authority, a toll board governed by a majority of members appointed by the County Commission. The Florida Legislature passed legislation in 2019 dissolving MDX and replacing it with GMX, a board governed by a majority of appointees of Gov. Ron DeSantis.

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Last month, Miami-Dade lost its extended court fight against the state law, and GMX took over the Dolphin and the four other MDX expressways: Airport, Don Shula, Gratigny and Snapper Creek. The new board voted to suspend with pay MDX's top two executives: Director Darlene Fernandez and General Counsel Carlos Zaldivar.

Late last week, GMX issued a press release declaring parts of the suspended employees' MDX contracts "alarming." The release notes the two administrators were given severance packages worth a year's salary while Florida law allows government agencies to only pay severance packages of up to 20 weeks of compensation.

"GMX will continue to demonstrate financial stability and effective governance to regain the trust lost by MDX," Mariana "Marili" Cancio, a Miami lawyer and GMX

board chair, said in the release.

Fernandez and Zaldivar signed contracts in 2022 as MDX lawyers and county attorneys fought state efforts to dissolve the agency at a time when GMX had already signed its own executive director: Torey Alston, a DeSantis appointee on the [Broward County School Board](#) and a former chief of staff in the Florida Department of Transportation.

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Fernandez, an engineer, left her senior post at Miami-Dade's Transportation department for the MDX job. The MDX contract paid her \$368,000 a year plus cash benefits that included \$12,000 for an auto allowance and \$10,000 to cover business expenses, including meals. The contract for Zaldivar, MDX's top lawyer since 2015, paid him \$325,000 a year, plus \$5,200 a year for an auto allowance.

Fernandez and Zaldivar were not available for comment Monday. In a statement, Dennis Moss, the former Miami-Dade commissioner who was an MDX board member, did not defend the legality of a 12-month severance package but said all MDX contracts have a provision canceling clauses deemed illegal or not enforceable by law.

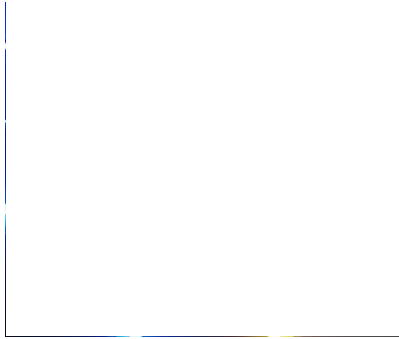
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“The contracts for both the Executive Director and General Counsel were entered into in good faith by all parties,” he said. “If 12 months is not allowable under the law in this case, then the maximum [that] is allowable should apply.”

Alston, GMX's current director, has not been paid for his work, he said last week. The GMX board is set to approve his first employment contract with the agency at its

[Wednesday meeting](#), according to the published agenda. Alston said the agency would release the proposed contract Monday, but it was not available at press time.

While GMX criticizes decisions of the prior board, the power struggle over the existing one continues. Last week, Miami-Dade commissioners [advanced legislation](#) seeking to dissolve GMX — a power county lawyers contend Miami-Dade retains under its “home rule” authority granted in the Florida Constitution. That provision prevents the Florida Legislature from passing laws only affecting Miami-Dade.



The [latest version of the GMX legislation](#) that led to the August takeover circumvented the home-rule defense by adding a portion of Monroe County to the toll board’s authority. That portion of land falls in the Big Cypress federal preserve, where the only transportation option is a gravel road.

“What is going on with MDX is a crime,” Moss said in his statement. “The State is trying to steal our toll money, our jobs, and our Home Rule.”

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Doug Hanks covers Miami-Dade government for the Herald. He’s worked at the paper for nearly 20 years, covering real estate, tourism and the economy before joining the Metro desk in 2014.

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