

OFFICE OF THE COUNTY ATTORNEY

Fiscal Year 2022 Annual Report



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From the County Attorney

Dear Mayor, Vice-Mayor, and County Commissioners,

October 1 marked the start of my sixth year as County Attorney, and it remains my honor to serve in that capacity.

This report highlights some of the Office’s most significant activities and achievements during this past fiscal year and summarizes the status of significant ongoing matters. Fiscal year 2022 was, in many ways, a very successful year for our Office. We believe we consistently maintained our high standards for accessibility, responsiveness, and work product—factors we’re able to control through dedicated effort—and we were also fortunate in obtaining favorable outcomes in several high-profile matters.

As our Office returns to a “new post-pandemic normal,” I believe the Office is the strongest it has been in my 23+ years with the County. We have added to our skills and technological proficiency as required by the pandemic, we have invested substantial time in continuing to develop our junior and mid-level lawyers, and we have continued to build much-needed “bench depth” in key areas.

Thank you for the County Commission’s continuing support for our Office, and for entrusting me to serve as your County Attorney.



Andrew J. Meyers
Broward County Attorney

Our Organizational Structure

In addition to the County Attorney, the Office's Senior Management Team is composed of Chief Deputy County Attorney René Harrod and Deputy County Attorneys Mike Kerr, Maite Azcoitia, Danielle French, and Annika Ashton.

Our 52 lawyers are members of various "practice groups" organized by subject matter or client agency. Many attorneys are members of multiple practice groups, allowing cross-training opportunities and leveraging broader skillsets to enable us to meet shifting client needs.

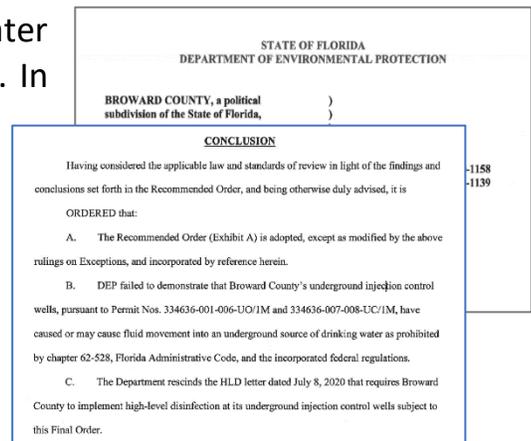
Over the past year, we filled several key positions and retained nearly all of our attorneys despite a thriving market for top attorneys. This permitted us to focus more substantially on growing the skills of our less experienced attorneys, while strategically deploying our more experienced attorneys to the more complex matters. Identifying opportunities for less experienced attorneys to take on ever-increasing levels of responsibility requires time and effort in the short run, but pays tremendous dividends in the long run by increasing Officewide capacity to handle the more complex legal matters. The increased capacity and improved skills better enable our Office to provide timely, appropriate counsel in connection with the complex transactional, regulatory, and litigation matters we routinely address. And while less visible than the attorney personnel, the 27 team members who compose our paralegal staff and executive personnel contribute greatly to the success of our Office.

Our personnel are spread across four different office locations, and most members of our team utilize remote work locations several days each week, which has enhanced job satisfaction while maintaining (and in many instances increasing) responsiveness and productivity. Whatever the location, our Office functions as a cohesive unit as we strive for excellence in all we do.

Most Significant Matters

Administrative Litigation with Florida Department of Environmental Protection

The Office successfully challenged a Florida Department of Environmental Protection (FDEP) notice requiring the County to construct high-level disinfection facilities at the North Regional Wastewater Treatment Plant at an estimated cost of \$400 million. In addition to the high cost, County experts opined that construction of such facilities would significantly increase greenhouse gas emissions and put the County at greater risk from sea level rise. After a five-day administrative hearing, the Administrative Law Judge (ALJ) issued a Recommended Order in the County's favor finding FDEP staff failed to prove their allegations, rescinding the FDEP notice, and determining the County was not required to construct high-level disinfection facilities. On June 7, 2022, the FDEP issued its Final Order adopting all of the ALJ's recommendations.



Redistricting

In 2021 the County was required by state law to redraw its Commission districts to account for population changes since the last decennial census. Our Office, in collaboration with Florida International University (FIU), presented several proposed redistricting maps for the Board's consideration, and assisted County staff in implementing the Board's selected map.

Convention Center Expansion and Hotel Project

Our Office assisted with negotiations and drafted a series of agreements related to the expansion of the Convention Center and adjacent Headquarters Hotel. These complex agreements required careful drafting and coordination to ensure that, among other things, the agreements conform to the tax and securities law requirements of the bonds issued to finance the construction of the Headquarters Hotel. Some of the more significant documents our Office worked on this year are as follows:

- ***Fourth Amendment to the Design Services Agreement*** with Matthews Holdings Southwest, Inc. (Matthews) for continuation of design services for the Convention Center, the Headquarters Hotel, the Convention and Visitors Bureau (CVB) Building, and plaza improvements through 100% construction documents, and for the performance of construction administration services.

- **Third and Fourth Amendments to the Master Development Agreement** with Matthews addressing the County's issuance of bonds, liability for latent defects, liquidated damages, delay damages, modifications to the developer contingency, and providing for sharing cost savings.
- **Final Guaranteed Maximum Price (FGMP) Amendments**, including FGMP Amendment No. 4 in the amount of \$329,605,957 for the construction of the Convention Center East Expansion, the CVB Building, and Plaza Improvements, and FGMP Amendment No. 5 in the amount of \$570,847,151 for the construction of the Headquarters Hotel.
- **Hotel Management Agreement with Omni Hotels Management Corporation** (Omni) for the operation and management of the Headquarters Hotel.
- **Second Amendment to Technical Services Agreement** addressing the continued provision of technical and review services by Omni, cooperation by the developer with Omni during the continuation of the design and subsequent construction of the Headquarters Hotel, and the preopening services to be performed by Omni pursuant to the Hotel Management Agreement.



[Passenger Cruise Terminal and Berth User Agreement with Disney Cruise Line](#)

Our Office drafted and assisted with negotiating a Passenger Cruise Terminal and Berth User Agreement with Magical Cruise Company, Limited d/b/a Disney Cruise Line (Disney), authorizing Disney to conduct multiday cruise passenger services from Port Everglades. Disney sailings from Port Everglades are expected to commence sometime between October 1, 2023, and May 1, 2024, after the expected completion of improvements to Cruise Ship Berth No. 4 and its adjoining cruise passenger terminal facilities. We are currently negotiating and drafting a First Amendment that will, among other things, update the concept plans, increase the project monetary caps to allow for additional design work, and modify the payment, ownership, and maintenance obligations.

[Opioid Litigation](#)

Following years of protracted litigation and negotiations in the Multi-District Opioid Litigation, the parties reached six settlements this year: (1) a \$1.65 billion settlement with AmerisourceBergen, Cardinal Health, and McKesson (drug distributors), and Johnson & Johnson (drug manufacturer); (2) a \$1.6 billion settlement with Mallinckrodt (generic drug manufacturer), which has since filed for bankruptcy protection; (3) a \$2.3 million

settlement with Endo Pharmaceuticals (drug manufacturer); (4) a \$159 million settlement with Teva (drug marketer); (5) a \$110 million settlement with Allergan (drug marketer); and (6) a \$440 million settlement with CVS (pharmaceutical drug retailer). In all cases, the settlement amounts are to be distributed nationwide among states, subdivisions, and municipalities, and used only for abating the opioid epidemic. Broward County expects to receive approximately \$92 million from these settlements over the next 18 years. We continue to closely coordinate with our outside legal team on the claims that remain pending against other defendants.

Significant Transactional Matters

Everglades Holiday Park Concession Agreement: Our Office provided support and guidance in the preparation and negotiation of a concession agreement for operations at Everglades Holiday Park. The new agreement includes, among other requirements, a minimum capital investment of \$1.7 million from the concessionaire and provides for an estimated \$14.7 million in concession fees paid to the County during the extended term of the agreement that runs through 2050.

Solid Waste Working Group: Our Office is actively involved in providing legal guidance to both the Solid Waste Working Group (SWWG), composed of elected officials from the County and several municipalities, and the SWWG's Technical Advisory Committee. As part of these activities, we are involved in drafting an interlocal agreement that would potentially create a new entity through which the County and municipalities would collaborate to develop a new regional solid waste and recycling system. In addition, our Office drafted an amendment to the existing Memorandum of Understanding that formed the SWWG to enable the County and the municipalities to jointly cover the costs of a professional consultant to prepare a waste generation study.

Solid Waste Disposal Services Agreements: We worked closely with County Administration to renew the Solid Waste Disposal Agreement with Wheelabrator (now, Win-Waste Innovations) for an additional five years through July 2028. As part of this effort, we drafted an amendment to the Interlocal Agreement for Solid Waste Disposal Services for participating municipalities to commit to sending their municipal solid waste to the South Broward Waste-to-Energy facility and giving them options for other waste streams during the upcoming five-year period.

Transportation and Surtax Transactions

Transportation Surtax Projects: Our Office worked closely with staff and coordinated with the Broward Metropolitan Planning Organization (MPO) regarding the municipal capital project review, ranking, and recommendation process. We also prepared project-specific funding agreements for municipal capital projects and for rehabilitation and maintenance projects. Our Office also provides continuing counsel and training to the Transportation Surtax Oversight Board.

Florida East Coast Rail Corridor: Our Office provided support and guidance to the Broward Commuter Rail Work Group regarding the anticipated development of commuter rail within the County and regionally. We also provided assistance in connection with the Florida Department of Transportation (FDOT) Project Development & Environment Study, as well as the Inter-County Memorandum of Understanding among Broward, Miami-Dade, and Palm Beach counties and FDOT to establish a regional commuter rail working group focused on the development of commuter rail along the Florida East Coast rail corridor.

Fort Lauderdale-Hollywood International Airport (FLL)

Sintavia, LLC: Our Office participated in the negotiation and preparation of a term sheet, purchase and sale agreement, and declaration of restrictive covenants for the economic development-based sale of County real property to an affiliate of Sintavia, LLC. The term sheet was approved by the Board at its June 14, 2022, meeting. We are currently negotiating and drafting the remaining deal documents. The sale is anticipated to result in, among other things, the buyer investing a minimum of \$30 million for the design and construction of a 90,000 square foot advanced manufacturing facility and for the purchase and installation of sophisticated manufacturing equipment to be used in the manufacturing facility, and creating a minimum of 150 high-paying jobs.

Airport Development Leases: Our Office provided legal assistance, participated in negotiations, and drafted three significant long-term development leases for County-owned property at FLL: (1) a lease with Federal Express Corporation for approximately 31.25 acres and a term of 20 years, which requires at least \$10 million in capital improvements for its domestic and cargo operations at FLL; (2) a lease with National Jets Real Estate Holdings, LLC, for approximately 18 acres and a term of 29 years, which requires at least \$18 million in capital improvements for its fixed base operations; and (3) a lease with ACAP Broward, LLC, for approximately ten acres and a term of 28 years, which requires at least \$22 million in capital expenditures on a wide-body capable aircraft

maintenance facility to be used by Global Crossing Airlines, a charter passenger and cargo airline.

Port Everglades

Passenger Cruise Terminal and Berth User Agreement with Balearia Caribbean Ltd., Corp.: Our Office drafted an agreement with Balearia Caribbean Ltd., Corp., to conduct and operate its passenger cruise/ferry service between Port Everglades and the Bahamas with roll on/roll off cargo transportation services through November 30, 2022. An agreement for continued operations is currently being developed.



Passenger Cruise Ship Berth No. 4: Our Office drafted an agreement with Bermello, Ajamil & Partners, Inc., for design and consulting services for improvements to Passenger Cruise Ship Berth No. 4 and its adjoining cruise passenger terminal facilities, which will be used by Disney on an exclusive basis starting in late 2023 or early 2024, as well as a First Amendment, which updated the plans to include additional scope requested by Disney. Our Office also prepared an agreement with James B. Pirtle Construction Company to serve as the Managing General Contractor for the construction of the improvements.

Interlocal Agreement for Seaport Security and Law Enforcement Services: After two years of negotiations, including participation by County Administration and the Port Director's Office and review by the County Auditor's Office, our Office drafted an interlocal agreement with the Sheriff of Broward County for security and law enforcement services at Port Everglades. The agreement runs through September 30, 2027.

License and Operating Agreement with Florida East Coast Railway LLC: Our Office is negotiating and drafting a 20-year License and Operating Agreement with Florida East Coast Railway LLC, providing for reasonable common carrier railway operations on the in-service portions of the Port Everglades Railway. This agreement will replace an expired 1985 agreement and will provide for the maintenance, repair, and replacement of the Port Everglades Railway.

Florida Department of Environmental Protection Funding Agreement: Our Office drafted a funding agreement with the Florida Department of Environmental Protection for the State to provide up to \$27.5 million in funding to the County for site rehabilitation of petroleum-contaminated areas at Port Everglades as part of the County's Slip 1 Expansion Project. This agreement provides for the County to coordinate all aspects of source removal and site rehabilitation while mitigating the environmental risks.

Large User and Wastewater Agreement with the City of Fort Lauderdale: Our Office drafted a Large User Wastewater Agreement with the City of Fort Lauderdale, replacing the prior 1979 agreement. This agreement provides for the ongoing transmission, treatment, and disposal of wastewater generated within Port Everglades through December 31, 2041.

Other Construction-Related Matters

Amendments to Managing General Contractor Agreement for Judicial Center Projects: Our Office drafted an amendment to the agreement with Stiles-Pirtle Joint Venture to provide for an Estimated Guaranteed Maximum Price for the South Regional Courthouse Replacement Project. The agreement provides for managing general contractor services for 14 different Judicial Center projects. Our Office also drafted an amendment that establishes the Final Guaranteed Maximum Price for the construction relating to the relocation of the Felony Unit.

Spectrum Building P3 Comprehensive Agreement: Since 2019, our Office has advised on an unsolicited proposal to design and build a campus in Fort Lauderdale for the Supervisor of Elections. Following Board approval of a negotiated term sheet in May 2022, our Office assisted with the negotiation and finalization of a comprehensive public-private partnership (P3) agreement that included the purchase of the land for \$19.5 million and development and construction of the campus at the cost of approximately \$81.3 million. The P3 agreement was executed on July 27, 2022, and the County acquired the land on July 29, 2022.

Greater Fort Lauderdale Convention and Visitors Bureau (CVB)

Fort Lauderdale Boat Show Agreement: Our Office negotiated and drafted an agreement with the Marine Industries Association of South Florida for the Convention Center to host the 2022 Fort Lauderdale International Boat Show, with ongoing negotiations for a long-term agreement to host the event in future years.

License and Sponsorship Agreements: Our Office prepared a new template license agreement for use by the Convention Center operator when licensing space at the Convention Center. We also drafted and substantively reviewed more than 100 tourism-related sponsorship agreements for the CVB, from small events to very large activities that bring millions of dollars in economic activity to the County, such as Tortuga, Formula 1, and the Fort Lauderdale Air & Sea Show.

Agreement for the National Senior Games: After the cancellation of the National Senior Games in 2021 due to the COVID-19 pandemic and the termination of the local operator,

our Office drafted an amended agreement for the rescheduled National Senior Games, which occurred in June 2022 and brought thousands of athletes and spectators from around the United States to multiple venues throughout Broward County.

Real Property

General: Our Office provides extensive, ongoing support to the County's Real Property Section related to the management of the County's real property interests. This year, the assistance of our Office included, among other things:

- Preparing an agreement to purchase real property in the City of Sunrise for the proposed West Broward Intermodal Facility;
- Negotiations with the City of Fort Lauderdale to accomplish the City's full-time management of Smoker Park and to resolve longstanding issues between the County and NuRiver Landing Condominium Association, Inc., related to Smoker Park and tax payments;
- Negotiating a complex \$4.525 million agreement for the purchase of property located in the City of Pembroke Pines from The School Board of Broward County;
- Preparing license agreements for the installation and maintenance of solar panels at various locations, including the Broward County Property Appraiser's Office, Broward County Parks Administration Complex, T.Y. Park, and Reverend Samuel Delevoe Memorial Park;
- Drafting an agreement and transfer documents to acquire right-of-way parcels from the City of Sunrise to facilitate the construction of a bidirectional interchange at Pat Salerno Drive and the Sawgrass Expressway; and
- Negotiating leases and licenses with nonprofit organizations to use County property, including the lease of the historic Savor Cinema in downtown Fort Lauderdale.



Bond Financing

Our Office served as issuer's counsel and managed outside bond and disclosure counsel on six County bond transactions during fiscal year 2022. We advised the County on the issuance of County bonds for the Convention Center Expansion and Hotel Project and Port Facilities, which were required to close on a very short timeline due to market conditions and the County's contractual obligations. We also advised on the issuance of two series of bonds for the County's Water and Sewer Utility, the defeasance and reissuance of County conduit bonds for FLL Fuel, and the defeasance of the Port Facilities Series 2011

Bonds to ensure compliance with the County's obligations under the Port's Master Bond Resolution. We also provided advice and coordinated with disclosure counsel in connection with the annual continuing disclosure obligations related to the County's outstanding bonds.

Affordable Housing and Housing Finance Authority

Housing Finance Authority Bond Financing: We provide ongoing legal guidance to the Housing Finance Authority (HFA) on several of the County's upcoming bond transactions facilitating the financing of affordable housing projects including the Gallery at FATVillage and St. Joseph's Manor, for which the HFA will issue over \$42,850,000 and \$12,521,000 in Multifamily Housing Revenue Notes, respectively. Other upcoming HFA affordable housing bond projects include Douglas Gardens IV Senior Health and Living, Pinnacle 441 Phase II, Captiva Cove III, Golden Acres, Tallman Pines Phase I, Griffin Gardens II/Tequesta Reserve, and Federation Plaza, which will provide hundreds of additional affordable housing units in the County.

State and Federal Grant-Funded Agreements: We work closely with the Housing Finance Division to prepare financing agreements to facilitate the financing, construction, and availability of affordable housing throughout Broward County. We drafted funding agreements to provide State Housing Initiatives Partnership (SHIP) funds for three multifamily affordable housing projects, supporting over 300 rental units, in Miramar, Hollywood, and Fort Lauderdale.

Affordable Housing Gap Financing Projects: We drafted loan agreements, declarations, land use restrictions, and other financing documents related to several County loans funded by the Affordable Housing Trust Fund and other General Fund dollars allocated to support affordable housing, including a \$3.86 million loan for the construction and development of Pembroke Tower II (an 88-unit project in the City of Pembroke Pines serving the low income elderly population), which closed in December 2021; a \$3.5 million loan for the construction of the 100-unit Captiva Cove III development in Pompano Beach, expected to close in February 2023; a \$2.5 million loan to Related FATVillage, LLC, to develop 150 residential units for moderate or below moderate incomes in the City of Fort Lauderdale on property leased from the County, expected to close in late 2022; and an \$8.25 million loan for the St. Joseph's Manor II development in Pompano Beach to develop 150 units for low and moderate income seniors, expected to close in December 2022.

Information Technology

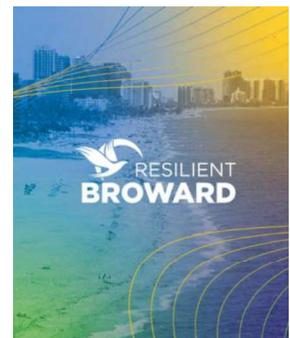
P25 Public Safety Radio System: Our Office continued to provide legal support for the completion of the County's 16-site public safety communications system, including supporting extensive negotiations with Motorola Solutions that culminated in a Fifth Amendment adding \$2.8 million of additional work (inclusive of the West Lake Park tower site). Our Office also worked with the Florida Department of Environmental Protection (FDEP) to resolve a use limitation by substituting properties to enable the sixteenth site to be located at West Lake Park.

Technology-Related Procurements: Our Office helped contract for countywide purchases of software, subscriptions, and services from major providers such as Adobe Inc., Apple Inc., Amazon.com, Inc., AT&T Inc., Microsoft Corporation, Oracle Corporation, T-Mobile US, Inc., and Verizon Communications. We also assisted with drafting and negotiating a variety of agreements for County agencies, including: an amendment to add data streams and software updates to support flight tracking and baggage handling at FLL; a community outreach platform that will be used by the Human Services Department to assist persons who are HIV-positive; a payroll management system and labor compliance software solution; and a case management software system for the Office of Economic and Small Business Development (OESBD).

Cybersecurity Issues: We provided legal advice to Enterprise Technology Services (ETS) regarding several cybersecurity issues and repercussions, including a major ransomware attack on the County's payroll/timekeeping vendor.

Environmental

Countywide Risk Assessment and Resilience Agreement: Our Office assisted the Resilient Environment Department with a \$4 million procurement of professional services from Hazen and Sawyer, P.C., for a Countywide Risk Assessment and Resilience Plan. The plan will address resilient infrastructure improvements, including elements relating to future flood mitigation, water management infrastructure, transportation systems, critical infrastructure, green infrastructure, land use planning, basin-scale redevelopment, and financial and insurance industry factors.



Broward County Shore Protection Project: Our Office drafted an amendment increasing funding by \$4 million and providing for coastal engineering consulting services and regulated permit compliance activities related to post-construction physical and

environmental monitoring for the Broward County Segment II Shore Protection Project being conducted by the United States Army Corps of Engineers.

Human Services

Housing and Support Services: Our Office negotiated and drafted agreements for the disbursement of \$49,283,986 to community service providers for countywide support services and \$16,511,090 for HIV/AIDS medical and support services. We drafted multiple agreements to expand support services for individuals and families experiencing homelessness. Our Office is also drafting agreements and providing guidance pertaining to the disbursement of \$35,167,873 to providers offering countywide support services for the upcoming fiscal year. In addition, we assisted the County with the disbursement of \$2.575 million through service provider agreements for the provision of housing services in Broward County, including rapid rehousing and permanent supportive housing programs, and permanent supportive housing for the Pompano encampment abatement.

State and Federal Grant Funds: Our Office assisted with the procurement and disbursement of Housing and Urban Development (HUD) grant funds totaling \$10,637,266 (inclusive of County matching funds) to continue funding Continuum of Care projects, which include supportive services, housing, and rental assistance for individuals and families in Broward County who are experiencing homelessness. Our Office also assisted the County with procuring and disbursing \$5,477,790 (inclusive of County matching funds) in grants from the State of Florida (funneled through the Broward Behavioral Health Coalition) to fund (i) community-based substance use disorder treatment services to eligible adult residents served by the Broward Addiction Recovery Division; (ii) recovery and support services to youth and young adults with mental illness, substance use disorders, or other at-risk youth; and (iii) community-based adult mental health services to eligible Broward County seniors.

Other Transactional Matters

External Audit Services Procurement: Our Office advised the Office of the County Auditor and the Purchasing Division on the procurement of an external auditor to conduct the County's annual financial audit to comply with applicable Florida statutes. We advised on the composition and process for the selection committee (which included all of the County's constitutional officers) and prepared the agreement with the selected audit firm, RSM US LLP, for the external audit services, and we are continuing to work closely with the Office of the County Auditor to administer the agreement.

Cultural Division and Performing Arts Center Authority: Our Office provides ongoing support and guidance to the Cultural Division. During the past fiscal year, we drafted and



reviewed more than 100 incentive agreements for the Division, ranging from individual artistic grants to operating support grants for large organizations such as ArtServe and the Museum of Discovery and Science. In addition, as part of the County's contribution to the operations of the Performing Arts Center Authority (PACA), our Office provided general counsel support and guidance, including drafting the new tri-party agreement

between the City of Fort Lauderdale, PACA, and the County for ongoing financial support to PACA; and reviewing and revising over 40 performance contracts, license agreements, and professional services contracts.

Employee Benefits: Our Office provided legal support for the procurement, negotiation, and drafting of a comprehensive, combined health insurance and pharmacy benefit management agreement with United Healthcare Services, Inc. This agreement was executed at the end of 2021, and benefit-eligible employees were fully transitioned to this vendor in January 2022.

COVID-Related Agreements and Programs: Our Office prepared agreements and amendments to continue multiple COVID-19 testing and vaccination programs, including the ongoing \$33 million program with the Florida Department of Health for the operation of vaccination and testing sites at Broward County parks and distribution of tests and vaccines to hundreds of thousands of residents, including those in underserved communities. Our Office also advised the Board and worked with County staff to create a COVID-19 Wellness Vaccination Policy.

Significant Legislative Matters

County Charter Amendments: Our Office drafted two amendments to the County's Charter set to be considered by the electorate in the November General Election: one to implement changes made to the Florida Constitution relating to an elected tax collector; and one to conform the Charter to changes in state law and consolidate the County's Central Examining Boards into a single body to efficiently administer certain local trade licenses. In addition, our Office also drafted several proposed amendments providing for changes to the Broward County Mayor, either by providing for an elected mayor or modifying the Mayor's term of office. None of the proposed Mayor amendments received the necessary supermajority approval of the Board to be placed on the ballot.

State Preemption Legislation Analysis and Guidance: Our Office tracked and analyzed numerous bills aimed at limiting the County’s authority during the 2022 Legislative Session. For those that passed—including the “Stop Woke” Act (HB 7), limitations on County communications about ballot referenda (HB 921), the authority of sheriffs to transfer funds between line items without approval of their respective county commissions (HB 3), and the prohibition of local regulation of private parking facilities (SB 1380)—our Office provided guidance to relevant agencies to ensure compliance. For proposals that failed, including bills that would have subjected the County to litigation for simply exercising its local regulatory authority (SB 280 and SB 620), our Office provided timely analysis that helped Intergovernmental Affairs advocate for the County’s interests.

Ordinances and Resolutions

Airline Passenger Service Incentive Programs: Our Office drafted an amendment to the Broward County Administrative Code establishing new guidelines governing airline passenger service incentive programs at FLL. The new guidelines provide the Aviation Department with greater authority and discretion in establishing the areas that qualify for incentive credits.

Cone of Silence Ordinance: Our Office drafted a new Cone of Silence Ordinance to clarify the permitted communications between prospective vendors and representatives of the County during the pendency of a competitive solicitation, and to conform its provisions to the recently revised Procurement Code.

Emergency Medical Services (EMS) and Nonemergency Medical Transportation Ordinance: Our Office drafted an amendment to create a new classification of service, Specialty Transport, which provides transportation of an organ transplant patient or a patient on extracorporeal membrane oxygenation (ECMO) by an EMS transport vehicle either between two facilities licensed under Florida law or to or from an airport.

Hospital Special Assessment Ordinance: Our Office drafted an ordinance and an amended ordinance authorizing the County to impose a special non-ad valorem assessment against local private hospital properties for the purpose of providing such local hospitals with supplemental Medicaid reimbursement.

Landlord/Tenant Relations: Our Office prepared several ordinances to provide certain relief to residential tenants. These ordinances included certain notice requirements in connection with rent increases, late fees, or nonrenewal of leases, and creation of a written Tenant’s Bill of Rights.

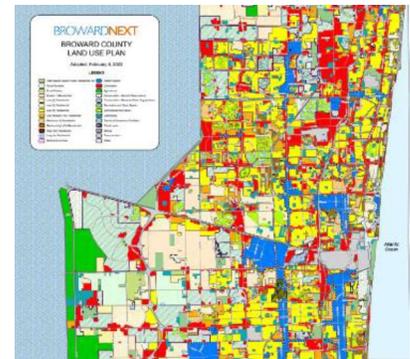
Surtax-Funded Transportation Improvement: Our Office drafted an ordinance implementing Charter amendment language regarding surtax-funded transportation

improvements. We are coordinating with municipal counsel to obtain their feedback before presenting the proposed Ordinance for Board consideration in late 2022 or early 2023.

Land Use and Environmental

Land Development Code: Our Office drafted ordinances amending the Land Development Code to provide an affordability term of 30 years, consistent with two amendments to the County’s Land Use Plan related to affordable housing, and to exempt temporary uses from the requirements to amend plat notes and nonvehicular access lines.

Amendments to the Broward County Land Use Plan: Our Office assisted the Planning Council with amendments to the County Land Use Plan to promote affordable housing, including changes to Policy 2.16.4 that clarify the required size of affordable housing units; to allow for the required office and commercial area to be horizontally or vertically integrated into the development, within certain parameters; to limit the current 10% requirement of office and commercial area to parcels greater than five acres; and to reduce the in-lieu fee for the affordable units.



Significant Litigation Matters

Alachua County/Watson Sheriff’s Budget Litigation: For the past two years, our Office served as the primary drafter of amicus briefs on behalf of the Florida Association of Counties (FAC) and Broward County in support of Alachua County in an action appealed to the First District Court of Appeal and then to the Florida Supreme Court. The case addressed whether sheriffs are required to obtain approval of the board of county commissioners to move budgeted funds from one object code to another. Although the First District Court of Appeal ruled in favor of the Alachua County Sheriff, in January 2022 the Florida Supreme Court overturned that decision and ruled that sheriffs are required to obtain approval of the board of county commissioners to transfer funds between object codes. The Florida Supreme Court’s opinion adopted much of the language and rationale of the amicus briefs prepared by our Office. Subsequently, the Florida Legislature amended Section 30.49, Florida Statutes, to permit sheriffs to transfer funds between object and subobject codes after approval of the budget by the applicable board of county commissioners.

James A. Cummings, Inc. (Courthouse Litigation): Our Office is defending a case against the County asserting claims for approximately \$31 million in connection with the construction of the Broward County Courthouse Complex. We are also prosecuting counterclaims for approximately \$18.6 million and third-party claims against the design professionals and project manager. This matter is currently set for trial in late 2023.

Firearms Litigation: Several years ago, the County, along with two other counties, 30 municipalities, and many local elected officials, challenged the penalty provisions of the Florida firearms preemption statute. In July 2019 the Leon County Circuit Court ruled largely in the local governments' favor, but the State of Florida successfully appealed that decision to the First District Court of Appeal. Together with our co-counsel, we sought certification of the decision as a question of great public importance, which the appellate court denied. The local governments sought discretionary review by the Florida Supreme Court, which was granted. Oral argument before the Florida Supreme Court was held on June 9, 2022, and a decision has not yet been rendered.

Christine Manarite/Alberto Castro, et al.: The Office secured a ruling from the appellate court ordering a trial court to dismiss a potentially significant case on the basis of the doctrine of sovereign immunity. The plaintiff had sued the driver of a vehicle who struck the plaintiff's child, causing a traumatic brain injury. The plaintiff also sued several municipalities and the County due to ongoing construction-related activities alleged to have contributed to the accident. The Office filed a motion to dismiss with prejudice based on sovereign immunity, which was denied by the trial judge. We successfully appealed the decision to the Fourth District Court of Appeal.

Sunshine Gasoline Distributors, Inc.: Our Office continues to defend a case in which the County is alleged to have charged an illegal environmental assessment and remediation license fee to those responsible for the remediation of petroleum pollution. The plaintiff is seeking over \$10 million in damages on behalf of a class.

TDT and Property Tax Collections: Our Office routinely works with Records, Taxes and Treasury (RTT) staff to address tourist development tax (TDT) issues and collection activities. Without disturbing the voluntary collection of TDT by three large online vacation rental platforms, our Office filed lawsuits against the vacation rental platforms and negotiated a Court-approved voluntary settlement program for homeowners, approved by the Board in 2021. To date, the program has returned more than \$485,000 in TDT, and the Office is pursuing the remaining material outstanding accounts. The program also includes a component for homeowners who would be deemed to have abandoned their homestead exemption due to excessive rentals, and provides an opportunity for these homeowners to settle the outstanding tax liability without loss of

homestead protection. After a coordinated boots-on-the-ground investigative initiative by the Property Appraiser's Office, settlement offer letters for a total of more than \$2.3 million (not including interest and penalties) were sent out by RTT in July 2022. At the end of the voluntary settlement period, unresolved accounts will be reviewed by this Office for further collection activities.

Lakeside Park Estates Settlement: In connection with media reports that tenants at Lakeside Park Estates, a mobile home/recreational vehicle park, were being evicted with little notice from the park owner, the Board directed our Office to review whether legal claims could be brought against the park owner, Trinity Broadcasting Network (TBN). We negotiated concessions from TBN, including (1) several additional months for the tenants to relocate, (2) financial assistance to the tenants over and above what was required by Florida law, and (3) commitments from TBN to maintain the park's amenities and to limit disruptive construction activities to regular business hours.

Sokolov, et al.: Our Office recovered \$362,500 as settlement of subrogation claims against two separate trucking companies and their drivers for two separate impacts, occurring within minutes of each other, that damaged the Sheridan Street overpass bridge on the Florida Turnpike.

Tax Recoveries in Bankruptcy: Our Office continues to aggressively enforce the County's rights in bankruptcies filed by debtors nationwide who owe the County money, typically in the form of real estate taxes or tangible personal property (TPP) taxes. For the 2022 fiscal year, our Office collected more than \$1.8 million based on filed bankruptcy claims. Recently, our Office began alerting the Property Appraiser's Office regarding unassessed or underassessed TPP identified in bankruptcy cases that were not reported to the Property Appraiser, leading to several substantial assessments upon which we are now seeking recovery.

Other Notable Matters

Elections: During the 2022 fiscal year, our Office continued to provide general counsel, transactional, and litigation services to the Supervisor of Elections and the Broward County Canvassing Board. In addition to defending the Supervisor of Elections in multiple election-related lawsuits in state and federal courts, our Office staffed every meeting of the Canvassing Board during multiple election cycles, provided ongoing legal advice on canvassing ballots, interfaced with counsel for candidates and political parties in daily inspections of ballots and election materials, and provided training to the state court judges who preside at Canvassing Board meetings and to the County staff volunteering as

Canvassing Board alternates. The past year included many canvassing cycles: the November 2021 Congressional Special Primary Election; the January 2022 Congressional Special General Election (and Special State Representative Election); the March 2022 Municipal and State Senate Special Elections; and the August 2022 Primary Election. We are now actively working on the November 2022 General Election.

Preventive Health Care Screenings Pilot Project: The Office provided legal support for the development and Board consideration of a \$10 million innovative pilot project to provide preventive heart and cancer screening services to Broward County residents. Our work included legal analysis of various funding models, such as an indigent care surtax or a County-funded pilot project. We prepared the agreements for consultants who advised on the proposed health care plan, and we provided legal support for the Board's consideration and the development of the pilot project. We continue to provide legal support for a competitive solicitation to procure services from a vendor to administer the pilot project.

Film Commission: Our Office worked with the newly created Film Commission and staff to draft a comprehensive rewrite of the County's Administrative Code regarding a film incentive program to provide funding for local productions by film, television, and entertainment production companies. In addition, we drafted template incentive agreements and guidelines for the new County film incentive program. Our Office also negotiated and drafted software agreements for the Film Commission. We are also preparing interlocal agreements authorizing the County to handle film permitting for various municipalities.

Ethics: Our Office regularly provided guidance to Commissioners and their staff, County agencies, and advisory boards on a wide range of ethics issues, including potential voting conflicts, required disclosures, gifts, and waivers of conflict. We also provided ethics training to various Commissioners and their staff, and trained agencies as well as advisory and other boards on applicable ethics rules, the Sunshine Law, and the Public Records Act.