



# Broward County Attorney's Office

## Annual Report Fiscal Year 2024



Dear Mayor, Vice-Mayor, and Commissioners,

As I begin my eighth year as County Attorney, I want to reiterate my appreciation for the Board's support that has enabled the County Attorney's Office to continue to function at a very high level. We have the right size and mix of professional staff to timely, efficiently, strategically, and successfully address today's legal challenges and anticipated future challenges.

The first part of this report provides a snapshot of five representative complex matters on which we have spent a considerable amount of time this past fiscal year. The second part provides a general overview of the work our Office handles on a daily basis, with select examples from this past fiscal year.

Thank you for allowing me to serve as Broward County Attorney. It remains my honor to serve the Board and to lead the County's law firm.



Andrew J. Meyers  
Broward County Attorney

## SECTION ONE: Top Five Matters

This section includes a glimpse of the type of high-profile, high-risk, or high-value matters the County Attorney’s Office (“Office”) handled this fiscal year. Limiting this list to only five matters necessarily means many other significant matters are omitted, but these matters provide a window into the practice of our Office and our efforts to provide the legal services needed to address critical business needs and policy decisions.

### Commuter Rail:

Together with the Miami-Dade County Attorney's Office, our Office has provided legal guidance and support to the ongoing discussions among Miami-Dade and Broward counties, Brightline Trains Florida LLC, and Florida East Coast Railway, L.L.C., seeking to implement commuter rail service along the Florida East Coast Railway corridor from downtown Miami through Broward County. After months of comprehensive discussions, our Office led the drafting of a framework easement and access agreement that, upon execution, would grant the County a perpetual property interest in the railway corridor and access to build and operate a commuter rail line in Broward County, an operation and maintenance agreement that would govern the parties' respective responsibilities, and a preliminary development agreement to provide for the construction of the rail facilities necessary to provide commuter rail service. While much work remains to be done to complete these agreements, including the negotiation of substantial business terms and a separate interlocal agreement with Miami-Dade County to ensure collaborative operation of the commuter rail line, the legal counsel we have provided has substantially helped move this critical project forward.





### **Convention Center and Headquarters Hotel:**

Our Office continues to be involved, on a near-daily basis, with the County's construction team including reviewing work authorizations and claim impact notices, addressing contract interpretation issues, and responding to other project matters that arise. We also participate in monthly meetings of the Convention Center Task Force, composed of County staff (including the County Auditor's staff) and outside consultants, to discuss each aspect of the project, including the current status and any outstanding claim/change order requests, to schedule any necessary reviews, and to assist staff in their efforts to ensure the project is completed on time and on budget. We are also engaged in proactive efforts to resolve or reduce anticipated, complex post-construction claims, seeking to head off litigation that routinely results from construction projects of this magnitude.



### **Courthouse Litigation:**

Over the last several years, our Office has defended a multiparty lawsuit brought by a general contractor that sought more than \$31 million in connection with alleged delays and changed work associated with construction of the Broward County Judicial Complex. We concurrently prosecuted a counterclaim for delays, defective work, and violations of the Broward County False Claims Ordinance, as well as pursued indemnification claims against the design team and the owner's representative. Earlier this year a trial court granted partial summary judgment in the County's favor, finding that certain subcontractors' claims pursued by the general contractor (valued in excess of \$4.2 million) had been released. Our Office also provided legal support in a related action to Small Brothers, LLC, a plaintiff in a *qui tam* claim brought on behalf of the County. This year that action resulted in a judicial award of \$18,014,934 against Tutor Perini Corporation and related entities, with 75% of that amount (or \$13,511,200.50) allocated to the County. These favorable court rulings enabled us to negotiate a favorable comprehensive settlement agreement, which was approved by the Board on October 8, 2024. Upon judicial approval of that settlement, expected later this month, these complex lawsuits will be fully resolved.

### **Legislative Session:**

During the 2024 Legislative Session, the Office provided concurrent legal analysis of bills making their way through the Legislature, including assisting the Intergovernmental Affairs/Boards Section with drafting proposed amendments to certain bills. Additionally, we reviewed the newly enacted laws to determine the impact on the County and to provide guidance on implementing and complying with the new laws. This year the new state laws required legal counsel on issues that included expedited review of land use applications, impact fees and concurrency requirements, paratransit services, and requirements and restrictions on County contracts. The Office also continues to work with County staff and municipal attorneys on a coordinated approach in response to House Bill 1365, related to unauthorized public camping and sleeping.



### **Property Assessed Clean Energy (“PACE”):**

The PACE program allows property owners to finance energy efficiency, renewable energy, and resiliency improvements through non-ad valorem special assessments. This year our Office has worked closely with staff and industry stakeholders to present for Board consideration: (1) proposed revisions to the Broward County Code of Ordinances (“Code”) to strengthen the County PACE regulations and to implement House Bill 770, which passed in the 2024 Legislative Session; and (2) a form interlocal agreement that



PACE program administrators must execute to operate throughout Broward County (subject to municipal opt-out), as authorized by House Bill 770. These changes are designed to better protect residential property owners, in particular, and to facilitate improved compliance and enforcement with the applicable PACE requirements.

## SECTION TWO: Annual Legal Services

This section provides a general summary of the types of work our Office provides on a regular basis. The day-to-day legal work for any County agency typically includes a variety of legal tasks, including research and analysis, negotiation, drafting, client counseling, and any number of related activities. This section is intended to provide a brief summary and select examples from the many matters we have handled over this past fiscal year.

### **Affordable Housing:**

Our Office drafted loan agreements, declarations, land use restrictions, and other financing documents related to over \$16 million in County loans, funded by the Affordable Housing Trust Fund and other general fund dollars, to facilitate the financing, construction, and availability of affordable housing throughout Broward County. The Office helped the Housing Finance Division close five gap financing transactions that will result in approximately 472 new affordable housing units being constructed or rehabilitated in Fort Lauderdale, Hollywood, Pompano Beach, and Davie. We are working on affordable housing gap financing transactions that will close in the next fiscal year and amount to over \$42 million in County loans. The funding will finance eight separate projects and result in approximately 869 new affordable housing units across six different municipalities. As the Housing Finance Division pursues more complex



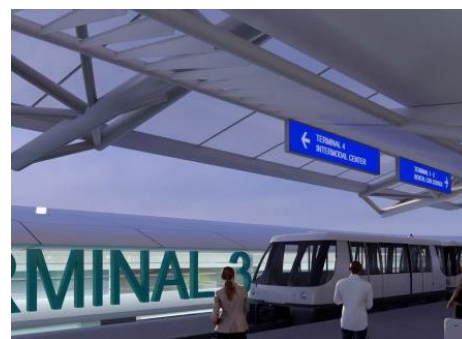
transactions to help alleviate the County's affordable housing crisis, including working with nonprofits and governmental entities like the Broward County Housing Authority, Habitat for Humanity of Broward, Inc., the Housing Authority of Pompano Beach, and the Broward County Housing Authority, the Office continues to play an important role in providing creative legal solutions to help

facilitate achievement of the County's affordable housing goals. We also drafted agreements with unique funding structures to support affordable housing, such as the Era Project in Fort Lauderdale, where funding is linked to the increased amount of taxes generated from the new development.

### Airport:

Our Office provides legal counsel to support the operations of the Fort Lauderdale-Hollywood International Airport (“FLL”) and the North Perry Airport (“HWO”) on a wide range of regulatory, transactional, and litigation matters. This year the projects for which we provided legal counsel included the following:

- **Keolis Amendment and Shuttle Bus Acquisition.** Our Office provided legal assistance, participated in extensive negotiations, and drafted various agreements to effectuate the County’s purchase of 48 shuttle buses and four trams from Banc of America Leasing & Capital, LLC, for a total cost of \$5,826,608, and to extend the applicable agreement between the County and Keolis Transit Services, LLC (“Keolis”). The purchase provides critical ground transportation equipment, and the extension of the agreement, pursuant to which Keolis leases and operates the shuttle buses and trams, ensures the continuity of high-quality ground transportation services at FLL.
- **JetBlue Development Lease.** Our Office negotiated and drafted a 30-year development lease with JetBlue Airways Corporation (“JetBlue”) for 19 acres at FLL, pursuant to which JetBlue will construct and develop a 150,000 square foot aircraft technical operations facility.
- **Automated People Mover Project.** Our Office finalized work authorizations with Burns & McDonnell Engineering Company, Inc., and Ricondo & Associates, Inc., for the development of the procurement documents and related engineering services for the Automated People Mover project at FLL.



### Animal Care:

Our Office provides ongoing, as-needed legal counsel to the Animal Care Division, including representing the County in administrative proceedings relating to dangerous and aggressive dog investigations, and preparing agreements to establish partnerships with local schools and nonprofits to provide internship opportunities for teens and



young adults. This year the Office also successfully litigated an urgent petition for the removal of animals in distress from owners accused of animal cruelty.

**Appeals and Constitutional Law:**

Our Office represents the County on appeals in both state and federal court, including in connection with the County's administrative and quasi-judicial proceedings, and defends the County in civil rights cases. Our Office prevailed in several cases before Florida's appellate courts; amicably resolved a property rights and environmental permitting dispute, which threatened millions of dollars in damages, with no loss to the County; and continues to represent the County in ongoing cases in the Eleventh Circuit Court of Appeals. We also provide counsel to multiple County agencies on constitutional law issues, such as freedom of speech, due process, and equal protection.

**Bankruptcies:**

Our Office continues to aggressively enforce the County's rights in bankruptcies filed across the country by debtors who owe money to the County, typically real estate taxes or tangible personal property taxes ("TPP"). For the 2024 fiscal year, our Office collected more than \$3.5 million through filed bankruptcy claims, including \$1.7 million in TPP recovered in the bankruptcy of Vital Pharmaceuticals, Inc., which manufactured Bang Energy drinks at a plant in Pembroke Pines. Our Office was able to obtain a full recovery of the TPP owed by Vital Pharmaceuticals, Inc., despite an assessment error by a non-County agency that was discovered just before the court confirmed the bankruptcy plan.

**Bond Financing and Special Assessments:**

Our Office counsels the Finance and Administrative Services Department ("FASD") on a variety of finance matters, including providing ongoing legal advice regarding the County's outstanding bond obligations for the Broward County Civic Arena, the Water and Wastewater Utility, FLL, Port Everglades, and the expansion of the Convention Center. Additionally, our Office represents FASD in all aspects of the procurement process, including solicitation planning, drafting of project-specific agreements, the evaluation process, and contract negotiations. This year our procurement support included legal assistance and counsel regarding FASD's retention of financial advisory services, a library of bond underwriters, and arbitrage services. These contractors are



essential for the County to issue bonds in the most beneficial structure and to ensure the County is complying with its obligations under the applicable bond documents and regulations.

### **Class Action Litigation:**

Our Office continues to provide legal support for obtaining the maximum recovery relating to the multidistrict (“MDL”) opioid litigation, through which the County expects to receive approximately \$120.5 million in settlement funds over the next 18 years to help abate the opioid epidemic. Our Office also engaged counsel, participated in the litigation, and supported Water and Wastewater Services staff in filing claims in the per- and polyfluoroalkyl substances (“PFAS”) MDL litigation. Our efforts, which included objecting to portions of the first two nationwide drinking water settlements (totaling more than \$13 billion), resulted in improvements to the settlements that better protect drinking water systems and that were replicated in two other PFAS drinking water settlements very recently approved by the Board. We continue to coordinate closely with our outside legal team in both MDL actions in connection with the remaining pending claims.



### **Collections & Enforcement:**

Outside of the bankruptcy context (which is addressed above), this year our Office recovered approximately \$1.4 million through collection efforts across multiple areas, including unpaid homestead violation liens, delinquent water and wastewater user fees, contested County property damage claims, outstanding mortgages from third-party foreclosure actions, delinquent code enforcement citations, and unremitted tourist development taxes. A new initiative this year focused on recovering homestead liens nearing expiration, and those efforts substantially contributed toward this year’s total recovery. Additionally, our Office has been actively seeking attorneys’ fees and costs when available in collection actions, offsetting some of the expenses associated with these actions. This year we have also been taking increasing action to enforce the newly enacted County ordinance prohibiting misuse of the Broward County logo, particularly

against misleading PACE program advertisements that falsely imply County endorsement of their services.

### **Construction and Management Services:**

Our Office provides ongoing legal support and guidance to the Construction Management Division on a variety of matters. Our work this year included preparing and reviewing consultant and construction agreements, preparing and reviewing work



authorizations, reviewing and analyzing claim impact notices, addressing contract interpretation issues, and responding to a number of other issues that arose for various projects, particularly the Broward County Judicial Complex projects and the new Government Center project. Of particular note, our Office began a Preventive Law Program in which presentations are made quarterly to the County's construction project managers to provide training in developing project scopes and administering executed contracts.

### **Cultural:**

Our Office provides ongoing legal support and guidance to the Cultural Division. This fiscal year, our Office supported the Cultural Division in establishing a public art partnership program with participating public entities. In addition, as part of the County's contribution to the operation of the Performing Arts Center Authority ("PACA"), our Office provided legal support and guidance, including drafting the new PACA capital improvement project tri-party agreement among the City of Fort Lauderdale, PACA, and the County, which provides funding and land contributions to facilitate capital improvement projects for the Broward Center for the Performing Arts.



### **Elections:**

During the 2024 fiscal year, our Office continued to provide general counsel, transactional, and litigation services to the Supervisor of Elections (“SOE”) and to the Broward County Canvassing Board (“Canvassing Board”). We defended the SOE and the Canvassing Board in multiple election-related lawsuits in state and federal courts and provided advice on the latest changes to the election laws. Additionally, our Office provided legal support to the Canvassing Board during the March Presidential Preference Primary and Municipal Elections and the August Primary Elections, which included advising on canvassing ballots, interfacing with counsel for candidates and political parties, and providing training to the state court judges, the County Commissioners, and the County and SOE alternates who served on the Canvassing Board.



### **Emergency Management:**

Our Office regularly provides guidance to the Emergency Management Division regarding issues such as procurement of services, state and federal reimbursement requirements for emergency response costs, grant agreements, and emergency declarations. This year, in particular, we worked with agency staff on contracts for emergency sheltering, statewide mutual aid, improvements to emergency facilities, and access to County video feeds for the Broward Sheriff’s Office Real-Time Crime Center.

### **Environmental:**

Our Office worked with Resilient Environment Department staff to update the Code requirements for the construction and operation of surface water management systems. Our Office also provided legal support for dozens of environmental enforcement cases, resulting in orders assessing \$610,420 in penalties and costs. We successfully negotiated two settlements between the City of Fort Lauderdale and its developer, Ric-Man Construction, for a total settlement amount of \$175,450 in connection with numerous mangrove



violations and unlicensed discharges into multiple waterbodies. We also successfully settled the most recent phase of litigation between the United States, the County, and other defendants regarding remediation of the Petroleum Products Superfund site, and assisted with the sale of a portion of the site, limiting the County's risk of costs and claims related to ownership of the parcel.

**Ethics:**

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

**Facilities:**

Our Office regularly drafts and reviews contract documents and provides transactional assistance and counsel to the Facilities Management Division on its various projects. This year our Office provided legal support for the procurement of security guard services for various County facilities and drafted a services agreement to assess the physical condition of the Amerant Bank Arena. We also provide day-to-day assistance in analyzing legal issues relating to the County's facilities, including requests for security footage, trespass incidents, and appropriate security procedures to protect County personnel and facilities within the permitted bounds of the law.

**Film:**

Our Office provided legal support to the Film Commission, including reviewing film incentive and grant agreements and preparing interlocal agreements with almost 20 participating municipalities, allowing the County to operate as a one-stop shop for film permitting across Broward County. We also worked closely with the Film Commissioner to update the Code to establish parameters for the required film permits that are practical, easily implemented, and consistent with First Amendment concerns.



### Heart Project:



The Office provided continued legal support for the ongoing \$10 million Broward Heart Project, which pays for preventive heart screening services to qualified Broward County residents. We continue to provide legal counsel in the administration of the program, including counseling on various contractual and regulatory issues that arise from time to time.

### Housing Finance Authority:

Our Office acts as counsel to the Housing Finance Authority (the “HFA”), including serving as issuer’s counsel on the HFA’s tax exempt and taxable financings for the acquisition, construction, and/or rehabilitation of multifamily rental housing projects throughout the County. During this fiscal year, our Office supported the HFA in closing on six conduit bond issuances that will result in approximately 544 new affordable housing units being newly constructed or rehabilitated in Broward County, for a total of approximately \$118,340,000. Additionally, the HFA’s board took official action towards issuing bonds for another six multifamily housing projects that will result in an additional 844 units (approximately \$181,150,000 in bonds) and that are scheduled to close by the first quarter of 2025.



### Human Services:

Our Office drafted and reviewed numerous agreements and amendments, and provided daily transactional assistance and legal counsel to six divisions in the Human Services Department. Our work included legal services for the following projects:

- Numerous agreements with funding agencies and service providers for community-based mental health services for adults and youth, substance use disorder treatment services, youth employment, housing insecurity services, home- and community-based services for the elderly, and various other community support services for County residents; and
- Agreements with the North and South Broward Hospital Districts to provide primary health care services for the County’s low- to moderate-income residents and medical care for injured, arrested individuals.

### Information Technology:

Our Office helped contract for countywide purchases of software, subscriptions, and services from providers such as UKG/Kronos, Microsoft, Apple, Docusign, and Adobe. We also assisted with drafting and negotiating agreements for various County agencies, including an agreement for a grants management software system for the Cultural



Division and an agreement for a distributed antenna system for the Convention Center. The Office also provided legal support to the Office of Regional Emergency Services and Communications, including a review of various work authorizations and agreements in support of the VIPER 7 project for the County's E911 system.

### Intergovernmental Matters:

Our Office led the negotiations and drafting of a proposed Broward County Charter amendment and an interlocal agreement among the County, the School Board of Broward County, Florida ("SBBC"), and the Broward Office of the Inspector General ("OIG") to expand the authority of the OIG to include inspector general services to the SBBC, as well as potentially to other County constitutional officers. The Board approved the proposed Charter amendment for placement on the 2024 General Election Ballot and approved the interlocal agreement, both of which shall be effective upon majority vote of County electors.

### Labor & Employment:

Our Office provided legal guidance on employment issues, agency investigations, employment policies, and compliance with constantly evolving state and federal employment laws. Matters handled included:

- **Amalgamated Transit Union, Local 1267 Agreement.** Our Office assisted in negotiating and supporting a lengthy bargaining process to reach a three-year collective bargaining agreement for mass transit employees.
- **Labor Arbitration and Litigation.** Our Office successfully negotiated resolutions to a variety of employee grievances, avoiding potential costly arbitration awards. We also successfully defended against and secured dismissals of employment lawsuits

in state and federal court and provided legal support to the Human Rights Section in its investigation and prosecution of housing and public accommodations discrimination cases under Chapter 16½ of the Code.

- **Internet Accessibility.** Our Office analyzed the Department of Justice’s final rule implementing Title II of the Americans with Disabilities Act (“ADA”) regarding the accessibility requirements for internet information and services and prepared a comprehensive presentation to all County stakeholders about the new technical requirements. We are continuing to provide guidance to ensure compliance by the April 24, 2026, deadline.

### **Land Use:**

Our Office provided legal guidance and support to the Board, drafted necessary documents and ordinances, and reviewed declarations and agreements regarding Land Use Plan and text amendments, including amendments for the promotion of affordable housing. Specifically, our legal support included the following:

- **Affordable Housing Policies.** Our Office assisted in connection with modifications to Policy 2.16.4 of the County Land Use Plan to allow the application of affordable housing bonus density provisions to lands designated “Commerce” and located within one-half mile of passenger rail stations. We assisted with the creation of Policy 2.16.5 of the County Land Use Plan to allow the development of affordable housing dwelling units on parcels with a “Community” land use designation and that are owned by the County, the SBBC, or a municipal government if located within the municipality’s jurisdiction.
- **Live Local Act.** Our Office drafted an ordinance amending Chapter 5 of the Code to establish a procedure for plat note approval that implements Chapter 2023-17, Laws of Florida, as amended by Senate Bill 328 of the 2024 Legislative Session (collectively, the “Live Local Act”). The Live Local Act requires local governments to authorize multifamily and mixed-use residential developments in any area zoned for commercial, industrial, or mixed use if at least 40% of the residential units in the proposed multifamily development are rental units that are affordable, as defined in Section 420.0004, Florida Statutes, for a period of at least 30 years. The Office also advised the Board and staff on the implications and possible implementation of the various property exemptions available under the

Live Local Act and the new responsibilities relating to disclosure of public lands available for affordable housing.

- **Garden Park Districts.** We provided legal support for Zoning Code amendments modifying the maximum permitted height/stories of buildings located in the newly created GP-2 zoning district.

#### **Litigation – Commercial Litigation:**

Our Office represented the County in a number of commercial lawsuits this year, including:

- **Courthouse Beams Litigation.** The Office is prosecuting claims against the general contractor that constructed the Broward County Judicial Complex tower for defective construction of roof cantilever beams and against the engineer due to its review of related construction submittals and inspection services. We are concurrently working with County staff and the defendants to effectuate repairs to the impacted beams.
- **Gold Krown Vista.** A condominium developer sued the County, threatening millions of dollars in damages, after the expiration of the developer's environmental license, which had authorized the construction of 14 boat slips. Our Office worked with the developer's counsel to negotiate and effectuate a multiparty settlement that allowed the developer to construct needed slips.
- **Sunshine Gasoline.** Our Office negotiated a \$425,000 settlement in a class action lawsuit concerning the County's regulation of petroleum contamination remediation, where the original demand and theoretical potential exposure exceeded \$10 million.

#### **Litigation – Personal Injury:**

Over the past year, the Office defended the County in more than 200 personal injury lawsuits, including bus passenger claims, vehicle accidents, premises liability claims, Animal Care incidents, negligent security claims, and wrongful death cases. Where applicable, the Office also enforced the County's contract rights to shift the financial burden of litigation to the responsible vendor and their insurer. The Office resolved over 100 personal injury lawsuits this fiscal year, including resolving more than half of them without any County financial contribution.



### **Office of Management and Budget:**

The Office provided guidance to the Office of Management and Budget (“OMB”) regarding the annual budget process, including review of required resolutions and midyear budget amendments. Given the significant budget increase requested by the Sheriff for the next fiscal year and the upcoming inaugural election of a Tax Collector in Broward County, this year we closely advised OMB on the County’s legal responsibilities related to the development, review, and adoption of the Sheriff’s budget and on OMB’s proposed strategy for establishing a budget for the new Tax Collector.

### **Office of Medical Examiner and Trauma Services:**

Our Office continued to provide legal support for the operational needs of the Office of Medical Examiner and Trauma Services (“Medical Examiner”), including advice on the applicability of public records requirements relating to active criminal investigations and suicides. We also drafted various agreements, including grant agreements to receive federal funds, a license agreement for the use of the Medical Examiner’s building, an agreement for the training of medical residents, and an agreement for emergency backup ambulance services.

### **Parks and Recreation:**

Our Office assisted the Parks and Recreation Division in preparation for the International Cricket Council Men’s T20 World Cup, which was the first cricket World Cup tournament



hosted in the United States. In addition to assisting staff with drafting and negotiating the permit for T20 to host four of the World Cup matches at the County’s stadium, we assisted in the purchase of over \$10 million of capital improvements at Central Broward Regional Park, including a modular scoreboard, technology infrastructure, modular grandstands, stadium lighting, and goods and

services required to prepare the field and pitch. The Office also provided legal guidance on a number of other park projects, including: (1) finalizing a construction contract for the permitting and construction of the Hollywood North Beach Park mooring fields;

(2) providing legal support for the Hollywood North Beach Park mooring field project, most notably through assistance in grant applications and state law compliance; and (3) finalizing a consultant agreement for tidal flood resiliency and mitigation at Hollywood North Beach Park to provide comprehensive planning, design permitting, construction contract administration, and grant management services for the hardening of the seawalls. Our Office also provided ongoing legal support to the Parks and Recreation Division in its day-to-day operations, including management and enforcement of various concession agreements, contracts for goods and services (e.g., rare plant conservation services by the Fairchild Tropical Botanic Garden, and resurfacing of the velodrome at Brian Piccolo Sports Park), and updates to waivers and forms that park patrons must complete in order to access park services.



### **Port Everglades:**

Our Office assisted the Port Everglades Department in all aspects of its operations, including cruise, cargo, and energy, and provided legal drafting and negotiation support for the following:

- A Second Amendment to the Marine Terminal Lease and Operating Agreement with Florida International Terminal, LLC (“FIT”), which historically handles a significant portion of the Port’s container cargo volume, to extend through June 30, 2035, to restructure rates into an “all in” bundled rate, and to recognize certain improvements to be made by FIT;
- An agreement with ZPMC NA East Coast Inc. for the modification of existing low-profile cranes in the amount of \$64,926,520; and
- An agreement with Moss & Associates as managing general contractor for the Bulkhead Replacement Project in the estimated amount of \$90,945,337, including the ongoing negotiations for the reconciliation of the guaranteed maximum price.

### **Public Communications:**

Our Office provided regular legal advice to the Office of Public Communications (“OPC”) on public records questions to ensure compliance with Florida law and reduce the risk

of litigation. We collaborated with OPC to review and revise the County's public records policies, procedures, and templates in connection with the implementation of GovQA, the County's new software program for processing public records requests. We also helped update the Advantage Marketing Program to address evolving First Amendment law and to provide greater flexibility in the administration of the program.

### **Purchasing:**

Our Office provides legal advice and support to the Purchasing Division in connection with the public procurement of goods, services, and construction. Our Office also assists the Purchasing Division in responding to objections, protests, and appeals. This fiscal year our Office provided legal support that enabled the Purchasing Division to prevail in several litigated procurement disputes, including:

- **Chi-Ada Corporation v. Broward County and Sunshine Cleaning Systems, LLC.** In its Order dated November 9, 2023, the Administrative Law Judge for the Florida Division of Administrative Hearings ruled that Chi-Ada Corporation failed to meet its burden to show that the Purchasing Director's decision to award agreements to Sunshine Cleaning Systems, LLC, was improper.
- **Vector Media Holding v. Broward County, Florida and HFT Management, Inc., d/b/a Gateway Outdoor.** After an initial adverse ruling against the County finding that Gateway Outdoor should have been deemed responsive to the solicitation, the Broward County Circuit Court disagreed, noting "that Broward County had a review procedure that was thoughtful, rational, and reasonably designed to effectively manage the RFP proposal process."

### **Real Property:**

Our Office provides legal guidance and support to the Real Property and Real Estate Development Division. During this fiscal year, we provided advice and assisted in various types of transactions, including property acquisition, development, management, leasing, and operation. A few of the more significant transactions we supported this fiscal year include:

- **Commercial Building Acquisition.** Our Office drafted a purchase and sale agreement, assisted in negotiations, performed due diligence, and closed on the acquisition of an approximately 8.7-acre property located at 2000 West

Commercial Boulevard in Fort Lauderdale. The property was identified as a potential location for a forensic science center that may be occupied by the Medical Examiner's Office and the Broward Sheriff's Office Crime Laboratory.

- **Pompano Live!** Our Office drafted and negotiated an Amendment and Partial Release of Declaration of Restrictive Covenants to release certain slot machine-related covenants and restrictions from portions of real property in Pompano Beach no longer being used for slot machine purposes. The release will allow the property to be used for a mixed-use development project to include affordable and market-rate housing, retail, and warehouse space.
- **West Park Amphitheater.** Our Office worked with County staff to negotiate and draft the necessary documents to obtain approval from the State of Florida and the School Board of Miami-Dade County (joint owners of the underlying property) for West Park's plan to construct a mini-amphitheater and restroom facility in McTyre Park. We continue to provide legal guidance and support to County staff as they manage the construction and development of the project.

### **Solid Waste and Recycling Services:**

The Office provides a wide range of legal support for these agencies, including transactional and regulatory support. A few of the matters handled this year include:

- **Solid Waste Authority.** After the successful negotiation, drafting, and approval of the interlocal agreement that created the Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida ("Authority"), our Office: (1) continued to advise the County's representatives to the Authority and County Administration on issues related to the Authority's governance; (2) prepared a separate interlocal agreement with the Authority for the County to temporarily hold the Authority's funds; and (3) monitored Authority meetings to prepare for the Master Plan and drafting of the Facilities Amendment. The Master Plan and the Facilities Amendment are post-formation conditions that must be met over the next two years so that the Authority can manage solid waste disposal and recycling countywide for decades.





- **WIN Waste Innovations Third Amendment.** Our Office has drafted and is working with staff to finalize for Board consideration an amendment to the County's agreement for disposal services with WIN Waste Innovations to extend the term, entitle the County and participating communities to access privately owned transfer stations, establish rates for transportation and specialized waste streams, and increase the amount of disposal capacity available.

#### **Tax Collector & Clerk of Courts Transition:**

Our Office is working together with County Administration, OMB, and the Records, Taxes and Treasury Division ("RTT") to develop a plan for transitioning tax collection duties from RTT to the elected Broward County Tax Collector. As part of this effort, our Office is preparing an agreement to establish the details of the transition for fiscal year 2025. The Office continues to advise RTT relating to the County's contract to perform the duties of the recording function on behalf of the Clerk of Courts, including drafting amendments to the interlocal agreement between the County and the Clerk.

#### **Traffic and Highways:**

We provided legal support for the County's traffic and highway agencies, including providing legal support for the Port Everglades By-Pass Road Project, which will facilitate access to the Convention Center and improve traffic congestion on adjacent road segments of US 1 and Southeast 17th Street.

#### **Transportation and Transportation Surtax:**

Our Office provides a wide range of legal services for the County's transportation and transportation surtax operations. This year our work included:

- **Engineering for Fixed Guideway Route.** We assisted with the solicitation of an \$18.5 million agreement to provide a project development and environmental study and the preliminary engineering design for a proposed fixed guideway route from the planned FLL Intermodal Center to Port Everglades and the Convention Center.

- **Regional Ticketing.** We completed agreements with the South Florida Regional Transportation Authority, Palm Beach County, Miami-Dade County, and private entities to create a universal application for ticket purchases.
- **Transit Advertising.** Our Office negotiated a revenue-generating agreement for advertising on the County's transit system, including, for the first time, digital advertising within buses.
- **Vertical Integrated Program Management Services.** Our Office negotiated and completed a continuing agreement for services to develop program management processes and to provide management support for capital projects being undertaken in connection with the County's Premium Mobility Plan and electric bus fleet.
- **Transportation Surtax Municipal Projects.** Our Office worked closely with staff and coordinated with the Broward Metropolitan Planning Organization regarding the municipal capital project review, ranking, and recommendation process. We also completed the resulting project-specific funding agreements and amendments for dozens of municipal capital projects and rehabilitation and maintenance projects.



### Visit Lauderdale:

Our Office drafted and substantively reviewed more than 100 convention and tourism-related agreements for Visit Lauderdale, ranging from small events to very large activities that bring millions of dollars in economic activity to Broward County, such as the 2024 Rose Parade and the Tortuga Music Festival.





