

Broward County Attorney's Office

Annual Report

Fiscal Year 2022-2023

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FROM THE COUNTY ATTORNEY

Dear Mayor, Vice-Mayor, and Commissioners:

As I begin my seventh year as County Attorney, I am pleased to report that the County Attorney's Office is functioning at a high level. The Board's support for the Office has enabled us to "right size" the Office given the County's expanded demand for both complex and routine legal services. The Board's support has also resulted in our Office being able to recruit and retain many highly talented, highly dedicated attorneys and staff members. Having a sufficient number of in-house high-quality attorneys enables us to provide commercial law firm quality and quantity at a fraction of the cost of acquiring such services from a private law firm. Thus, in addition to consistently producing strong work product and outcomes, we believe we are delivering great value. We have also developed some much-needed "bench depth" in key areas and are building a very strong mid-level group of attorneys who are well positioned to lead the Office in future years.

This report highlights some of the Office's most significant activities during this past year and summarizes the status of significant ongoing matters.

Thank you for allowing me to serve as Broward County Attorney.



Andrew J. Meyers
Broward County Attorney

OUR ORGANIZATIONAL STRUCTURE

The Office’s Senior Management Team consists of County Attorney Drew Meyers, Chief Deputy County Attorney René Harrod, and Deputy County Attorneys Mike Kerr, Maite Azcoitia, Danielle French, Annika Ashton, and Adam Katzman. We congratulate Adam on his recent promotion to the position of Deputy County Attorney.

Our lawyers are organized into “practice groups” to provide particularized support to the County departments, divisions, and offices that constitute our client agencies. Many attorneys are members of multiple practice groups, allowing us greater flexibility in meeting shifting client needs.

Work is assigned, in part, to provide training opportunities by enabling attorneys to assume progressively greater responsibility in the development of work product. This takes more time and effort in the short run but pays tremendous dividends in the long run by increasing Officewide capacity to handle more complex legal matters. The increased capacity helps the Office to timely provide legal services in connection with the complex transactional, regulatory, and litigation matters we routinely address.

MOST SIGNIFICANT MATTERS DURING THE PAST FISCAL YEAR

RAIL

Commuter Rail Access Agreement and Governance Structure. Our Office reviewed and analyzed Brightline’s proposed commuter rail access agreement for the east coast commuter rail line. We advised the project team of the risks presented by the proposed agreement and the means of mitigating those risks. We engaged with Miami-Dade County’s attorneys concerning our analysis of the risks and provided legal support to Broward County’s project team in numerous meetings with Brightline’s management and attorneys. Our Office continues to work with County staff and continues to collaborate with our colleagues in Miami-Dade County in seeking to develop a sufficiently protective deal structure. Our Office also researched and provided legal guidance regarding the various legal structures available for the governance and operation of the proposed east coast commuter rail line.

Commuter Rail Consulting Services. We also provided legal support for a general engineering consulting services agreement for rail-based public transit projects to perform a wide range of services including planning, engineering, architectural, technical, and management services.

Florida East Coast Railway License and Operating Agreement. Our Office drafted a 20-year License and Operating Agreement with Florida East Coast Railway, L.L.C., providing for reasonable common carrier railway operations on the in-service portions of the Port Everglades Railway. This agreement replaced an expired 1985 agreement and provides for the maintenance, repair, and replacement of the Port Everglades Railway.

SOLID WASTE AND RECYCLING SOLUTIONS

Creation of the Solid Waste and Recycling Authority. Together with our municipal attorney colleagues, our Office provided legal guidance to the Solid Waste Working Group (SWWG), which is composed of elected officials from the County and several municipalities. This process led to the drafting of an interlocal agreement, approved by the County and the requisite number of municipalities, which created the “Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida.” If certain post-formation conditions are met over the next



two to three years, this new intergovernmental entity will manage solid waste disposal and recycling countywide for decades.

CONVENTION CENTER AND HEADQUARTERS HOTEL

Convention Center/Headquarters Hotel Construction. Our Office is involved on a weekly basis with the County’s construction team, including reviewing work authorizations and claim impact notices, addressing contract interpretation issues, and responding to all 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 project, including the current status and any outstanding claim/change order requests, to schedule any necessary reviews, and to assist staff in its efforts to ensure the project remains on time and on budget. Our Office also assisted in negotiations and drafted the Second Amendment to the Technical Services Agreement with Matthews Holdings Southwest, Inc., and Omni Hotels Management Corporation, which provided for the continuation of services during construction of the Headquarters Hotel, and for preopening services by Omni. We are currently engaged in negotiations for what we expect will be the final, comprehensive contract amendment designed to head off the routine post-construction claims process.



Convention Center/Hotel Bonds. Our Office also continues to provide advice and coordinate with bond counsel on issues related to the funding of the Convention Center Expansion and Hotel Project, including ensuring that payments are made in accordance with the terms of the County’s various bond documents. We have also drafted agreements between County agencies related to use of the property to ensure that the project complies with the County’s bond covenants.

OTHER SIGNIFICANT TRANSACTIONAL MATTERS

FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT (FLL) AND NORTH PERRY AIRPORT (HWO)

Annual Civil Repairs. The Office drafted the agreement between the County and General Asphalt Co., LLC, for annual civil repairs and maintenance at FLL for a three-year term in an estimated amount exceeding \$35 million.

Airport Utilities and Pavement Projects Agreements. The Office drafted and assisted in the negotiations for six consulting services agreements for airport utilities and pavement projects at FLL and HWO.



Airport Development Leases. Our Office provided legal assistance, participated in negotiations, and drafted two long-term development leases for County-owned property located at HWO: a 25-year lease with Triton Airport Development, LLC, which includes a minimum capital investment of \$1 million; and a 24-year lease with Flight Support and Logistics, LLC, which includes a minimum capital investment of more than \$1.5 million.

Delta Air Lines Sky Club Expansion Project. Our Office provided legal assistance, participated in negotiations, and drafted an amendment to the Signatory Terminal Building Lease Agreement to enable Delta Air Lines to expand the Delta Sky Club on the mezzanine level in Terminal 2 of FLL at an estimated cost of \$5 million.

MCM Construction. Our Office assisted Broward County Aviation Department (BCAD) staff with negotiations and resolution of claims asserted by a contractor in connection with the construction of Terminal 4 East and the BCAD office buildout at FLL. The contractor sought more than \$23 million but ultimately agreed to settle for just over \$10 million, which included more than \$6.1 million in contract retainage.

New Terminal 5. The Office assisted with negotiations and drafted a contract amendment with JetBlue Airways for the design and construction of the new Terminal 5 at FLL. The amendment provided additional scope and increased funding by more than \$97 million, bringing the contract total to more than \$400 million. To further protect the County's interests, we also participated in negotiating and drafting the construction manager agreement between JetBlue and the selected construction manager.

Registered Traveler Concession Agreement with AIClear, LLC. Our Office provided legal assistance and drafted the agreement for a five-year, nonexclusive passenger screening concession program at FLL. Under this agreement, AIClear, LLC, will pay a privilege fee of 10% of gross revenues, with a first-year minimum amount of at least \$1,507,250, and will also pay rent for enrollment kiosks and support space.

Relocation of SP Plus Curbside Joint Venture and Keolis Transit Services, LLC. Due to certain operational needs, BCAD determined it was necessary for two FLL vendors (SP Plus Curbside Management Joint Venture and Keolis Transit Services, LLC) to vacate FLL property and move their ground transportation and shuttle bus operations off-site. To accomplish that objective, our Office negotiated and drafted an agreement to lease certain property and then subleased portions of that property to the two vendors.

Silver Airways Dispute and Forbearance Agreement. Our Office assisted BCAD staff with the negotiation and resolution of a financial dispute with Silver Airways, an airline operating at FLL. The resulting forbearance agreement allows the airline to continue to operate at FLL, provides for full repayment of past due sums over a period of time, requires full compliance with all new financial obligations, and restores the full security deposit under the lease agreement. To date, Silver Airways has remained current on the forbearance agreement obligations as well as on its ongoing financial obligations.

PORT EVERGLADES

General Transactional Matters. Our Office provided legal guidance to County staff on several significant Port Everglades solicitations, including:

- A Request For Proposals (RFP) for a managing general contractor for the Slip 1 Expansion (estimated \$185 million);
- An RFP for a managing general contractor for the bulkhead replacement projects (estimated \$70 million);
- An RFP resulting in an agreement with ZPMC NA East Coast Inc. for modification of existing low-profile cranes (\$64 million); and
- A solicitation awarded to Continental Heavy Civil Corp for construction of West Lake Park Segment 4 (more than \$44 million).

Marine Terminal Lease and Operating Agreements. We drafted two marine terminal lease and operating agreements: a five-year agreement with Sol Shipping Services, Inc., for approximately seven acres to be used as a modern ocean-going container terminal yard facility with related

office and storage space; and a ten-year agreement with HM Southeast Cement LLC for almost five acres of land to be used for the operation of a cement distributing and packing plant.

Passenger Cruise Terminal and Berth User Agreements. Our Office provided legal assistance, participated in negotiations, and drafted various agreements related to passenger cruise operations at the Port, including the following:

- *Disney Cruise Line*: First Amendment to the Passenger Cruise Terminal and Berth User Agreement which, among other things, (a) updated the concept plans, (b) extended the construction schedule to allow time for the design professional to incorporate additional design work, (c) increased the project caps to accommodate the additional work, and (d) modified the capital cost recovery charge terms and the ownership and maintenance obligations;
- *Balearia Caribbean*: Passenger Cruise Terminal and Berth User Agreement to conduct and operate Balearia’s passenger cruise/ferry service between Port Everglades and the Bahamas with roll-on/roll-off cargo transportation services;
- *Royal Caribbean Cruises (RCL)*: Second Amendment to the Passenger Cruise Terminal and Berth User Agreement, which modified the capital cost recovery charge terms and memorialized the parties’ intentions relating to Terminal 29 improvements to accommodate home port operations of RCL Icon Class ships, the addition of new administrative offices, and a new parking structure.

Port Everglades Leases. Our Office drafted various leases for Port property, including a lease with Chiquita Fresh North America L.L.C. for 19,700 square feet of improved vacant land and 51,868 square feet of warehouse space to be used for a distribution center and ripening facility.



Port Jurisdictional Area Interlocal Agreement. Our Office analyzed and advised senior staff on various issues pertaining to the current interlocal agreement regarding the Port Jurisdictional Area. The agreement among Broward County and the cities of Hollywood, Fort Lauderdale, and Dania Beach expires in May 2024. We continue working with County Administration and the Port Everglades Department to negotiate and draft a new agreement.

State and Federal Grant Agreements. Our Office counseled Port staff on over \$70 million in grant agreements from state and federal agencies, including: (1) a Florida Department of Environmental Protection grant providing \$32,536,859 of funding for the Port Everglades Bulkhead Replacement Project; (2) a U.S. Department of Transportation Port Infrastructure

Development Program grant providing \$19,280,625 for the Port Everglades Berth Improvements and Modernization Project; and (3) multiple Florida Department of Transportation grants, including for cargo berth improvements (\$10,865,849) and the Port Everglades Dredging and Widening Project (\$7,700,066).

CONSTRUCTION-RELATED MATTERS

Government Center Project. Our Office provided legal counsel to the Board and County Administration concerning the close-out of the Joint Government Center Project. We also continue to counsel staff concerning the development of a new Government Center.

Interlocal Agreement with the City of Fort Lauderdale for Effluent Force Main. The City of Fort Lauderdale needs to construct a new effluent force main in the vicinity of the Port, the Convention Center, and the new Headquarters Hotel. The City's construction is expected to take place concurrently with the County's construction of the Convention Center expansion and the Headquarters Hotel. Our Office worked with County staff and municipal counsel to negotiate an interlocal agreement to reduce the effluent force main project's impact on the Convention Center and Headquarters Hotel and to ensure that access to the Port remains open.

TRANSPORTATION

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. Between October 1, 2022, and September 30, 2023, we also prepared and completed 14 project-specific funding agreements and 28 amendments for municipal capital projects and rehabilitation and maintenance projects. Our Office also provides continuing counsel and training to the Transportation Surtax Oversight Board. We also drafted a proposed comprehensive amendment to the municipal funding agreement template designed to dramatically reduce review time and expedite project commencement; this proposed amendment has been delayed pending further discussions between County and municipal senior staff.

Transportation Transactional Matters. Our Office aided in the solicitation and negotiated and drafted agreements and other documents for a number of transportation projects, including:

- **Broward County Transportation Department (BCT) Electrification Program.** A continuing professional architectural and engineering services agreement for comprehensive electrification improvements aligned with BCT's ongoing Bus Electrification Program.
- **Community Shuttle Program Maintenance and Operations Cooperative Agreement.** A master cooperative purchasing contract to provide operations, maintenance, and

management services for the Community Shuttle Program and to provide administrative efficiencies for municipalities. The participating municipalities will be able to access contracted equipment, products, or services through a participating addendum.

- **Green Stormwater Drainage System.** A subrecipient agreement with Florida’s Department of Economic Opportunity for more than \$16 million through a federally funded Community Development Block Grant Mitigation Program for green infrastructure for a stormwater flood mitigation project in Broadview Park.
- **Sheridan Street Bridge over the Florida Turnpike.** An \$8 million design/build construction agreement (with an associated funding agreement with the Florida Department of Transportation) for professional engineering, surveying, and construction services to increase the vertical clearance of the Sheridan Street Bridge over the Florida Turnpike and reduce tall vehicle collisions.
- **Sheridan Street Expansion Project.** A \$23.5 million design/build construction agreement for professional engineering, surveying, and construction services to reconstruct a portion of Sheridan Street from a four-lane divided roadway to a six-lane divided roadway, with consideration for all modes of transportation.
- **Transportation Surtax Plan Capital Projects Program Management.** A continuing engineering and professional consulting services agreement for the development of a program management plan regarding capital projects in the Transportation Surtax Plan.



TRAFFIC/HIGHWAYS

Low-Stress Multimodal Mobility Transportation System Master Plan. Our Office provided legal guidance and drafted the consultant agreement for a low-stress multimodal mobility transportation system master plan. The master plan is a countywide planning effort to integrate bicycling, walking, and use of personal conveyance devices into the transportation mainstream.

Port Everglades Bypass Road Project. Our Office provided legal guidance with finalizing an amendment to the Florida Department of Transportation (FDOT) grant agreement for design services, and a new FDOT grant agreement for construction and construction engineering and inspections (CEI) services, which provided \$11.4 million in FDOT funding, for the Port Everglades Bypass Road project to facilitate access to the Convention Center and improve traffic congestion on adjacent road segments. In addition to the FDOT grant funding, the construction of the Bypass Road project will be funded with \$17.5 million in surtax transportation funds. Our Office also provided legal guidance in finalizing the solicitations for CEI services and construction for the Bypass Road project.

Sawgrass Expressway/Pat Salerno Drive Interchange. Our Office provided legal guidance regarding an FDOT construction and corresponding funding agreement for the design, right-of-way acquisition, environmental mitigation, construction, construction engineering and inspection, equipment, and other work required for a full interchange at the Sawgrass Expressway and Pat Salerno Drive.

SOLID WASTE/WATER AND WASTEWATER SERVICES

Interlocal Agreement for Regional Biosolids Solutions. Biosolids are a byproduct of wastewater treatment and are generated at the Broward County North Regional Wastewater Treatment Plant and other public facilities. Our Office drafted a template interlocal agreement and negotiated with municipal counsel for ten public wastewater utilities so regional resources could be pooled to fund a study to identify solutions for biosolids disposal, including issues relating to per- and polyfluoroalkyl substances (PFAS) (also known as “forever chemicals”).

Solid Waste Disposal Services Agreements. We worked closely with County Administration to renew the Solid Waste Disposal Agreement with Wheelabrator Environmental Systems, Inc. (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 provided options for other waste streams during the upcoming five-year period. We are continuing to work closely with County Administration regarding potential options to further extend the current disposal agreement, which may be required despite the formation of the new solid waste governing authority.

AFFORDABLE HOUSING

Affordable Housing Gap Financing Projects. Our Office 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.

State Housing Initiatives Partnership (SHIP) Program. Our Office assisted the Housing Finance Division by preparing loan and grant agreements to facilitate the financing, construction, and availability of affordable housing throughout Broward County.

REAL PROPERTY

Bass Pro Acquisition. Our Office provided legal guidance and support on the proposed purchase of real property at Gulfstream Way in the City of Dania Beach. The property is 7.9 acres of vacant land and would permit various uses, including potential construction of a transit hub.

Commercial Building Acquisition. Our Office drafted a purchase and sale agreement and expects to close on the acquisition of property to construct a facility for the Broward County Medical Examiner and Crime Lab at 2000 West Commercial Boulevard in the City of Fort Lauderdale. The property is close to the former Citrix Building and Spectrum properties, which will allow for synergies in County operations being relocated to those properties.

Destination Sistrunk Cultural Center. Our Office assisted in the negotiation and drafted the lease for the Destination Sistrunk Cultural Center, a community-focused cultural venue in the Sistrunk neighborhood and an important part of the Cultural Division’s cultural heritage programming.



Gore Property Acquisition. In early 2023, our Office advised on the submission of the initial bid package to the State of Florida for the proposed purchase of the property known as the Gore Building located at 201 West Broward Boulevard. Following the unsuccessful bid, the Office drafted an assignment of the purchase and sale agreement among the successful bidder, the County, and the State of Florida, and advised on legal issues related to the closing and proposed use of the property.

Motel 6 (Travelodge) Acquisition. Our Office provided legal support and drafted the documents for the \$7.25 million purchase of property in the City of Pompano Beach, expected to be used to construct affordable housing. The property had been distressed for many years, and we worked closely with the Pompano Beach City Attorney’s Office prior to closing to negotiate the abatement of certain code enforcement orders against the property.

North Homeless Assistance Center Conveyance. Our Office provided legal guidance and support on the conveyance of property in Pompano Beach to Broward Partnership for the Homeless, Inc., to develop a 138-unit housing development for low-income rental housing, including a portion designated for permanent supportive housing for persons transitioning from homelessness.

West Park Amphitheater. Our Office drafted an agreement with the City of West Park to facilitate the construction of a mini-amphitheater and restroom facility in McTyre Park in the City of West Park. We are working with County staff to provide legal opinions and draft the necessary

documents to obtain approval of the project by the State of Florida and the School Board of Miami-Dade County, which jointly own the underlying property.

BOND FINANCING AND SPECIAL ASSESSMENTS

Hospital Special Assessment. Last fiscal year, our Office prepared the original Hospital Special Assessment Ordinance, and this year we worked with staff to implement the assessment against local private hospital properties for the purpose of providing local hospitals with supplemental Medicaid reimbursement.

Multifamily Housing Revenue Bonds. Our Office provided ongoing legal guidance to the County’s Housing Finance Authority (HFA) on bond transactions facilitating the financing of affordable housing projects throughout Broward County. In fiscal year 2023, the HFA closed on multiple transactions totaling approximately \$243.5 million in Multifamily Housing Revenue Bonds and an estimated 1,153 new units.

Trinity Health Credit Group. The Office worked with the County’s bond counsel to prepare and review the documents required for the County to hold a hearing and approve the issuance of \$20 million in tax-exempt private activity bonds to support capital improvements at Holy Cross Hospital, Inc., in accordance with the Tax Equity and Fiscal Responsibility Act.

CULTURAL/FILM

Cultural Division; Performing Arts Center Authority (PACA). Our Office provides ongoing legal support and guidance to the Cultural Division. During the past fiscal year, we drafted and reviewed more than 100 incentive agreements for the Cultural 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 PACA, our Office provided general counsel support and guidance, including drafting the new PACA tri-party agreement among the City of Fort Lauderdale, PACA, and the County for ongoing financial support; and reviewed and revised over 40 performance contracts, license agreements, and professional services contracts.

Film Commission. Our Office provided legal support to the new Film Commission, including reviewing multiple film incentive agreements and preparing an interlocal agreement with participating municipalities that allows the County to operate as a one-stop shop for film permitting for productions.



INFORMATION TECHNOLOGY

Cybersecurity Agreements. Our Office reviewed and negotiated a State of Florida cybersecurity grant agreement and provided legal support for various license agreements to provide cybersecurity technical assistance and capabilities for Enterprise Technology Services and other County agencies.

Technology Related Procurements. Our Office helped contract for countywide purchases of software, subscriptions, and services from major providers such as Amazon, Oracle Corporation, and Comcast. We also assisted with drafting and negotiating a variety of agreements for various County agencies, including: an agreement for the Purchasing Division for a new online bidding system; an agreement for the Office of Public Communications to procure a software solution to archive the County's social media posts; and an agreement for a new work order management system for the Traffic Engineering Division. The Office also provided legal support to the Office of Regional Emergency Services and Communications, including a new support and maintenance agreement for the Voice Recording System and an agreement to enhance the E911 computer-aided dispatch (CAD) system by integrating the location information provided by RapidSOS.

LAND USE AND ENVIRONMENTAL

American Dream Project. Our Office successfully negotiated with the owners of the American Dream Project for the final \$220,000 payment due to the County to mitigate the potential project's impact on roads in Broward County.

Sea Walls Hardening Grant. Our Office assisted in the negotiation and acceptance of a Florida Department of Environmental Protection \$18 million grant for the hardening of seawalls along the Intracoastal Waterway in Hollywood North Beach Park. Our Office continues to assist the Parks and Recreation Division in the procurement of construction services for the project, which is expected to compensate for impacts on natural resources by creating living shorelines with intertidal zones for mangroves and nearshore seagrasses.

FACILITIES

Janitorial Agreements for Various County Facilities. The Office provided legal support for the negotiation of 14 janitorial agreements covering various County facilities; these agreements had been delayed for two years due to price increases and COVID-related challenges.

Security Guard Services Agreement for Various County Facilities. The Office provided legal support and counsel in the procurement, drafting, negotiation, and implementation of security guard services agreements for various County facilities. We navigated pricing issues arising from

interim changes to the Living Wage Ordinance, the COVID-19 pandemic, and inflation. The resulting agreements are expected to provide stable security services for various County facilities, while also complying with the living wage requirements enacted by the Board.

OTHER TRANSACTIONAL MATTERS

CareerSource Broward Master Internship Program. Our Office drafted the Master Internship Program Agreement to provide paid internship opportunities to students participating in the County's University Student Practicum Program.

Collective Bargaining Agreements. Our Office assisted staff with negotiating and drafting new collective bargaining agreements with the County's collective bargaining units.

Office of Economic and Small Business Development (OESBD). Our Office negotiated and drafted agreements related to the County's participation in the South Florida Anchor Alliance (SFAA) Regional Marketplace Pilot Project. The goal of the project is to provide a one-stop shop for vendor registration, e-certification, procurement sourcing, program matching, and technical assistance for small businesses by connecting them to services, resources, and contracting opportunities. The County was selected as one of ten SFAA members to participate in the project.

Human Services Department Transactions. Our Office drafted and reviewed scores of agreements and amendments, and provided general transactional assistance and legal counsel to six divisions in the Human Services Department, including with regard to the following projects:

- An agreement with the Broward Behavioral Health Coalition, Inc., to provide community-based substance use disorder treatment services;
- Procurement of pharmacy management services for individuals enrolled at the County's substance use disorder treatment facilities;
- An agreement with Legal Aid Service of Broward County, Inc., to continue funding free legal services to low-income residents subject to immigration detainer requests and immigration proceedings;
- Legal advice to the Human Services Department staff regarding the impact of Senate Bill 1718, which prohibits counties from funding community identification cards for individuals who do not provide proof of lawful presence in the United States;
- Agreements with the North and South Broward Hospital Districts for primary health care services for the County's low- to moderate-income residents; and

- Various agreements with funding agencies and service providers for community-based adult mental health, substance use disorder treatment services, and community support services.

Publicly Accessible Website. Our Office prepared an agreement with CivicPlus, LLC, and became the first county in the State of Florida to create a publicly accessible website pursuant to recently enacted state law that permits local governmental entities to post statutory notices online. Additionally, we prepared a template participation agreement for local governmental entities to utilize the service.

Visit Lauderdale (f/k/a Greater Fort Lauderdale Convention & Visitors Bureau). Our Office drafted and substantively reviewed more than 100 convention and tourism-related sponsorship agreements for Visit Lauderdale, from small events to very large activities that bring millions of dollars in economic activity to Broward County, such as the NHL All-Star Game, cricket, and the Tortuga Music Festival. Additionally, our Office worked to obtain trademark protection for service marks utilized by Visit Lauderdale.



SIGNIFICANT LEGISLATIVE MATTERS

Anchoring Limitation Area Ordinance. Our Office drafted a new ordinance designating anchoring limitation areas throughout the Intracoastal Waterway, including the designation of the County's first two anchoring limitation areas in the City of Hollywood. We also negotiated and prepared an agreement with the City of Hollywood to ensure the City would be responsible for maintaining the anchoring limitation areas, which agreement can be used as a foundation for future projects with other cities.

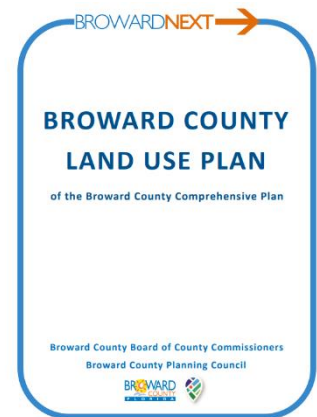
Central Examination Boards Ordinance. Our Office drafted an ordinance that reconfigured the Central Examining Boards into one board with two divisions, consistent with the recent Broward County Charter amendment.

County Naming Policy. At the direction of the Board, our Office drafted amendments to the Administrative Code to revise the process for naming County property. The amended procedure revised the criteria for naming County property and sets forth an orderly process to provide the Board with adequate background information to consider a proposed renaming.

Development Ordinances. We drafted various development ordinances, including to facilitate implementation of the surtax transportation program, to amend the Land Development Code to allow temporary uses during construction, and to expedite the permitting process by amending the documentation required to assess impact fees prior to the issuance of building permits.

Gas Taxes. Our Office prepared an ordinance to relevy, beginning on January 1, 2024, the \$0.03 and the additional \$0.01 local option fuel taxes for an additional 30 years and to streamline the procedure for the annual allocation of proceeds.

Land Use Plan. Our Office provided legal guidance and support to the Board, drafted necessary documents, and reviewed related declarations and agreements regarding Land Use Plan text amendments to promote affordable housing, including Policies 2.16.3 and 2.16.4, and drafted several ordinances and resolutions to promote and streamline the regulatory process in connection with development of affordable housing.



Living Wage Ordinance Amendments. As directed by the Board, our Office drafted amendments to the Living Wage Ordinance that provided an increase to the living wage rate and required employers to provide paid time off to covered employees. The Office worked with County staff to implement the amended living wage requirements, including obtaining vendor consents and waivers and drafting amendments to address vendors' increased costs.

Lobbying Ordinance. After an amendment to the Florida Constitution became effective, we drafted an amendment to the County's Code of Ethics for consistency with the new constitutional requirements. Due to a subsequent legal challenge to the Florida Constitution's lobbying restrictions, our Office later drafted two additional amendments to the Code of Ethics and continues to monitor the pending litigation to minimize litigation risk to the County.

Mooring Field Ordinance. Our Office drafted a new ordinance to establish a mooring field adjacent to Loggerhead Park in the City of Hollywood, and we are working closely with the Parks and Recreation Division on the construction of the mooring field and related issues, including procurement, permitting, and enforcement. Once construction is completed, the mooring field will provide further recreational activities on the Intracoastal Waterway and allow for easier removal of derelict vessels.

Obsolete Ordinances. Our Office initiated a review of all County ordinances to identify regulatory provisions that were obsolete or in need of amendment to reduce risk to the County. Throughout the fiscal year, we prepared ordinances to repeal or amend these provisions, including removing regulations from the County’s Code of Ordinances that are obsolete but technically in conflict with state preemption.

Procurement Code Revisions. Following the recent comprehensive rewrite of the Procurement Code, our Office worked closely with the Purchasing Division to provide further streamlining and revision of certain provisions, including permitting delegation of procurement authority to County agencies, streamlining processes for Board approval for issuance of competitive solicitations and approval of rankings, and modifying appeal processes.

Septic Tank Disclosure Ordinance. Our Office drafted amendments to the Broward County Consumer Protection Code requiring sellers of residential property to disclose if the property has a septic tank system and the local and state requirement to connect to sanitary sewer, if available.

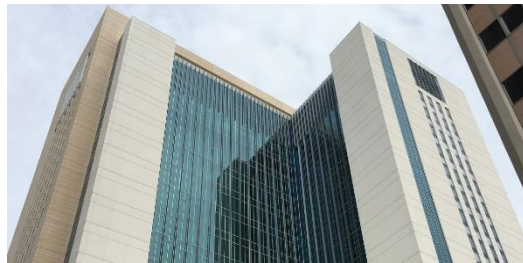
Strategic Job Creation Incentive Program. Our Office drafted an amendment to the Broward County Job Growth/Economic Development Incentives Act establishing the Strategic Job Creation Incentive Program to encourage targeted industry businesses to relocate to or expand within Broward County.

SIGNIFICANT LITIGATION MATTERS

Citizens for Responsible Development v. City of Dania Beach. In 2014, the County was joined in a lawsuit relating to the City of Dania Beach’s redevelopment approvals for Dania Jai Alai. In March 2021, the trial court granted summary judgment in favor of the County and the other defendants, and the plaintiffs appealed. Initially, the Fourth District Court of Appeal reversed the trial court. The County and the other defendants moved for rehearing. In February 2023, the District Court reversed its earlier decision and ruled in favor of the governmental defendants based on the plaintiffs’ lack of standing to sue.

Courthouse Beams Litigation. Our Office provided legal guidance relating to cracking observed in certain roof cantilever beams at the West Tower of the Broward County Judicial Complex. While concurrently negotiating with the contractor to remediate the construction defects, we entered into tolling agreements with the design team and the engineer of record to preserve the County’s claims and initiated a lawsuit against the contractor.

Courthouse Litigation. Our Office is defending a case against the County asserting claims for more than \$30 million in connection with the construction of the Broward County Judicial Complex. We are also prosecuting counterclaims against the contractor and third-party claims against the design professionals and the project manager. If settlement is not achieved, this matter will likely go to trial in the first half of 2024.



Gold Crown Vista, LLC. Our Office is defending a case brought by a developer regarding an expired Environmental Resource License and the loss of 14 boat slips due to failure to timely construct the slips. Our Office worked with County staff and the developer to narrow the issues and seek alternate remedies to sufficiently address the developer's concerns while maintaining the integrity of the County's boat slip allocation system. We are hopeful that the matter can be resolved amicably, but we will be prepared to defend the County's interests at the summary judgment hearing set for late November 2023.

Government Supervisors Association Overtime Arbitration. Our Office successfully represented the County against a grievance filed by a union alleging that the County violated the collective bargaining agreement when the County did not assign overtime to certain employees. An arbitrator denied the union's grievance, finding that the County has the authority under the collective bargaining agreement to determine when to schedule overtime and whether a particular division is sufficiently staffed.

Litigation Against Codefendant G4S Secure Solutions (USA), Inc. Our Office actively enforced County contracts against security vendor, G4S Secure Solutions (USA), Inc., which required the vendor to indemnify the County in certain claims filed against the County, including a claim of wrongful death and a claim alleging potentially hazardous conditions.

Opioid Litigation. Our Office continues to provide legal support for obtaining the maximum recovery relating to the multidistrict opioid litigation. The County expects to receive approximately \$120.5 million from these settlements over the next 18 years. The settlement amounts are to be used only for abating the opioid epidemic. We continue to closely coordinate with our outside legal team on the claims that remain pending against other defendants.

Sunshine Gasoline v. Broward County. Our Office continues to defend this class action lawsuit 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. Litigation is ongoing, but the court has dismissed

several of the plaintiff's claims that alleged violations of the Florida and United States Constitutions.

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 2023 fiscal year, our Office collected more than \$1.7 million based on filed bankruptcy claims. Our Office continues the practice we began last year of alerting the Property Appraiser's Office regarding unassessed or underassessed TPP identified in bankruptcy cases that were not reported to the Property Appraiser's Office, which practice has facilitated substantial assessments that our Office then seeks to recover.

Tutor Perini Fort Lauderdale Hollywood Venture. Our Office is defending the County in a case asserting claims for approximately \$13 million in connection with the construction of the Terminal 4 Apron at FLL. We are also prosecuting counterclaims against the contractor and third-party claims against the contractor's sureties for approximately \$15 million. This matter is not yet set for trial.

Zinman v. Nova Southeastern University, Inc. A law student from Nova Southeastern University challenged the constitutionality of the County's COVID-19 facial covering requirements. The student appealed to the Eleventh Circuit Court of Appeals following the trial court's dismissal of his claims. On appeal, our Office successfully argued that the facial covering requirement was constitutional.

OTHER NOTABLE MATTERS

2023 Legislative Session. The 2023 Legislative Session saw an unusually high number of bills pass both chambers. During the session, the Office provided legal analysis of bills that would impact the County to assist the Intergovernmental Affairs/Boards Section with possible amendments. Additionally, we reviewed new laws to determine County impacts, and we continue to provide guidance to Commissioners, County Administration, and agency staff to aid with policy considerations and ensure compliance with the new laws. We also continue to monitor pending legal challenges to state law for possible opportunities for County participation consistent with County policy priorities, and we continue to analyze recent legislation to identify any required changes to County regulations.

Advice Regarding Senate Bill 256. Among the newly enacted state legislation was a bill that created several new requirements for certain public employee labor unions. As a result, our Office advised County staff on how to comply with the new law and worked with the County's labor unions to implement the new requirements. Because compliance with the new law placed at risk the County's receipt of millions of dollars of federal transit grant funds, we also collaborated with the Department of Labor to obtain the necessary information to apply to the Public Employees Relations Commission (PERC) for a waiver of the law's requirements for all labor unions representing County employees who provide mass transit services. After several rounds of briefing to PERC, we successfully obtained a waiver for these unions, ensuring that the County's compliance with the law does not jeopardize federal transit funding.

Broward County Heart Project. The Office provided legal support for the Broward County Heart Project, which is a \$10 million pilot project to provide preventive heart screening services to qualified Broward County residents. Our work included preparing contracts and amendments with SydCura Health Solutions to administer the project and with Dr. Claudio Smuclovsky to provide consulting services for the project.



Elections. During the 2023 fiscal year, our Office continued to provide general counsel, transactional, and litigation services to the Supervisor of Elections (SOE) as well as to the Broward County Canvassing Board. In addition to defending the SOE in multiple election-related lawsuits in state and federal courts, our Office staffed meetings of the Canvassing Board during the 2022 General Election and the 2023 Municipal 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 and to the County and SOE volunteers on the Canvassing Board. The Florida Legislative Sessions in 2022 and 2023 resulted in numerous changes to Florida's election laws, and our Office provided legal analysis of the bills impacting elections in Broward County and assisted the SOE in its implementation of the new laws.

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.