BROWARD COUNTY ATTORNEY'S OFFICE



FISCAL YEAR 2026 ANNUAL REPORT

LETTER FROM THE COUNTY ATTORNEY

Dear Mayor, Vice Mayor, and Commissioners:

I am pleased to present the County Attorney's Office Fiscal Year 2026 Annual Report, my first as County Attorney. I am excited to serve the County Commission in this role and to lead the dedicated attorneys and staff of the Office. For most of Fiscal Year 2026, the Office was led by my predecessor, Andrew J. Meyers. I am grateful for his service and the strong foundation he established.

The County Attorney's Office serves as the County's full-service law firm, providing legal counsel to the County Commission, County Administration, and the County's departments, divisions, offices, and independent agencies. The work of our more than 50 attorneys spans major transactions, litigation, legislation, regulatory compliance, public finance, procurement, construction, land use, employment, public records, and the daily operations of County government.

This report is organized into two sections. Section One highlights ten representative matters handled during Fiscal Year 2026, selected to illustrate the complexity, significance, and breadth of the Office's work. This section is not intended to provide an exhaustive account of the work performed. Section Two provides an overview of our principal practice areas and the agencies we serve each day.

The matters highlighted in this report represent some of the Office's more visible work. Just as important is the work performed every day to identify risks before they become disputes, to help agencies achieve their objectives, and to guide the County through changing, and oftentimes challenging, legal requirements.

It is an honor to serve the County Commission and to lead the County's law firm. I look forward to building on the Office's strong record of service in the years ahead.



Annika E. Ashton
Broward County Attorney

SECTION ONE

FY26 REPRESENTATIVE MATTERS

The following selection of representative matters provides a glimpse into the range of legal services the Office provided during Fiscal Year 2026. These matters were selected in part due to size, complexity, or public visibility, and in part because they reflect the scope and import of the matters this Office handles and the cross-disciplinary collaboration and practical problem-solving required to serve the County.

1. Omni Hotel and Convention Center Expansion

The grand opening of the Omni Fort Lauderdale Hotel this year marked the culmination of more than a decade of work on this project. Our Office collaborated with County Administration and County staff throughout every phase of the procurement, development, and implementation. This fiscal year our Office provided near-daily legal counseling relating to the Hotel, the East Convention Center Expansion, and various other projects at the site, including the construction of the plaza and the Greater Fort Lauderdale Convention & Visitors Bureau ("Visit Lauderdale") building, and improvements to the Northport Parking Garage. Our team addressed issues ranging from developer and design-builder claims, subcontractor disputes, and developer payment requests to defective and incomplete work, tax credit requests, and provisions for landscaping maintenance within the right-of-way of the Florida Department of Transportation. We continue to coordinate with County staff on operational issues on a regular basis. Our Office also provided legal support for the timely construction of the Convention Center Connector/Port Bypass Road, an essential County transportation project designed to improve traffic flow in the vicinity of the Broward County Convention Center and the Omni Fort Lauderdale Hotel.

2. *Sunshine Gasoline Distributors, Inc. v. Broward County*

Our Office defended the County in a class action lawsuit alleging violations of state preemption regarding petroleum remediation licensing, as well as violations of constitutional law and public records law. Plaintiffs' initial settlement demand

exceeded $14 million. Through multiyear litigation, our Office significantly narrowed the issues and obtained dismissal of the constitutional law and public records claims. Ultimately, we resolved all remaining claims in a classwide settlement capped at $425,000. Due to the advantageous structure negotiated for the class settlement, only class members who submitted verified claims for covered losses could recover. As a result, the County paid $214,566.80 for the full and final settlement of all claims, including attorneys' fees.

3. Airport Signatory Airlines Agreements

The Office drafted two key agreements for signatory airlines—a Signatory Lease and Use Agreement and a Signatory Terminal Building Lease Agreement—that will govern the County's long-term commercial and operational relationships with signatory airlines at Fort Lauderdale-Hollywood International Airport ("FLL") for the next seven years. The agreements address rates and charges, capital funding, reserves, operational rights, insurance, cybersecurity, and federal aviation requirements. The agreements also establish the formula for annual preferential gate allocations and associated space based on utilization and market share and expand the use of dynamic signage and branding to provide increased flexibility in the utilization of airport space in the future. Importantly, the Signatory Lease and Use Agreement preapproves $2.7 billion in general airport revenue bonds for the Master Plan Phase 1A projects.

4. Segment III Shore Protection Project

The Office provided legal support for the Segment III Shore Protection Project, a major coastal resilience initiative. We assisted in the procurement of dune construction services and prepared access agreements with the cities of Dania Beach, Hollywood, and Hallandale Beach, allowing the County and its contractor to access the project area, stage equipment, and complete construction. We also negotiated and incorporated project-specific provisions requested by the City of Hollywood, responded to disputes during construction, and assisted County staff in negotiating and documenting an amicable resolution of outstanding issues. In addition, we

prepared multiple grant and donation agreements to redistribute coastal dune plants to prior coastal dune grant recipients, ensuring beneficial use of plant material that was not required for the dune construction project.

5. Airport Runway Construction Litigation

Our Office has continued to handle complex, multimillion-dollar litigation arising from construction work performed by the County's vendor, Archer Western Construction, Inc. ("Archer"), on the South Runway at FLL that the County alleges was defective. The matter involves highly technical engineering issues, contract interpretation, and procedural questions concerning later-discovered construction defects. In 2020 the County filed an action against Archer regarding cracking in a small number of the concrete runway panels installed at FLL. That dispute was resolved amicably in 2022. Several years later different panels demonstrated extensive cracking. The County filed a second action to enforce the contractual warranties, alleging defective construction and subsequently discovered latent defects in the concrete panels. Following an unfavorable ruling at the trial court level on summary judgment, the County appealed to the Fourth District Court of Appeal. The appellate case is fully briefed, and oral argument is scheduled for November 2026.

6. Port Everglades Shore Power Design Agreement

The Office negotiated and drafted the agreement for the design of shore-power infrastructure at Port Everglades, integrating maritime operations, utility and infrastructure requirements, environmental objectives, project delivery, funding, ownership, and long-term operational responsibilities. The resulting agreement helped advance a major infrastructure initiative that has been in development for many years and required coordination among cruise lines, Florida Power & Light, federal agencies, and other stakeholders.

7. Forensic Science Center

Our Office provided multidisciplinary legal support over the past several years for development of the new Forensic Science Center, including the property acquisition, design and construction contracting, procurement, and project risk issues. Our Office provided legal review of the demolition contract for the existing structure and underground utilities at the project site. We advised County staff through the termination of the managing general contractor previously engaged to construct the Forensic Science Center and negotiated the termination terms. In preparation for the competitive solicitation for a replacement managing general contractor to advance the project, we updated the County's managing general contractor agreement template. We are currently assisting with the solicitation of a new managing general contractor.

8. Firearms (*McDaniels v. State*, No. 1D-2023-0533 (Sept. 10, 2025))

At the end of Fiscal Year 2025, the First District Court of Appeal issued the decision titled *McDaniels v. State*, which declared Florida's statutory ban on "open carry" of firearms unconstitutional. Our Office worked closely with the Commission, County Administration, and numerous County agencies, including Port Everglades, the Aviation Department, the Libraries Division, and the Transportation Department, to address the ramifications on County operations and to assist with the development of legally compliant security policies that maximize safety for County officials, employees, and the public. Our Office analyzed the evolving constitutional, statutory, and enforcement issues and advised County leadership regarding the limited scope of local authority, the effect of the state preemption, and the legally compliant options available to the County.

9. Sheriff's Budget Appeal

Our Office supported the County in response to the appeal by the Broward County Sheriff of the County's adopted Fiscal Year 2025 budget for the Broward County Sheriff's Office, including analyzing the governing statutory budget-appeal process,

advising County Administration and the Office of Management and Budget ("OMB") regarding the legal issues, and—in coordination with County Administration—drafting the County's response within the very short statutory deadline. The Office coordinated with OMB and the County Auditor's Office to evaluate the Sheriff's expenditures, staffing, vacancies, overtime, salary assumptions, prior-year surpluses, and year-end returns; prepared the County's legal and factual submissions; and responded to the Sheriff's arguments and supporting materials.

10. Senate Bill 1134 and Amendment 3

Each year our Office reviews every bill that was approved by both chambers of the Florida Legislature to determine the potential legal impacts on the County and what changes, if any, are required for compliance. This year our review included Senate Bill 1134, which becomes effective January 1, 2027, and precludes local governments from funding or promoting certain activities defined as diversity, equity, and inclusion. We continue to coordinate closely with County Administration, the Office of Intergovernmental Affairs, and County agencies regarding ongoing efforts to interpret and apply the provisions of the new legislation to the many and varied activities of the County. We continue to advise the Commission and County Administration regarding Amendment 3, "Increased Homestead Exemption; Lower Cap on Increases in Non-Homestead Property Assessments," including providing guidance on the types and scope of information and communications that are permissible concerning the ballot measure.

SECTION TWO

OVERVIEW OF PRACTICE AREAS

The Office provides legal services across the full range of County government. The following descriptions summarize many of the practice areas and the types of legal work we perform for the Commission, County Administration, and County agencies.

Accounting and Finance: The Office advises the Finance and Administrative Services Department ("FASD") regarding banking services, investments, custody of public funds, payment processing, treasury operations, and related contracts and financial controls.

Affordable Housing: The Office advises the Housing and Urban Planning Division and other County agencies regarding affordable housing solicitations, loans, grants, land-use restrictions, regulatory agreements, property transactions, and public-private development arrangements.

Animal Care: The Office advises the Animal Care Division regarding dangerous and aggressive dog proceedings, compliance with the applicable provisions of the County Code of Ordinances, code enforcement matters, contracts, and day-to-day animal welfare matters.

Appeals: The Office handles appeals in state and federal courts and provides appellate guidance in significant litigation involving the County, its officials, and its agencies.

Aviation: The Office provides comprehensive regulatory, transactional, construction, procurement, financing, real property, bankruptcy, and litigation counsel to the Aviation Department in support of FLL and North Perry Airport.

Bankruptcy: The Office protects the County's rights in bankruptcy proceedings involving airlines, contractors, taxpayers, property owners, and other debtors through the assertion of bankruptcy claims, enforcement of security interests, and pursuit of payment for post-petition services.

Bond Financing: The Office works with FASD and outside bond counsel and financial advisors to structure and document County bond issuances, refundings, and related financing documents.

Budget and Fiscal Matters: The Office provides legal guidance to OMB regarding the annual budget process, appropriations, transfers, reserves, and legal restrictions on the use of public funds.

Civil Rights Litigation: The Office defends the County and its employees in federal and state civil rights actions and advises agencies regarding practices that may create constitutional or statutory exposure.

Class Action and Multidistrict Litigation: The Office represents the County directly or through outside counsel in class action lawsuits and multidistrict litigation, monitors national settlements, evaluates potential claims, and pursues recoveries when County interests are affected.

Collections: The Office pursues amounts owed to the County through litigation, liens, claims, negotiated resolutions, and other recovery tools.

Commercial Litigation: The Office represents the County in mediation, arbitration, and litigation of contract, construction, procurement, real property, business, and other commercial disputes, whether filed by or against the County.

Constitutional Law: The Office advises the Commission, County Administration, and County agencies concerning constitutional requirements, preemption, sovereign immunity, executive actions, and other constitutional issues affecting County authority and operations.

Construction and Capital Projects: The Office counsels County agencies, including the Public Works and Environmental Services Department and its related divisions, regarding construction procurement, contract negotiation, project delivery, design and construction contracts, change order requests, and contract disputes and claims, and when necessary, vigorously litigates construction disputes on behalf of the County.

Consumer Protection: The Office advises the Consumer Protection Division regarding enforcement of the consumer protection provisions of the County Code of Ordinances, including nonconsent towing, taxis, motor vehicle paint/repair shops, medical transportation, and state-mandated child care licensing.

Contract Enforcement: The Office advises agencies regarding defaults, remedies, indemnification, insurance, performance security, termination, suspension, and other tools for enforcing County agreements.

Cultural Division: The Office advises the Cultural Division regarding sponsorships, grants, and operational issues relating to cultural programming, activities, and events across Broward County.

Cybersecurity and Data Privacy: The Office advises on cybersecurity requirements, incident response, data protection, privacy, breach notification, information-sharing restrictions, and related regulatory and contractual risks.

Elections: The Office provides comprehensive general counsel and litigation services to the Supervisor of Elections and advises and represents the Broward County Canvassing Board on election administration, voter-intent determinations, canvassing procedures, statutory changes, public records, and election-related litigation.

Emergency Management: The Office advises the Office of Emergency Management regarding procurement and contract issues, grant agreements, and legal compliance in connection with declared emergencies such as hurricanes and other local disasters.

Employee Benefits: The Office advises the Employee Benefits Section regarding the County's comprehensive employee benefits programs, including vendor contracts and applicable legal requirements, and assists with the procurement and administration of those programs.

Employment: The Office advises County agencies regarding hiring, discipline, accommodations, leave, wage and hour requirements, workplace investigations, employment policies, and employment litigation.

Environmental Law: The Office provides regulatory, transactional, enforcement, construction, demolition, and litigation counsel concerning environmental protection, beaches, waterways, contaminated property, natural resources, and federal, state, and County permitting.

Ethics: The Office advises County Commissioners, officials, employees, agencies, and advisory boards regarding a variety of ethics issues such as voting conflicts, gifts, disclosures, lobbying, misuse of public position, outside employment, and other state and local ethics requirements.

Facilities Management: The Office provides legal support for the management of County facilities, including contracts for repairs and maintenance, project and space management, security, and utilities.

Grants: The Office reviews and negotiates federal, state, and private grant agreements and advises County agencies regarding grant conditions, procurement obligations, allowable uses, reporting, audit exposure, and repayment risk.

Housing Finance Authority: The Office serves as counsel to the Housing Finance Authority of Broward County, including in connection with multifamily housing bond financings, the gap financing program, and the Authority's governance and operations.

Human Services: The Office provides daily transactional, regulatory, procurement, grant, privacy, and litigation support to the Human Services Department and other County programs addressing health care, behavioral health, homelessness, children and families, veterans, and vulnerable residents.

Information Technology: The Office supports Enterprise Technology Services and other agencies on legal issues relating to software, cloud services, telecommunications, artificial intelligence, system implementation, licensing, maintenance, interoperability, and continuity of operations.

Intergovernmental Affairs: The Office advises on the legal powers and procedures of County government, including Commission authority, delegations, intergovernmental relationships, advisory boards, administrative processes, and compliance with state and federal mandates.

Labor Relations: The Office advises County Administration regarding collective bargaining, labor agreements, grievances, impasse proceedings, union-related matters, and the interpretation and administration of negotiated employment terms.

Land Use: The Office advises the Commission and County agencies regarding the Comprehensive Plan, land use plan and text amendments, platting, development review, impact requirements, affordable housing incentives, and related declarations, agreements, resolutions, and ordinances.

Legislative Issues: The Office prepares, reviews, and analyzes ordinances, resolutions, charter amendments, ballot language, and legislative proposals, and provides guidance on the implementation of new state and federal laws.

Libraries: The Office assists the Libraries Division with contracts for circulation materials, software, and grant funds, and provides day-to-day legal advice regarding operational matters.

Office of Economic and Small Business Development ("OESBD"): The Office advises OESBD regarding economic development initiatives, business assistance programs, and federal and local small business programs, and drafts and reviews related agreements, policies, legislation, and procurement documents.

Office of the Medical Examiner and Trauma Services: The Office advises on legal matters arising from the Medical Examiner's statutory duties and operations, including public records, personnel matters, contracts, regulatory compliance, and litigation.

Parks and Recreation: The Office provides transactional, regulatory, environmental, real property, procurement, risk management, and litigation support to the Parks and Recreation Division for park facilities, programs, concessions, natural areas, waterfront activities, and public uses.

Personal Injury Litigation: The Office defends the County and its employees in vehicle, transit, premises liability, negligent security, wrongful death, and other personal injury claims, while enforcing contractual indemnification and insurance rights.

Port Everglades: The Office provides comprehensive counsel to the Port Everglades Department regarding marine terminal and cruise agreements, leases, tariffs, capital projects, environmental regulation, maritime operations, grants, procurement, and commercial disputes.

Procurement: The Office advises the Purchasing Division and County agencies regarding competitive solicitations, procurement methods, evaluation and negotiation procedures, bid protests, and compliance with applicable procurement laws.

Public Communications: The Office advises the Office of Public Communications and other County agencies regarding public information, media relations, publications, social media policies, and related legal issues.

Public Records: The Office advises County officials and agencies regarding public records requests, exemptions, sensitive security information, electronic records, and the lawful disclosure of County records.

Real Property: The Office supports the Real Property and Real Estate Development Division and County agencies in property acquisitions and dispositions, leases, easements, licenses, due diligence, title matters, appraisals, development agreements, and the management of County-owned property.

Records, Taxes, and Treasury: The Office advises County agencies regarding Official Records filing requirements, disposition schedules, electronic record management, and coordination between records obligations and public records requirements.

Resilience: The Office advises on climate resilience, shoreline protection, flood mitigation, adaptation planning, infrastructure hardening, intergovernmental coordination, and related funding and regulatory issues.

Risk Management: The Office counsels the Risk Management Division on claims and coverage issues and handles workers' compensation claims on behalf of the County, the Property Appraiser, the Clerk of Courts, and the Supervisor of Elections.

Solid Waste and Recycling: The Office advises on solid waste collection, disposal capacity, recycling, interlocal governance, facility planning, environmental obligations, franchise and disposal agreements, and related litigation and regulatory matters.

Sunshine Law and Public Meetings: The Office advises the Commission, County officials, County staff, and advisory boards regarding open-meeting requirements, including requirements for public participation and statutory exemptions.

Traffic and Highways: The Office provides legal support for roadway, bridge, traffic engineering, drainage, right-of-way, and highway projects, including design and construction contracts, grants, permitting, intergovernmental coordination, and claims.

Transactional Matters: The Office drafts, negotiates, reviews, and provides legal support for the administration of County contracts across all County operations, including professional services agreements, goods and services contracts, grants, licenses, leases, interlocal agreements, revenue agreements, and complex public-private transactions.

Transportation and Mobility: The Office provides transactional, regulatory, and litigation support for transit, commuter rail, transportation surtax programs, paratransit, fleet operations, and other mobility initiatives.

Visit Lauderdale: The Office advises Visit Lauderdale and other County agencies regarding convention, tourism, sports, entertainment, and destination-marketing agreements, ranging from routine event arrangements to major initiatives generating substantial economic activity.