



ANDREW J. MEYERS, County Attorney

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MEMORANDUM

TO: Mark E. Gale/CEO/Director of Aviation

FROM: Alexander J. Williams, Jr., Senior Assistant County Attorney

Digitally signed by Alexander J. Williams
Date: 2025.07.09 12:05:14
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DATE: July 9, 2025

RE: Airport Terminal Program Grant No. 3-12-0025-103-2025

As you know, the Federal Aviation Administration ("FAA") has approved the Passenger Boarding Bridge project ("PBB Project") to receive the Grant referenced above. The Grant allows for a maximum obligation of the FAA in the amount of \$16,000,000. I have reviewed the proposed Grant agreement provided by the FAA. The Grant agreement includes new grant conditions that have not been in prior FAA grants. We do not see any legal issues with the new grant conditions, which address diversity, equity, and inclusion (DEI) and immigration, but wanted to bring them to your attention. They include:

30. Applicable Federal Anti-Discrimination Laws. Pursuant to Section (3)(b)(iv), Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, the sponsor:

- a. Agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of 31 U.S.C. 3729(b)(4); and
- b. Certifies that it does not operate any programs promoting diversity, equity, and inclusion (DEI) initiatives that violate any applicable Federal anti-discrimination laws.

31. Federal Law and Public Policy Requirements. The Sponsor shall ensure that Federal funding is expended in full accordance with the United States Constitution, Federal law, and statutory and public policy requirements: including but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination; and **the Sponsor will cooperate with** Federal officials in the enforcement of Federal law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in and the enforcement of Federal immigration law. **Emphasis added.**

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34. Title 8 - U.S.C., Chapter 12, Subchapter II - Immigration. The sponsor will follow applicable federal laws pertaining to Subchapter 12, and be subject to the penalties set forth in U.S.C. § 1324, Bringing in and harboring certain aliens, and 8 U.S.C. § 1327, Aiding or assisting certain aliens to enter.

Sections 30 and 34, as we read them, simply require compliance with federal law that the County is already subject to.

With Section 31, the County is already bound by Chapter 908 of the Florida Statutes, which prohibits "Sanctuary City" policies. Chapter 908 is more about local government not *impeding* immigration officials whereas Section 31 of the Grant requires *cooperation* with federal officials. We do not believe the County, as sponsor, has much of anything to do with immigration. The cooperation language is very general and notably, does not say "fully cooperate using all available resources"; it just says "cooperate".

Based on the language in recent Executive Orders, the CAO has already made modifications to County contract forms to remove "gender identity and expression" and in some instances added additional language reserving the County's right to make further contract modification should a Federal agency require it. We have included that reservation in the recent Amendment to the Contract with Broward County Bridge Builders, Joint Venture in anticipation of this Grant.

In summary, there is no legal impediment to executing the subject Grant agreement. Please provide this memorandum to County Administrator Monica Cepero before execution of the Grant, and request Monica disclose the new grant requirements to the Board at the appropriate time.

cc: Jason Watkins, Aviation Chief Financial Officer
Michael Pacitto, Aviation Chief Development Officer