ITEM #54-B
(Replacement Agenda and Resolution)

ADDITIONAL MATERIAL
REGULAR MEETING

SEPTEMBER 22, 2026

SUBMITTED AT THE REQUEST OF

PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENT

Broward County Commission Regular Meeting
Director's Name: Leonard Vialpando
Department: Public Works and Environmental Services
Division: Choose a Division.

Information

Requested Action

MOTION TO ADOPT Resolution, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, DETERMINING THAT THE UNSOLICITED PROPOSAL SUBMITTED BY DEPENDABLE EQUITIES, LLC, FOR DEMOLITION, SITE CLEARING, AND TEMPORARY USE OF BROWARD COUNTY-OWNED PROPERTIES AT 400 AND 408 NE 4TH STREET, FORT LAUDERDALE, FLORIDA, IS IN THE PUBLIC'S INTEREST; DIRECTING THE COUNTY ADMINISTRATOR TO PUBLISH THE REPORT REQUIRED BY SECTION 255.065(3)(D), FLORIDA STATUTES, AND TO PROCEED WITH FURTHER EVALUATION AND NEGOTIATION OF A COMPREHENSIVE AGREEMENT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Why Action is Necessary

Section 255.065(3)(c), Florida Statutes, requires the Broward County Board of County Commissioners ("Board"), as the responsible public entity, to determine at a second duly noticed public meeting whether the unsolicited proposal is in the public's interest before proceeding without a public bidding process.

What Action Accomplishes

Makes the public interest determination required by Section 255.065(3)(c), Florida Statutes; directs publication of the report required by Section 255.065(3)(d), Florida Statutes; and authorizes further evaluation of the Proposal and negotiation of a comprehensive agreement.

Goal Related Icon(s)

☐County Commission
☐Go Green
☐MAP Broward

Previous Action Taken

On August 20, 2026 (Agenda Item No. 44), the Board directed the County Administrator to proceed with further evaluation of the unsolicited public-private partnership proposal submitted by Dependable Equities, LLC, as amended by its August 12, 2026, addendum ("Proposal"), and to utilize the process set forth in Section 255.065(3)(c), Florida Statutes, rather than the public bidding process set forth in Section 255.065(3)(b), Florida Statutes. On September 10, 2026 (Agenda Item No. 52), the Commission held the first duly noticed

public meeting required by Section 255.065(3)(c), Florida Statutes, received a presentation of the Proposal, provided affected public entities and members of the public an opportunity to comment, and directed the County Administrator to return the Proposal to the Board for the second duly noticed public meeting required by Section 255.065(3)(c), Florida Statutes.

Summary Explanation/Background

THE COUNTY ADMINISTRATOR AND THE PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE MOTION.

On May 22, 2026, Broward County ("County") received an unsolicited proposal from Dependable Equities, LLC ("Proposer"), to demolish the existing County-owned structure and perform site clearing at 400 NE 4th Street, Fort Lauderdale, Florida ("400 Property"), at its sole cost and expense, in exchange for temporary use of the 400 Property for construction logistics and support activities associated with its adjacent Ombelle development ("Original Proposal"). On August 12, 2026, the Proposer amended the Original Proposal to request temporary use of additional County-owned property located at 408 NE 4th Street, Fort Lauderdale, Florida ("408 Property," and collectively with the 400 Property, the "Properties") (the Original Proposal, as amended by the August 12, 2026, addendum, collectively, the "Proposal").

As part of County staff's further evaluation of the Proposal, demolition of the existing County-owned structure and site clearing at the 408 Property are also contemplated as part of the proposed arrangement. The demolition, site clearing, and temporary use of the Properties for construction logistics and support activities associated with the Ombelle development are collectively referred to as the "Project."

This item constitutes the second duly noticed public meeting required by Section 255.065(3)(c), Florida Statutes. The Resolution sets forth the Board's findings regarding the statutory factors and determines that the Proposal is in the public's interest. The Resolution also directs the County Administrator to publish the report required by Section 255.065(3)(d), Florida Statutes, in the Florida Administrative Register for at least seven days and to proceed with further evaluation of the Proposal and negotiation of a comprehensive agreement with the Proposer.

The Board's public interest determination does not approve a comprehensive agreement, authorize occupancy or work on County property, or otherwise obligate the County to proceed with the Project. Prior to award of any comprehensive agreement, the County must complete the independent analysis required by Section 255.065(5)(d), Florida Statutes, demonstrating the cost-effectiveness and overall public benefit of the proposed public-private partnership, satisfy any remaining applicable statutory requirements, and return any proposed comprehensive agreement to the Board for approval.

Source of Additional Information

Dr. Jennifer Jurado, Deputy Director, PWESD, 954-519-1464

Fiscal Impact

Fiscal Impact/Cost Summary

No additional fiscal impact is anticipated as a result of this action. Costs incurred by the County in evaluating the Proposal are intended to be paid from the application fee submitted by the Proposer and any additional evaluation fees required from the Proposer pursuant to Section 255.065, Florida Statutes.

PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, DETERMINING THAT THE UNSOLICITED PROPOSAL SUBMITTED BY DEPENDABLE EQUITIES, LLC, FOR DEMOLITION, SITE CLEARING, AND TEMPORARY USE OF BROWARD COUNTY-OWNED PROPERTIES AT 400 AND 408 NE 4TH STREET, FORT LAUDERDALE, FLORIDA, IS IN THE PUBLIC'S INTEREST; DIRECTING THE COUNTY ADMINISTRATOR TO PUBLISH THE REPORT REQUIRED BY SECTION 255.065(3)(D), FLORIDA STATUTES, AND TO PROCEED WITH FURTHER EVALUATION AND NEGOTIATION OF A COMPREHENSIVE AGREEMENT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on May 22, 2026, Broward County ("County") received an unsolicited proposal from Dependable Equities, LLC ("Dependable Equities"), attached hereto as Exhibit A, to demolish the existing County-owned structure and perform site clearing at 400 NE 4th Street, Fort Lauderdale, Florida ("400 Property"), at its sole cost and expense, in exchange for temporary use of the cleared 400 Property for construction logistics and support activities associated with its adjacent Ombelle development ("Original Proposal");

WHEREAS, on August 12, 2026, Dependable Equities amended the Original Proposal by addendum, attached as Exhibit B hereto, to request temporary use of additional County-owned property located at 408 NE 4th Street, Fort Lauderdale, Florida ("408 Property" and, collectively with the 400 Property, the "Properties"), in addition to the

400 Property (the Original Proposal, as amended by the August 12, 2026, addendum, collectively, the "Proposal");

WHEREAS, as part of County staff's further evaluation of the Proposal, demolition of the existing County-owned structure and site clearing at the 408 Property are also contemplated as part of the Proposal;

WHEREAS, the demolition, site clearing, and temporary use of the Properties for construction logistics and support activities associated with the Ombelle development, as contemplated by the Proposal and the County's further evaluation thereof, are collectively referred to herein as the "Project";

WHEREAS, on August 20, 2026, the Board of County Commissioners of Broward County, Florida ("Board"), directed the County Administrator to proceed with further evaluation of the Proposal and to utilize the process set forth in Section 255.065(3)(c), Florida Statutes, rather than the public bidding process set forth in Section 255.065(3)(b), Florida Statutes;

WHEREAS, on September 10, 2026, the Board held the first duly noticed public meeting required by Section 255.065(3)(c), Florida Statutes, at which County staff presented the Proposal, affected public entities and members of the public were provided an opportunity to comment, and no public comments regarding the Proposal were received;

WHEREAS, at the second duly noticed public meeting held on September 22, 2026, the Board considered the factors required by Section 255.065(3)(c), Florida Statutes, including the public-comment record of the

September 10, 2026, meeting, and any public comments received at the September 22, 2026, meeting;

WHEREAS, in making its public interest determination, the Board considered the Proposal, the information and analysis provided by County staff in agenda backup materials and at the duly noticed public meetings, and the public comments received in connection with the Proposal; and

WHEREAS, based upon its consideration of the statutory factors and the findings set forth in Section 1 of this Resolution, the Board determines that the Proposal is in the public interest and that the Board should proceed with further evaluation and negotiation of a comprehensive agreement with Dependable Equities, subject to the remaining requirements of Section 255.065, Florida Statutes, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Public Interest Determination and Findings. The Board hereby determines that the Proposal is in the public's interest based upon its consideration of the factors specified in Section 255.065(3)(c), Florida Statutes, and makes the following findings:

(a) Benefits to the public: The existing vacant County-owned structure at the 400 Property was constructed in approximately 1956, was significantly impacted by the April 2023 flooding, is not currently used for a County purpose, and is at the end of its useful life. The existing structure at the 408 Property is also vacant and not currently used for a County purpose. Under the Project, Dependable Equities would demolish the existing structures and perform the required site clearing at the Properties at its sole cost

and expense. The Project would eliminate unused County-owned structures, reduce ongoing County maintenance and security obligations, avoid County expenditures for demolition and site clearing, and ultimately return the Properties to the County in a cleared condition for future County-determined uses following expiration or earlier termination of the temporary use by Dependable Equities.

(b) Financial structure and economic efficiencies: The Project contemplates that Dependable Equities will bear the costs associated with demolition, debris removal, and site clearing of the Properties. In exchange, Dependable Equities would receive temporary and revocable use of the Properties for construction logistics and support activities associated with the adjacent Ombelle development. The contemplated comprehensive agreement would have a 36-month term encompassing demolition, site clearing, and temporary use, and would permit the County to terminate the temporary use upon 30 days' notice. The proposed structure would avoid County expenditures for the demolition, debris removal, and site clearing work and reduce the County's ongoing maintenance, security, and other carrying obligations associated with the Properties during the temporary-use period. Based upon these considerations and the proposed terms of the arrangement, the Board finds that the financial structure provides economic efficiencies and benefits to the County. The final consideration and other business terms remain subject to negotiation and subsequent Board approval of a comprehensive agreement.

(c) Qualifications, experience, and ability to perform: Dependable Equities has represented that it owns and manages a real estate portfolio valued at approximately $4 billion. County staff has also identified the adjacent Ombelle project as a 775-unit

development being undertaken by Dependable Equities. The Project contemplates that Dependable Equities will be responsible for coordinating and undertaking the demolition, debris removal, site clearing, site security, stabilization, and temporary construction-logistics activities comprising the Project. Based upon Dependable Equities' real estate development experience, its ongoing development of the adjacent Ombelle project, and the information reviewed by County staff, the Board finds that Dependable Equities possesses, directly and through appropriately qualified contractors, the qualifications, experience, and ability necessary to perform the Project.

(d) Compatibility with regional infrastructure plans: The Project is temporary in nature, preserves County ownership of the Properties, and does not grant Dependable Equities permanent rights in either property. County staff has considered the temporary nature and proposed use of the Project, including its location adjacent to the Ombelle development, the County's continued ownership of the Properties, the absence of any permanent property interest in favor of Dependable Equities, and the requirement that the Properties be used only for temporary construction logistics and support activities. The Project contemplates fencing and site-security measures, prohibits storage of regulated or hazardous materials, and requires site clearing, stabilization, and return of the affected Properties to the County in a clean and cleared condition. Based upon that analysis, the Board finds that the Project is compatible with applicable regional infrastructure plans.

(e) Public comments submitted at the meeting: Affected public entities and members of the public were provided an opportunity to comment on the Proposal at the September 10, 2026, duly noticed public meeting. No public comments regarding the Proposal were received. Based upon the foregoing findings, the Board determines that

the Proposal should proceed under Section 255.065(3)(c), Florida Statutes, because the Project would remove unused County-owned structures and clear the Properties without the County bearing the cost of that work, while providing Dependable Equities only temporary and revocable use of the Properties. The contemplated arrangement would reduce ongoing County maintenance and security obligations while preserving County ownership of the Properties and the County's ability to determine their future use following expiration or earlier termination of the temporary use rights.

Section 2. Publication of Public Interest Determination Report. The Board directs the County Administrator to publish the report required by Section 255.065(3)(d), Florida Statutes, in the Florida Administrative Register for at least seven days. The report shall set forth the Board's public interest determination, the factors considered in making that determination, and the Board's findings as to each factor, including the statement explaining why the Proposal should proceed and the public-comment record addressed in Section 1(e).

Section 3. Further Evaluation and Negotiation. The Board directs the County Administrator to proceed with further evaluation of the Proposal and negotiation of a comprehensive agreement with Dependable Equities consistent with Section 255.065, Florida Statutes. Prior to award of any comprehensive agreement, the County shall complete the independent analysis required by Section 255.065(5)(d), Florida Statutes, demonstrating the cost-effectiveness and overall public benefit of the proposed public-private partnership, and shall satisfy any remaining applicable statutory requirements. Any proposed comprehensive agreement must be returned to the Board for approval. Nothing in this Resolution constitutes approval of a

comprehensive agreement, grants a right to occupy or perform work on County property, or otherwise obligates the County to proceed with the Project.

Section 4. Severability.

If any portion of this Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Resolution. If any court determines that this Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Resolution to any other individual, group, entity, property, or circumstance.

Section 5. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this day of , 2026. **PROPOSED**

Approved as to form and legal sufficiency:
Annika E. Ashton, County Attorney

By: */s/ Claudia Capdesuner* 09/21/2026
Claudia Capdesuner (date)
Assistant County Attorney

By: */s/ Michael J. Kerr* 09/21/2026
Michael J. Kerr (date)
Chief Counsel

CC/sr
Original Resolution - Dependable Equities UP3
09/21/2026
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