

Environmental, Land Use & Development Approvals and Litigation

Overview

Affordable Housing

Our lawyers are familiar with the numerous state, local, and federal housing agencies that provide funding for the development of affordable housing in Florida. Over the past 20 years, we have assisted clients with affordable housing project planning and development throughout the state. We help them prepare, review, and defend applications requesting funding from the Florida Housing Finance Corporation, including low-income housing tax credit (LIHTC) applications and state apartment incentive loan (SAIL) applications. We also help them prepare and submit applications for funding at the local level.

Condominium and Planned Developments

Economic Development Incentives

We counsel clients on government incentives available for new corporate relocations, job creation, and reuse of underutilized property. Many of the state and local incentives require investigation and application before a business decision is finalized, so we work with clients to understand the legal requirements and the process involved.

Eminent Domain and Condemnation

We advise property owners and government entities on all aspects and phases of eminent domain, the taking of private land by a government agency for a public purpose. This process includes pre-suit negotiation, litigation, and inverse condemnation challenges.

Energy and Utilities

We provide a wide range of legal services to energy-related companies and public authorities, including electric and natural gas firms. We counsel, advise, and represent them before state regulatory agencies, state and federal courts, and arbitration panels.

Our attorneys appear regularly before the Florida Public Service Commission (FPSC) on matters including base rate proceedings, investigations of regulated utilities, proceedings to determine the need for new power plants, and prudence reviews. Through this work, our attorneys routinely interact with FPSC technical and legal staff. We also handle numerous related court cases involving judicial review of FPSC actions, rule challenges, Public Records Act litigation, and other proceedings involving FPSC-related matters.

Environmental Regulation and Litigation

Land Use and Zoning Approvals

We represent diverse land use clients including large-scale private commercial, residential, and industrial developers, along with governmental bodies facing litigation challenges. Our comprehensive land use representation has included helping clients locate viable development or redevelopment sites, and identifying any relevant land use issues for entitlements. Our representation often continues through completion of a development project, and includes issues related to permitting, public lands leases and easements, local government approvals, lobbying, litigation, and appeals. We offer clients a team of both lawyers and land planners, reducing their costs and helping to resolve issues with state and local regulators.

We have more than 23 years' experience representing mining companies in connection with their siting, zoning, and permitting challenges. Our clients have several active mines now in the approval process. Our land use work includes comprehensive plan amendments, re-zonings, code changes, special exception approvals, and variances. We have decades of experience with developments of regional impact (DRIs), community development districts (CDDs), and other special districts. We negotiate sector plans, impact fee credits, developer's agreements related to concurrency, ad valorem tax challenges, and provide large-scale due diligence reviews and analysis for major lenders, developers, and corporate decision-makers.

In addition to obtaining approvals, we handle all facets of litigation related to land use and governmental approvals. We have handled many 42 U.S.C. § 1983 deprivation of civil rights litigation matters involving Florida land use, representing both private citizens and governments in multimillion-dollar actions.

- Highlight: For decades, the firm has served as land use counsel for The Villages, a master planned age-restricted community that stretches over three counties and is home to more than 115,000 residents. This unique location involves working with many different layers of government, and we handle all aspects of the client's land development puzzle, including contracts, complex zoning and land use approvals, and overcoming permitting challenges.
- Highlight: Our client brought us a unique challenge: transform the Tallahassee Mall into a mixed-use public destination. To achieve this result, we participated in extensive public meetings and negotiations with many interested regulators and outside groups, all leading to an economic win for the client, the city, and the general public.

Insights

04.07.2020

Florida Department of Environmental Protection Issues Environmental Order for COVID-19-Related Time Extensions

04.04.2019

The Developing Climate: How Climate Change Affects the Development Industry

05.10.2018

2018 Florida Legislative Post Session Report

03.01.2015

Land Use & Zoning Tools: Integrating Agriculture into the Urban Landscape

03.01.2015

Urban Agriculture: Policy, Law, Strategy, and Implementation

08.17.2009

Capitol Report - Proposed Storm Water Treatment Rule

Our Team

Additional Members



H. Ray Allen II

OF COUNSEL

Tampa

☎ 813.229.4270



Michael P. Donaldson

SHAREHOLDER

Tallahassee

☎ 850.513.3613



Aaron C. Dunlap

SHAREHOLDER

Tallahassee

☎ 850.425.3395



Joel B. Giles

SHAREHOLDER

Tampa

☎ 813.229.4390



Kari B. Hebrank

SENIOR GOVERNMENT CONSULTANT

Tallahassee

☎ 850.513.3607



Donald E. Hemke

OF COUNSEL

Tampa

☎ 813.229.4101



Heather M. Jonczak

SHAREHOLDER

Miami

📞 305.539.7242



Neal McAliley

SHAREHOLDER

Miami

📞 305.530.4039



Christopher Smart

SHAREHOLDER

Tampa

☎ 813.229.4142



Kenneth A. Tinkler

SHAREHOLDER

Tampa

☎ 813.229.4245



Joseph J. Verdone

SENIOR GOVERNMENT CONSULTANT

West Palm Beach

📞 561.650.8044

Related Capabilities

Practices

- Construction
- Development
- Construction Litigation
- Construction Transactions
- Corporate Law and Governance
- Energy and Utilities
- Environmental Regulation & Litigation
- Government Affairs and Lobbying

Industries

- Construction
- Real Estate

- Government Law & Consulting
- Hospitality
- Public-Private Partnerships
- Real Property Litigation
- Tax
- Administrative Litigation and Appeals
- Real Estate
- Distressed Asset and Workout
- Litigation and Trials