

# Kenneth A. Tinkler

SHAREHOLDER

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## Overview

Ken Tinkler is a government law specialist who focuses on resolving disputes with and among government agencies involving land use regulation, environmental permitting, ethics regulation, and election law. He represents individuals and corporations petitioning federal, state, and local government agencies; financial institutions and homebuilders determining project viability; and state, county government, and constitutional officers regarding complex and politically sensitive matters.

Ken has helped clients navigate a broad range of government law matters, including zoning, future land use plans, governmental closure orders, ad valorem tax assessments, property tax appeals, code enforcement, variances, annexations, alcohol beverage licensing, tax incentives, license acquisition and transfer, stimulus and CARES Act issues, and economic development. He has handled many large-scale land use due diligence projects for complex real estate transactions collectively worth billions of dollars on behalf of purchasers, investors, and lenders.

Ken routinely handles public hearings and government agency meetings for clients. He also advises on parliamentary procedure questions, Florida's Sunshine Law and public records regulation, and Florida Constitution and home rule issues related to city and county charters, along with assisting local governments with implementing new legislation and ordinance drafting.

Ken also helps clients solve issues involving federal, state, regional, and local environmental regulators, including energy facility siting, submerged lands leases, and redevelopment of brownfields.

His election law experience includes representing state and local government officials handling election procedures and Federal Voting Rights Act requirements, and advising clients on campaign finance reporting and qualifying for election. He regularly advises clients on lobbying regulations and other ethics-related legal requirements facing their operations.

Outside his practice, Ken teaches and mentors elementary and middle school children and college students on civics and the value of community service, and is an active volunteer in his community.

Ken is board certified in City, County, and Local Government Law by The Florida Bar.

## Experience

### **Legal Work in Response to the COVID-19 Pandemic**

- Leads firm team providing government closure order guidance to national homebuilder, real estate management, and local government clients, with extensive work resolving operational questions related to public health-related orders.
- Leads firmwide response to the Small Business and Main Street programs of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, including extensive work for client related to the Payroll Protection Program, rules of the Small Business Administration, the Treasury Department, and the Federal Reserve.

### **Financial Institution Representation**

- Represents multinational financial institutions in regard to land use analysis and diligence for complex real estate project acquisition and construction loans.
- Routinely provides advice on local government law requirements for project implementation, along with risk analysis concerning project viability.
- Routinely works with financial institutions in regard to the land use and local government approvals for their real estate holdings and the potential for valuation improvements.

### **Homebuilder Representation**

- Represents numerous national homebuilding clients in regard to land use approvals and local regulations.
- Provides statewide counsel on diligence issues and navigating the complex issues related to infill developments and redevelopments.
- Handled the large-scale licensing transfers and land use issues caused by the acquisition of a national homebuilder by another.

### **Land Use and Environmental Dispute Resolution Special Magistrate**

- Experience as a land use and environmental dispute resolution special magistrate pursuant to Florida Statutes section 70.51.

## **Local Government Workshop Facilitator**

- Experience facilitating local government meetings and workshops providing elected officials with methods designed to help with major policy decisions involving multiple stakeholders.

## **Land Use**

- Represents clients throughout the state dealing with complex zoning, comprehensive plan, and redevelopment matters.
- Routinely provides land use counsel related to large-scale development projects throughout Florida for due diligence purposes and feasibility investigations.
- Advises clients on land use regulations related to their property and options available for their project plans.
- Assists clients with variances, special approvals, administrative determinations, property tax appeals, code enforcement, annexations, and other local approvals.
- Handles issues for clients related to alcohol beverage licensing involving state and local approvals throughout Florida.
- Analyzes the potential for use of tax incentives and other economic development measures to support project viability and assist clients with multifaceted application processes

## **Environmental Permitting**

- Obtained approval of brownfield site designations throughout the state from local and state government officials.
- Resolve clients' issues involving submerged lands leases, water management district, and environmental resource permit approvals.
- Assisted client with the complex local environmental regulatory issues related to Chinese drywall.
- Assisted client in determining viability of large energy pipeline installation, including coordination of the federal, state, and local agencies involved.
- Obtained long-term environmental approvals for client from federal and state officials for a major Central Florida tourist institution, allowing project expansion plans for the next several decades to move forward.

## **Other Permitting and Representation**

- Represented major wireless provider in code enforcement dispute over tower design and configuration.
- Represented national nonprofit in code enforcement dispute over permitted child welfare operations.
- Guided client through new business startup issues connected with the state health department.

- Long-term representation of clients serving as government contractors and public-private partnerships taking on government roles.

## **Election Law**

- Represents Florida political committees involved with local issue and referendum campaigns and state political races.
- Represented state officials regarding matters involving election procedures and processes during a presidential election year.
- Represented candidates running for statewide office.
- Represented a Florida local government dealing with Department of Justice Voting Rights Act preclearance and election law issues and obtained the needed approval in a timely manner, saving the local government the expense of a special election.
- Represented a Florida supervisor of elections during presidential election year, including handling various legal disputes over voting procedures and ballot eligibility.
- Advised several clients on Florida and federal campaign finance regulations and ways to incorporate the regulations into corporate procedures and employee manuals.
- Assist clients with issues related to candidate appearances and campaign finance regulation.

## **Ethics Regulations**

- Guided former county official through defense of ethics complaint and criminal investigation, along with related contract and severance dispute.
- Advised clients on state and local ethics and lobbying requirements applicable to their operations, including clients in the energy, nonprofit, real estate development, and construction sectors.
- Provide guidance and training to individuals subject to Florida's ethics and lobbying regulations.

## **Sunshine Law and Public Records**

- Assisted multiple private entity clients with resolving the impact of Florida's Sunshine and public records laws on their operations, due to their government contracts and agreements.
- Resolved investigation of local civic group's public responsibilities under Florida's Sunshine and public records laws.

## **Other Local Government Projects**

- Representation of Florida city dealing with litigation over constitutional challenge to their local zoning and business regulation process.
- Assisted client with preparation of proposed state legislation.
- Advised client on implementing ordinance updates required throughout the state due to legislative changes.

- Represented two charter review boards, including drafting of ballot language and county charter provisions.
- Drafted local ordinance and resolution provisions to assist local governments with implementing new hearing processes and procedures authorized by general law.
- Represents Florida special district, including refinancing its debt to reduce interest payments and allow for new recreation facility construction.

## Areas of Focus

### Practices

- Government Law & Consulting
- Development
- Energy and Utilities
- Environmental, Land Use & Development Approvals and Litigation
- Environmental Regulation & Litigation
- Eminent Domain
- Government Affairs and Lobbying
- Hospitality
- Real Estate
- Telecommunications

### Industries

- Real Estate
- Telecommunications

## Insights

06.27.2023

Not So Independent: SCOTUS Upholds State Judicial Review for Elections

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02.07.2023

Tallahassee Update - Theme Parks, Special Districts, and the Florida Legislature

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07.29.2022

Tips for Reacting to an "In-Person" Public Records Request Under Florida's Public Records Act

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09.01.2021

Ensuring an Informed Public: State Open Records and Meetings Laws

*American Bar Association*

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07.19.2021

UPDATED: House Bill 59 Creates Delays on the Filing of New Comprehensive Plan Amendments

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12.28.2020

Stimulus Package Ushers in New Loan Opportunities and Support for Small- to Medium-Sized Businesses / Extends FFCRA Tax Credit

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06.24.2020

Is the CARES Act Caring Enough?

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06.10.2020

Federal Reserve Board Expands Main Street Lending Program

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05.04.2020

Update on the Reserve Board's Main Street Program: Moves to Assist Larger Businesses

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04.24.2020

New Funds Available Under the Small Business PPP and EIDL Programs

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04.10.2020

Federal Reserve Moves to Assist Larger Businesses

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03.31.2020

Small Business Administration Loans Summary Under the CARES Act

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03.25.2020

Who Is in Charge? A Pandemic Primer on Government Authority

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03.19.2020

Florida Local Governments Cancel Public Hearings Due to Novel Coronavirus (COVID-19)

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03.18.2020

COVID-19's Impact on Building and Development Permits

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02.04.2020

Surtax in Gridlock – The Saga of Hillsborough County's Transportation Surtax Reaches the Florida Supreme Court

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07.26.2019

Are You Lobbying? A Primer for Those Working With Local Government

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06.19.2019

Hillsborough County Voters Pass Transportation Surtax – And Now It's June...

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04.04.2019

The Developing Climate: How Climate Change Affects the Development Industry

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11.08.2018

Hillsborough County Voters Pass Transportation Surtax – What Happens Next?

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11.07.2018

Florida Voters Enact Automatic Restoration of Voting Rights for Floridians With Felony Convictions

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11.07.2018

Florida Election Recounts – Again

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05.10.2016

Economic Incentive Applications and Florida's Public Records and Sunshine Law

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05.10.2016

Key Economic Incentives for Businesses Considering a Florida Location

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04.29.2016

Hillsborough County Adopts Mobility Fees, Ends Push for Transportation Sales Tax

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03.28.2016

Will Hillsborough County Adopt Mobility Fees in April?

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05.02.2013

Governor Signs Priority Legislation Amending Florida's Ethics Regulation & Campaign Finance Laws

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11.08.2012

Local Government Economic Development Property Tax Exemptions

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06.04.2012

Florida Redistricting in 2012: The Political and Legal Drama

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05.28.2010

PACE (Energy Finance Districts) Now Enabled in Florida

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01.12.2009

Florida Election Procedural and Legal Changes from 2000 to 2008: A Primer

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## News

09.30.2022

Carlton Fields Shareholder Ken Tinkler Receives Lifetime Achievement Award from Florida Bar Environmental and Land Use Law Section

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02.16.2022

Carlton Fields' Kenneth A. Tinkler Elected President of Westshore Alliance

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09.03.2021

Carlton Fields' Aaron C. Dunlap and Kenneth A. Tinkler Contribute to New Book on State Open Records and Meetings Laws

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06.17.2021

Carlton Fields' Kenneth Tinkler Featured in Media for Bonita Springs Land Use Role

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03.01.2021

Carlton Fields' Kenneth A. Tinkler Elected Vice President of Westshore Alliance

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10.09.2019

What Contractors Should Know About Building on Sacred Land

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01.11.2018

Carlton Fields and Firm Client Girl Scouts of West Central Florida, Inc. Finalists for WEDU "Be More" Awards

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## Recognition

- Board Certified in City, County and Local Government Law by The Florida Bar (since 2005)
- AV Rated by Martindale-Hubbell
- *The Best Lawyers in America*, Government Relations Practice (2023)
- Outstanding Eagle Scout Award, National Eagle Scout Association (2024)
- Lifetime Achievement Award, Environmental and Land Use Law Section of The Florida Bar (2022)
- Paul S. Buchman Award for Outstanding Legal Public Service from the City, County, and Local Government Law Section of The Florida Bar (2014)
- Judy Florence Memorial Outstanding Service Award from the Environmental and Land Use Law Section of The Florida Bar (2013)
- Chair's Award for Outstanding Service from the City, County, and Local Government Law Section of The Florida Bar (2006)

## Professional & Community Involvement

- American Bar Association
  - Real Property, Trust, and Estate Law Section
    - Co-Chair, Corporate Sponsorship Committee (2019–present)
    - Liaison to Section of Environment, Energy, and Resources (2016–present)
    - Chair, Land Use and Environmental Group (2014–2016)

- American Bar Foundation
  - Life Fellow
  - Co-Chair, Fellows Florida Chapter
- The Florida Bar
  - City, County, and Local Government Law Section
    - Chair (2011–2012)
    - Chair-Elect (2010–2011)
    - Secretary-Treasurer (2009–2010)
    - Executive Council (2002–present)
  - City, County, and Local Government Law Certification Committee (2013–2019)
    - Chair (2016–2017)
    - Vice Chair (2015–2016)
  - Environmental and Land Use Law Section
- Alpha Phi Omega – national co-ed community service fraternity (1990–present)
  - National Board of Directors (2016–present)
  - Mentors and teaches college students throughout the country on the value of community service and leadership development.
- National Association of Parliamentarians, Tampa Alpha Chapter
- Florida Association of Parliamentarians
- Westshore Alliance
  - Immediate Past President (2023-2024)
  - President (2022–2023)
  - Vice President (2021–2022)
  - Secretary (2020–2021)
  - Board of Directors (2010–present)
  - Executive Committee (2017–present)
- Hillsborough County Bar Association
- Leadership Westshore, Class of 2008
- Tampa Connection, Class of 2005
- Justice Teaching Volunteer – provides civics education for middle school children
  - Franklin Middle Magnet School/Boys Preparatory Academy (2007–2019)
  - Ferrell Middle School/Girls Preparatory Academy (2016–present)
- Boy Scouts of America
  - Eagle Scout
  - Assistant Den Leader, Pack 46, Tampa, Florida (2019–2020)

# Speaking Engagements

- “Florida Election Law Update 2024: Beware the Robot Overlords,” The Florida Bar’s 47th Annual Local Government Law in Florida Conference, Palm Coast, FL (April 26, 2024)
- Co-developer of the Carlton Fields series “Community & Development” focused on unique issues facing the development industry (2018–present)
- “Florida Election Law Update (or How to Speak the Florida Dialect of Election-ese),” The Florida Bar’s 46th Annual Local Government Law in Florida Conference, Palm Coast, FL (April 28, 2023)
- “Ethical Considerations – Practical Tips for the Land Use Law Practitioner,” CLE International (August 23, 2019)
- “Local Government Law,” CLE International, Tampa, FL (March 3, 2017)
- “How the 'Sharing Economy' and Automation Will Change Our Real Estate World,” ABA Section of Real Property, Trust, and Estate Law’s 28th Annual Spring Symposia, Boston, MA (May 13, 2016)
- “Commercial Real Estate: Zoning and Land Use,” ABA Section of Real Property, Trust, and Estate Law’s Fundamentals of Commercial Real Estate Webinar Series (May 27, 2015)
- “Voter ID and Election Law: The Electoral Landscape in 2012,” ABA Law Student Division's 2012 Fall Regional Circuit Meeting, Tampa, FL (September 29, 2012)
- “Florida Election Law Update,” Plant City Bar Association, Plant City, FL (September 14, 2012)
- “Swamps & Sinkholes: An Ethics Update for Land Use and Environmental Lawyers,” Environmental and Land Use Law Section Annual Conference, Ponte Vedra Beach, FL (August 9–11, 2012)
- “May You Live in Interesting Times: Florida Land Use in 2012,” Plant City Bar Association, Plant City, FL (June 8, 2012)
- “Funding and Legal Framework for Florida’s Transportation Future,” Florida American Planning Association Annual Conference, Tampa, FL (September 15, 2010)
- “Amendment 4 and Florida Election Law,” The Florida Bar’s Environmental and Land Use Law Section Annual Update, Ponte Vedra Beach, FL (August 13, 2010)
- “Due Diligence Investigations,” Florida Legal Education Association’s 2010 Real Estate Team Seminar, Tampa, FL (April 16, 2010)
- “Planning, Transit and Voting: Comprehensive Plans, Transit Oriented Development and Amendment 4,” Pinellas County Economic Development Council Quarterly Meeting (January 21, 2010)
- “Making Brownfields Work on RCRA Permitted Sites,” 12th Annual Florida Brownfields Conference and Exhibition, Tampa, FL (November 1–4, 2009)
- “Land Use Planning for Renewable Energy Generation: Integration into Development Projects,” The Florida Bar’s Environment and Land Use Law Section Annual Update, Amelia Island, FL (August 20–22, 2009)

- “Green Buildings, Not-So-Green Buildings, and Chinese Drywall,” Hot Topics in Environmental Law, ABA Annual Meeting, Chicago, IL (August 1, 2009)
- “LULUs (Locally Unwanted Land Uses) – A Panel Discussion,” ABA Annual Meeting, Chicago, IL (July 31, 2009)

## Pro Bono

- **Friends of Carrollwood Cultural Center Inc.** – Legal counsel for issues related to the nonprofit’s public/private partnership, Florida Sunshine Law, and public records obligations tied to its operation of the Carrollwood Cultural Center in Hillsborough County, Florida.
- **Hillsborough County Charter Review Board** – Served as conflict counsel for charter review boards. The Charter Review Board for Hillsborough County, Florida, consists of 14 citizens, appointed every five years per a mandate in the Hillsborough County Charter, to conduct a comprehensive study of any or all phases of county government. The board holds two public hearings for any proposed amendments to the charter. Proposed amendments to the charter must be approved by two-thirds of the Charter Review Board members, and then voted on in a public referendum.
- **Girl Scouts of West Central Florida** – Assisted with land use and government regulatory questions related to the organization’s operations, and the improvement of camp locations throughout West Central Florida.
- **Waterfront Parks Foundation** – Representation related to the improvement and long-term viability of the parks of St. Petersburg, Florida.
- **Tampa Innovation Alliance** – Representation related to local government engagement, economic development, and long-term growth.

## Credentials

### Education

- University of Florida College of Law (J.D., 1997)
- Boston University (B.A., cum laude, 1994)

### Bar Admissions

- Florida

### Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

### Industry Specialization

### Certifications

- City, County, and Local Government Law

## Background

- Senior Assistant County Attorney, Hillsborough County Attorney's Office (1997–2006)