

# Aaron C. Dunlap

SHAREHOLDER

TALLAHASSEE

850.425.3395

850.222.0398

CONNECT

adunlap@carltonfields.com

LinkedIn

## Overview

Aaron Dunlap brings a multifaceted perspective to advising real estate developers, financial institutions and lenders, and other businesses with real estate interests or that regularly interact with state and local administrative agencies throughout Florida on real estate development projects. Having worked in private practice for a Florida municipality and in Florida's state land planning agency, his insider's understanding of private party and governmental priorities helps him find common ground across both the public and private sectors to benefit his clients.

Aaron's specific experience includes land use and zoning matters before elected officials and local government boards, drafting zoning code and comprehensive plan amendments, and navigating the public hearing process in municipalities throughout Florida. Additionally, his state and local government experience also encompasses lobbying, drafting legislation and ordinances, development agreements, developments in the areas of critical state concern and the Florida Keys, and Florida Sunshine Law and Public Records Act matters.

He also has years of experience representing real estate developers on homeowners association and condominium association matters, including turnover of association control, and drafting amendments and revisions to declarations and restrictive covenants for clubs, amenities, build-to-rent communities, additional development post-turnover, and other developer-related turnover issues.

For litigation, appeals, and administrative hearings, Aaron also has significant experience in handling land use and real estate litigation on issues as varied as disputes between developers and municipalities, developer rights, homeowners and condominium association documents, restrictive covenants, chapter 120 administrative hearings, and Public Records Act matters.

Aaron is board certified in city, county, and local government law by the Florida Bar.

## Experience

### **Land Use and Development**

- Advise clients on land use and development regulations, including on issues impacting zoning matters, areas of critical state concern, and state and local approval processes for rezonings and comprehensive plan amendment, including drafting amendments and lobbying.
- Assist clients with state-level legislative and state statutory interpretation in all facets of real estate development regulation, including impact fees and proportionate share issues.
- Represented local governments in drafting and rewrites of local land development regulations, affordable housing ordinance, zoning code changes, and comprehensive plan amendments.
- Routinely provide land use counsel related to large-scale development projects throughout Florida, including in areas of critical state concern and the Florida Keys.
- Significant experience in land use and real estate development litigation against local governments, homeowners and condominium associations, and neighboring property owners.
- Significant experience with comprehensive plan consistency challenges and writ of certiorari petitions defending or challenging development approvals.

### **Financial Institution Representation**

- Represents multinational financial institutions in land use analysis and diligence for complex real estate project acquisition and construction loans, totaling more than \$2 billion in 2022 alone.
- Routinely provides advice on local government law requirements for project implementation, along with risk analysis concerning project viability.

### **Homeowners Associations, Condominium Associations, Community Development Districts**

- Advise community developer and condominium developer clients on the applicability and interpretations of master community documents, existing homeowners association documents, condominium association documents, and commercial mixed-use restrictive covenants for the development or redevelopment of property, including significant litigation experience.
- Drafts developer-focused amendments to homeowners association and condominium association declarations, including for issues related to clubs and amenities, build-to-rent communities and subdivisions, and amendments for additional phases of construction in existing communities post-turnover of developer control.

- Experience representing developers in both homeowners association and condominium association turnover of control.
- Provide analysis to prospective developers and financial institutions on outstanding community development district (CDD) bonds and financials.

### **State and Local Administrative Representation**

- Represented state agency as lead counsel in a chapter 120 administrative hearing before the Division of Administrative Hearings (DOAH). Hearing involved a comprehensive plan consistency challenge to a development approval in an environmentally sensitive area of critical state concern.
- Lead counsel in multiple administrative actions challenging comprehensive plan changes or development orders under chapter 120 for administrative hearings before DOAH, which ultimately settled before the issuance of a recommended or final order.
- Defended client in DOAH administrative challenge related to issued development order in the Florida Keys area of critical state concern.
- Advised local government procurement department on RFPs, RFQs, and bid selections.
- Advise and represent client interests before Florida state agencies in the capacity of lobbying agencies, facilitating discussions with agency staff, and working with agencies to accomplish client goals.
- Legislative and statutory tracking, interpretation, and statutory drafting in conjunction with state-level legislative lobbying efforts.

### **Sovereign Immunity, Public Records, and Sunshine Law**

- Represented state agency in public records litigation and successful appeal to overturn attorneys' fee award against the agency. *Dep't of Economic Opportunity v. Consumer Rights, LLC*, 181 So 3d. 1239 (Fla. 1st DCA 2016).
- Draft and tailor public records requests to all Florida state and local agencies and governmental bodies to obtain relevant documents for clients' particular needs.
- Assist clients in determining the scope and applicability of public records laws to documents submitted to the government for applications, grant applications, and other submissions, including the applicability of statutory exemptions and exclusions.
- Experience with litigation issues related to the application of sovereign immunity to government contractors, 11th Amendment sovereign immunity claims.

## **Areas of Focus**

Practices

Industries

- Government Law & Consulting
- Banking, Commercial, and Consumer Finance
- Real Estate
- Cannabis Law
- Development
- Government Affairs and Lobbying
- Environmental, Land Use & Development Approvals and Litigation
- Administrative Litigation and Appeals
- Qualified Opportunity Zone Task Force
- Banking, Commercial, and Consumer Finance
- Real Estate

## Insights

05.23.2023

New Florida Law Banning Real Estate Ownership by Foreign Principals From Certain Foreign Countries

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05.16.2023

New Florida Law Banning Real Estate Ownership by Foreign Principals From Certain Foreign Countries

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02.07.2023

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

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09.01.2021

Ensuring an Informed Public: State Open Records and Meetings Laws

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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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04.01.2021

Gov. DeSantis Signs COVID-19 Business Liability Protection Bill Into Law

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03.05.2021

Texas Federal District Court Overturns CDC Eviction Moratorium

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07.06.2020

Gov. DeSantis Signs Law to Address Emotional Support Animals in Housing

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06.12.2020

Florida Legislature and Governor DeSantis Ease Path to Approve Affordable Housing

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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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06.10.2019

Legislation Impacts Citizen Petitions for Florida Constitutional Amendments

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03.07.2019

Florida Governor Ron DeSantis Proposes Expansion of Schools of Hope Charter Schools into Opportunity Zones

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01.16.2019

Multiple Bills Filed in Florida Legislature to Limit or Repeal the Florida Constitution Revision Commission

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08.14.2018

Former Florida Supreme Court Justice Challenges 6 Proposed Florida Constitutional Amendments

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## News

02.16.2023

Law360: “Carlton Fields Promotes 8 Shareholders in 5 Offices”

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02.15.2023

Carlton Fields Elects Eight Attorneys to Shareholder

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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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08.02.2019

Five Carlton Fields Lawyers Earn Board Certification From The Florida Bar

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01.09.2018

Aaron C. Dunlap Joins Carlton Fields

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## Professional & Community Involvement

- American Bar Association
  - Real Property, Trust, and Estate Law Section
    - Co-Chair, Corporate Sponsorship Committee (2023–present)
    - Chair, Land Use and Zoning Committee (2023–present)
    - Vice Chair, Governmental Incentives Committee (2022–2023)
- The Florida Bar
  - Governmental Advocacy Committee (2022–present)
    - Executive Subcommittee (2022–present)
    - Director of Outreach (2022–present)

- The State Bar of California
- California Lawyers Association
- Association of Florida Community Developers

## Speaking Engagements

- "Avoiding Public Hearing Pitfalls: Preparation, Presentation, and Legal Challenges," 37th Annual Environmental Permitting Summer School, Marco Island, FL (July 20, 2023)
- "Brownfields Redevelopment and Remediation in Underprivileged Communities: Coalescing Developer Goals, Development Incentives, and Community Benefits," ABA Real Property, Trust, and Estate Law National CLE Conference, Washington D.C. (May 10–12, 2023)
- "Avoiding Public Hearing Pitfalls: Preparation, Presentation, and Legal Challenges," Florida Chamber's Annual Environmental Permitting Summer School, Marco Island, FL (2019–2022)
- "Drafting Open Meetings and Public Records Legislation," Tulane University Law School's International Legislative Drafting Institute, New Orleans, LA (June 16, 2022)
- "New Policy Directions for Growth Management," Florida Environmental Network's 35th Annual Environmental Permitting Summer School, Marco Island, FL (July 21–23, 2021)
- "What's Ahead and Why – Comprehensive Planning and Growth Management," Florida Environmental Network's 35th Annual Environmental Permitting Summer School, Marco Island, FL (July 21–23, 2021)
- "Concurrency, Impact, and Mobility Fees – The State of the Law on Local Government Exactions to Fund Infrastructure," Florida Environmental Network's 35th Annual Environmental Permitting Summer School, Marco Island, FL (July 21–23, 2021)
- "Opportunity Zones: Maximizing Municipal Benefits Through Long-Range Planning," The Florida Bar's 43rd Annual Local Government Law in Florida Conference (July 17, 2020)
- "Coastal Issues and Shoreline Management," The Seminar Group, Miami, FL (May 7–8, 2020)
- "Strategizing, Handling, and Defending Clients' Interests at Local Quasi-Judicial Proceedings," Florida Environmental Network's 32nd Annual Environmental Permitting Summer School, Marco Island, FL (July 20, 2018)
- "Planning for Sector Plans," The Florida Bar's City, County, and Local Government Law Section Land Use Seminar, Orlando, FL (May 5, 2016)

## Credentials

### Education

### Court Admissions

- U.S. Court of Appeals, Eleventh Circuit

- University of Miami School of Law (J.D., cum laude, 2007)
- University of Miami (B.A., cum laude, 2004)
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

## Bar Admissions

- California
- Florida

## Industry Specialization

## Certifications

- City, County, and Local Government Law

## Background

- Assistant Village Attorney, Village of Wellington, Wellington, FL (2015–2017)
- Assistant General Counsel, Florida Department of Economic Opportunity, Tallahassee, FL (2014–2015)
- Litigation Associate, Shubin & Bass, P.A., Miami, FL (2007–2011)