

# Michael P. Donaldson

SHAREHOLDER

TALLAHASSEE

850.513.3613

850.222.0398

CONNECT

mdonaldson@carltonfields.com

LinkedIn

## Overview

Michael Donaldson's practice includes administrative, land use, and environmental law with a particular focus on assisting and representing owners and developers of affordable housing seeking to obtain available funding from the Florida Housing Finance Corp. (FHFC), including low-income housing tax credits (LIHTC), State Apartment Incentive Loan (SAIL) program funding, and Multifamily Mortgage Revenue Bond (MMRB) program funding. Michael also represents developers, building contractors, and other licensed professionals with licensure issues before the Department of Business and Professional Regulation (DBPR), and corresponding local government regulatory agencies, including representing clients in disciplinary proceedings. His practice also includes representing clients in competitive bid protests and other contract procurement matters both at the state and local levels. Michael's practice also includes representing clients in general litigation matters in circuit court including construction litigation and representing lending institutions in consumer finance litigation.

Michael is AV rated by Martindale-Hubbell.

## Experience

- *Fletcher Black, II LLC v. Florida Housing Finance Corp.*, DOAH No. 21-0515BID (Apr. 30, 2021). Successful challenge of funding award.

- *BDG Parkwood Lofts, LP v. Fla. Housing Fin. Corp.*, DOAH No. 17-66BID (July 17, 2020). Successful defense of funding award.
- *HTG Addison II, LLC v. Fla. Housing Fin. Corp.*, DOAH No. 20-1770BID (July 17, 2020). Successful defense of funding award.
- *Berkley Landing, Ltd. v. Fla. Housing Fin. Corp.*, DOAH No. 20-0140BID (April 22, 2020). Successful challenge of funding award.
- *HTG Herron Estates Family, LLC v. Fla. Housing Fin. Corp.*, DOAH No. 18-2130BID (July 27, 2018). Successful challenge of funding award.
- *Blue Broadway, LLC v. Fla. Housing Fin. Corp.*, DOAH No. 17-3273BID (September 22, 2017). Successful challenge of funding award.
- *National Development Foundation, Inc. v. Fla. Housing Fin. Corp.*, DOAH No. 2016-3099BID (August 5, 2016). Challenge of ineligibility determination.
- *Rosedale Holdings v. Fla. Housing Fin. Corp.*, FHFC No. 2013-038BP (June 13, 2014). Defense of award of funding.
- *HTG Broward 3, LLC v. Fla. Housing Fin. Corp.*, DOAH No. 14-001362BID (June 13, 2014). Defense of the corporation's award of funding pursuant to ARFA.
- *Duval Park, LTD v. Fla. Housing Fin. Corp.*, DOAH No. 13-002898BID (Dec. 12, 2013). Defense of corporation's award of funding pursuant to a request for applications.
- *Landings at Cross Bayou, LLP v. Fla. Housing, Fin. Corp.*, DOAH No. 12-002899 (Apr. 15, 2013). Challenge of Florida Housing's scoring error involving an award of low-income housing tax credits.
- *Brownsville Manor LP v. Redding Development Partners, LLC*. 224 So. 3d 891 (Fla. 1st DCA 2017). Appeal from a final order denying funding for an affordable housing project.
- *Villa Capri Assocs., Ltd. v. Fla. Housing Fin. Corp.*, 23 So. 3d 795 (Fla. 1st DCA 2009). Challenge of state agency's failure to properly index final order.
- *Creative Choice XXV, Ltd. v. Fla. Housing Fin. Corp.*, 991 So. 2d 899 (Fla. 1st DCA 2009). Appeal from an administrative order denying funding for an affordable housing project.
- *Marion Cty. v. Kirk*, 965 So. 2d 330 (Fla. 5th DCA 2007). Challenge of an order concerning the adequacy of notice provided in a land use dispute.
- *GTECH Corp. v. State Dep't of Lottery*, 737 So. 2d 615 (Fla. 1st DCA 1999). Defense of a contract award for lottery services.
- *Dep't of Cmty. Affairs v. Holmes Cty.*, 668 So. 2d 1096 (Fla. 1st DCA 1996). Challenge to the award of hurricane recovery funds pursuant to the Community Development Block Grant program.
- *Cordes v. State Dep't of Env'tl. Regulation*, 582 So. 2d 652 (Fla. 1st DCA 1991). Defense of permit denial for wastewater treatment facility.

## Areas of Focus

## Practices

- Government Law & Consulting
- Banking, Commercial, and Consumer Finance
- Construction
- Environmental Regulation & Litigation
- Real Property Litigation
- Construction Litigation
- Media, Entertainment, Music & Sports
- Government Affairs and Lobbying
- Environmental, Land Use & Development Approvals and Litigation
- Administrative Litigation and Appeals
- Consumer Finance

## Industries

- Banking, Commercial, and Consumer Finance
- Construction

## Insights

01.29.2024

Can You Live Local? Benefits and Challenges of Developing Affordable Housing in Florida

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07.14.2016

Proposed Rule Changes to Florida's Affordable Housing Allocation and Funding Process

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04.08.2009

Capitol Report - Affordable Housing Construction May Get a Boost from Federal Stimulus Funding

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01.01.2008

Ethical Standards in the Public Sector: A Guide for Government Lawyers, Clients and Public Officials

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01.01.1996

The Treatment of Third Party Intervenors in Comprehensive Plan Compliance Agreement Cases  
Florida, Bar Journal, January 1996

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# News

07.06.2021

Attorney Spotlight: Michael Donaldson

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## Recognition

- AV Rated by Martindale-Hubbell
- America's Best and Brightest, *Dollars & Sense Magazine* (1996)

## Professional & Community Involvement

- American Bar Association
  - Section of State and Local Government Law
    - Chair, Ethics Committee
- The Florida Bar
  - Past Member, Second Circuit Grievance Committee
- National Bar Association
- University of Florida Black Alumni Association

## Speaking Engagements

- "Can You Live Local? Benefits and Challenges of Developing Affordable Housing in Florida," Carlton Fields (January 23, 2024)
- "DOAH in the Time of COVID: Nuts and Bolts of Conducting and Participating in Zoom Hearings at DOAH and Litigating Remotely During a Pandemic," Lunch & Learn Webinar Series, Administrative Law Section of The Florida Bar (September 24, 2020)
- "Electronic Communications: Navigating the Ethical Potholes," ABA Section of State and Local Government Law Spring Meeting (May 19, 2020)
- "Crying Foul: Bid Protests Under the Florida APA" (May 8, 2011)
- "Ethics for Paralegals" (March 26, 2011)
- "Landlord-Tenant Mediation/Dispute Resolution Overview and Effective Use" (February 15, 2011)
- "Ethics Jeopardy," Providence, RI (October 2010)
- "Understanding the Rules: When to Use Uniform Rules and Rules of Civil Procedure" (April 2010)

- "Bid Protests Under the APA" (April 2010)
- "Pay to Play: When Do Public Officials Cross the Line and What Is Being Done About It," Austin, TX (October 2009)
- "The Nuts and Bolts of Open Meetings Law," FOIA and Ethics (December 11, 2008)
- "Affordable Housing: How to Maximize the Available Resources" (November 14, 2008)
- "Zoning and Land Use in Florida: Workforce Housing, Impact Fees, and Prop Sharing," Pensacola, FL (March 25, 2008)
- "Metadata and Its Ethical Implications for the Government Lawyer," ABA Section of State and Local Government Law Spring Meeting, San Juan, PR (2007)
- "Land Use Ethics – Advocating for Your Client Without Getting Disbarred or Hauled Before the Ethics Commission" (2005)
- "The Good, the Bad, and the Ugly, Part II: Ethical Dilemmas in Government Representation," ABA Section of State and Local Government Law Spring Meeting, Anchorage, AK (2005)
- "Quasi Judicial Hearings," 21st Annual Growth Management and Environmental Permitting Short Course (March 2–3, 2005)

## Credentials

### Education

- University of Florida College of Law (J.D., 1988)
- University of Florida (B.A., 1985)

### Court Admissions

- U.S. District Court, Northern District of Florida

### Bar Admissions

- Florida

## Background

- Assistant General Counsel, Department of Community Affairs, currently known as the Department of Economic Opportunity (1991–1994)
  - Michael served as a litigation attorney representing the Department in chapter 163, Florida Statutes, comprehensive planning cases and chapter 380, Florida Statutes, development of regional impact cases. This representation included the review of proposed projects and local government comprehensive plans. Michael also represented the Department in circuit court proceedings concerning the enforcement of growth management laws and mandates.

- Assistant General Counsel, Department of Environmental Protection (1989– 1991)
  - Michael served as a litigation attorney in the environmental permitting section. His duties included representing the Department in permitting various projects, including stormwater facilities, wastewater facilities, docks and marinas, and dredge and fill activities.