



Aaron C. Dunlap

OF COUNSEL

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Overview

Aaron Dunlap brings a multifaceted perspective to advising his clients, which include real estate developers, financial institutions and lenders, local land use clients, and other businesses with real estate interests or that regularly interact with state and local administrative agencies throughout Florida. Prior to joining Carlton Fields, Aaron worked for a Florida municipality, the state land planning agency for the state of Florida, and in private practice focused on real estate development, land use and zoning, and appearances before state agencies and local governments. His insider's understanding of both private party and governmental priorities helps him find common ground and collaborate with stakeholders in the public and private sectors to craft solutions that benefit his clients.

Aaron's specific experience includes representing clients on land use and zoning matters before elected officials and local government boards and commissions concerning real estate development matters, 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 drafting legislation and ordinances, development agreements, working through the implementation of new legislation, and Florida Sunshine Law and Public Records Act matters.

His previous experience with the Florida Department of Economic Opportunity gives him special insight into state level administrative workings and administrative actions, ranging from large-scale state land planning and real estate development issues such as sector plans, developments of regional impact (DRIs), the requirements and challenges of developing property in Florida areas of critical state concern (ACSC), as well as handling the complexities of state and local agencies in obtaining real estate development entitlements and approvals.

On state administrative matters, Aaron can guide and facilitate discussions with state agency staff and leadership, draft legislation, and provide strategy and representation in government grants and contracting, procurement issues, and chapter 120 administrative hearings before the Division of Administrative Hearings (DOAH).

Aaron also has significant litigation and appellate experience in handling land use and real estate litigation on issues as varied as disputes between developers and municipalities, large-scale land use and zoning litigation, matters involving developer rights, homeowners and condominium association documents, restrictive

covenants, 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 regulations related to their property and options available for their project plans, including on issues impacting zoning matters, areas of critical state concern, and state and local approval processes for rezonings, including drafting and staff discussions for amendments to zoning codes and comprehensive plan amendments.
- Assist clients with variances, special approvals, administrative determinations, property, code enforcement issues, and other local approvals.
- Assist clients with legislative and state statutory interpretation and applicability for all facets of real estate development regulation, including impact fees and proportionate share issues, as well as legislative drafting and guidance.
- Represented local governments in drafting and rewrites of local land development regulations, zoning code, and additional comprehensive plan amendments.
- Routinely provide land use counsel related to large-scale development projects throughout Florida for due diligence purposes and feasibility investigations.
- 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 challenging or defending development approvals.

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.

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 that ultimately settled before the issuance of a recommended or final order.
- Advised local government procurement department on RFPs, RFQs, and bid selections.
- Advise and represent client interests before Florida state agencies in 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.

Homeowners Association, Condominium Association, Community Development Districts

- Advise developer clients on applicability and interpretations of master community documents, existing homeowners association documents, condominium association documents, and commercial mixed-use restrictive covenants for development or redevelopment of property, including significant litigation experience.
- Provide analysis to prospective developer and financial institution clients on outstanding community development district (CDD) bonds and financials.

Public Records and Sunshine Law

- Represented state agency in public records litigation and successful appeal to overturn attorneys' fee award against 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 scope and applicability of public records laws to documents submitted to government for applications, grant applications, and other submissions, including applicability of statutory exemptions and exclusions.

All Insights

09.01.2021	Ensuring an Informed Public: State Open Records and Meetings Laws <i>American Bar Association</i>
07.19.2021	UPDATED: House Bill 59 Creates Delays on the Filing of New Comprehensive Plan Amendments
04.01.2021	Gov. DeSantis Signs COVID-19 Business Liability Protection Bill Into Law
03.05.2021	Texas Federal District Court Overturns CDC Eviction Moratorium
07.06.2020	Gov. DeSantis Signs Law to Address Emotional Support Animals in Housing
06.11.2020	Florida Legislature and Governor DeSantis Ease Path to Approve Affordable Housing
03.25.2020	Who Is in Charge? A Pandemic Primer on Government Authority

- 03.18.2020 Florida Local Governments Cancel Public Hearings Due to Novel Coronavirus (COVID-19)
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- 03.17.2020 COVID-19's Impact on Building and Development Permits
-
- 02.04.2020 Surtax in Gridlock – The Saga of Hillsborough County's Transportation Surtax Reaches the Florida Supreme Court
-
- 06.10.2019 Legislation Impacts Citizen Petitions for Florida Constitutional Amendments
-
- 03.07.2019 Florida Governor Ron DeSantis Proposes Expansion of Schools of Hope Charter Schools into Opportunity Zones
-
- 01.16.2019 Multiple Bills Filed in Florida Legislature to Limit or Repeal the Florida Constitution Revision Commission
-
- 08.14.2018 Former Florida Supreme Court Justice Challenges 6 Proposed Florida Constitutional Amendments

All News

- 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

Professional & Community Involvement

- The Florida Bar
- The State Bar of California
- California Lawyers Association
- Palm Beach County Bar Association

Speaking Engagements

- "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)
- “Avoiding Public Hearing Pitfalls: Preparation, Presentation, and Legal Challenges,” Florida Environmental Network’s 35th Annual Environmental Permitting Summer School, Marco Island, FL (July 21–23, 2021)
- "Avoiding Public Hearing Pitfalls: Preparation, Presentation, and Legal Challenges," Florida Environmental Network's 34th Annual Environmental Permitting Summer School, Marco Island, FL (July 21, 2020)
- "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)
- "Avoiding Public Hearing Pitfalls: Preparation, Presentation, and Legal Challenges," Florida Environmental Network's 33rd Annual Environmental Permitting Summer School, Marco Island, FL (July 19, 2019)
- "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

- University of Miami School of Law (J.D., cum laude, 2007)
- University of Miami (B.A., cum laude, 2004)

COURT ADMISSIONS

- U.S. Court of Appeals, Eleventh Circuit
- 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)

Areas of Focus

PRACTICES

- Administrative Litigation and Appeals
- Cannabis Law
- Development
- Environmental, Land Use & Development Approvals and Litigation
- Government Affairs and Lobbying
- Government Law & Consulting
- Qualified Opportunity Zone Task Force

INDUSTRIES

- Banking, Commercial, and Consumer Finance
- Real Estate