



# Aaron C. Dunlap

OF COUNSEL

TALLAHASSEE

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## Overview

Aaron Dunlap brings a multifaceted perspective to advising his clients, including private developers, lenders, local land use clients, and businesses with interests in real estate or that regularly deal with state and local administrative agencies throughout Florida. Prior to joining Carlton Fields, Aaron worked for a Florida municipality, the Florida state land planning agency, 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 to craft solutions that benefit his clients.

Aaron's experience includes representing clients on land use and zoning matters before elected officials and local governmental 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 to developing property in 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, homeowner 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 comprehensive plan amendments.
- Represent clients in matters ranging from local government enforcement of water reuse agreements, property owner cross-access and parking agreement disputes, and property owner disputes with local governments over demarcations of environmentally sensitive areas.
- 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.
- 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.
- Represented local government in complete rewrite 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.

### **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 prior to 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 clients on applicability and interpret provisions of master community documents, existing homeowners' association documents, condominium association documents, and commercial mixed-use restrictive covenants, including significant litigation experience.

- Provide analysis to prospective developer clients on outstanding community development district (CDD) documents.

### **Public Records and Sunshine Law**

- Represented state agency in public records litigation and successful appeal to overturn attorney fee award against agency. (*Dep't of Economic Opportunity v. Consumer Rights, LLC*, 181 So 3d. 1239 (Fla. 1<sup>st</sup> DCA 2016)).
- Draft and tailor public records requests to all Florida state and local agencies and governmental bodies in order 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**

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)
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**

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

- "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)

### BAR ADMISSIONS

- California
- Florida

### 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

### INDUSTRY SPECIALIZATION CERTIFICATIONS

- City, County, and Local

## 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