

ROBERT K. LINCOLN, J.D., M.S.P., B.C.S.

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EDUCATION

J.D. with High Honors, 1993, Florida State University College of Law, Tallahassee, FL

Order of the Coif

Journal of Land Use & Environmental Law

Associate Editor, 1991-92; Managing Editor 1992-93

Florida State University Law Review, Member 1991-93

M.S.P., 1990, Florida State University Department of Urban & Regional Planning, Tallahassee, FL

Edward McClure Award for Academic Excellence, 1990

American Institute of Certified Planners Planning Student Award for
Achievement in the Study of Planning, 1990

FSU College of Social Science Fellowship, 1989-1990

B.S., Political Science, 1983, New College of Florida, Sarasota, FL

COURT ADMISSIONS

Florida Bar, Admitted July 1994

Federal Courts: Middle District of Florida; Southern District of Florida; 11th Circuit Court of Appeal

PROFESSIONAL DISTINCTIONS

Florida Bar Board Certified Specialist (B.C.S) in City, County and Local Government Law

Recognized by Best Lawyers in America®

Land Use & Zoning Law; 2010-2024

Land Use & Zoning - Litigation; 2014-2024

Lawyer of the Year, Land Use & Zoning Law, 2020

Best Law Firm®, U.S. News & World Report, Land Use & Zoning Law and

Land Use & Zoning - Litigation, 2016-2024

Florida Super Lawyers, Land Use & Zoning, 2021-2024

Florida Trend - Legal Elite, Environmental & Land Use Law, 2014-2016, 2022

PROFESSIONAL EXPERIENCE

Attorney

Law Office of Robert K. Lincoln, P.A., Sarasota, FL

May 2015-Present

- Land Use & Local Government Law and Litigation before administrative hearing officers and boards, local government bodies, Florida and federal trial courts, and Florida and federal appellate courts
- Represent private and public sector clients in complex land use and local government law matters

Of Counsel

Shubin Law Group, P.A., Miami, West Palm Beach, and Tampa, FL January 2024-Present

- Represent clients in Land Use & Local Government Law and Litigation matters

Attorney

Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., Sarasota, FL October 2004-May 2015

- Represent clients in Land Use & Local Government Law and Litigation matters
- Head of firm land use litigation practice

Attorney

Levin, Tannenbaum, Wolff, Band, Gates & Pugh, Sarasota, FL February-October 2004

- Represent clients in Land Use & Local Government Law and related matters

Attorney

Robert K. Lincoln, Sarasota, FL February 2003-February 2004

- Represent clients in Land Use & Local Government Law and related matters
- Expert witness in Land Use matters (comprehensive planning, growth management, concurrency, application of land development regulations)

Assistant Professor of Planning

Michigan State University, Urban & Regional Planning, East Lansing, MI 1994-1996

- Taught land use law and planning theory to graduate and undergraduate students
- Published articles on land use law topics
- Coordinated program's GIS and computing lab, University GIS steering committee

Adjunct Professor, Urban & Regional Planning/Public Administration

Florida Atlantic University, FAU College of Urban & Public Affairs Fall 1993

- Taught graduate level Land Use Law

Senior Research Associate-Legal Analyst

FAU/FIU Joint Center for Environmental & Urban Problems, Ft. Lauderdale, FL 1993-1994

- Researched growth management issues as a principal or associate investigator

Adjunct Instructor of Urban Planning

Florida State University Dept. of Urban & Regional Planning, Tallahassee, FL Fall 1991

- Taught graduate level Land Use Law

Law and Graduate School Activities

Legal Intern - 1000 Friends of Florida Spring 1993

Legal Research Analyst - Environmental Lands Management (ELMS III) Committee Fall 1992

Staff Analyst - Joint Select Committee on Growth Management Implementation 1990

Associate Planner, Contract Planner, and GIS Technician

Sarasota County Planning Department, Sarasota FL 1987-1989 & Summer 1990

- Provided data and analysis supporting econometric report on proposed moratorium
- Reviewed Zoning and Special Exception applications

SELECT LITIGATION:

Dutkiewicz v. Pasco County, 2022 Fla. Cir. LEXIS 378, *1 (Cir. Ct. Pasco County, 2022).
Kochman v. Sarasota County, 308 So. 3d 599 (Fla. 2nd DCA 2020).
Braden Woods Homeowners' Ass'n. et al v. Mavard Trading, et al, 227 So. 3d 664 (Fla. 2d DCA 2019).
Heine v. Lee County, 221 So. 3d 1254 (Fla. 2d DCA 2017).
Petersen v. City of Clearwater, 173 So. 3d 897 (Fla. 2nd DCA 2015).
Town of Longboat Key v. Islandside Property Owners' Coalition, et al, 95 So.3d 1037 (Fla. 2d DCA 2012).
Barfield v. Rushing, 83 So. 3d 718 (Fla. 2d DCA 2012).
Islandside Property Owners' Coalition et al v. Town of Longboat Key, 20 Fla. L. Weekly Supp. 1063a (12th Cir., November 14, 2012).
Islandside Property Owners' Coalition et al v. Town of Longboat Key, 20 Fla. L. Weekly Supp. 1153b (12th Cir., December 30, 2011).
Pyle v. Fla. Dep't. of Community Affairs, 31 So.3d 180 (Fla. 1st DCA 2010).
Stop the Beach Renourishment, Inc. v. Fla. Dep't Env't'l Prot, 130 S. Ct. 2595 (2010) (amicus).
Carillon Community Residential et al v. Seminole County, 45 So. 3d 7 (Fla. 5th DCA 2010) (amicus).
B.D.R. Investment, Inc. v. Sarasota County, 902 So. 2d 142 (Fla. 2d DCA 2005).

PUBLICATIONS

PUBLISHED ARTICLES

Stop the Beach Renourishment Stops Private Beachowners' Right to Exclude the Public (with Sidney F. Ansbacher and Kristen G. Juras), 12 Vt J of Env't'l Law, Spring 2010.

What's a Local Government Got to Do to get Reviewed Around Here? Review of local administrative actions by common law certiorari after Pleasures II (with Sid Ansbacher), FLORIDA BAR JOURNAL, May 2003.

Implementing the Consistency Doctrine, in MODERNIZING STATE PLANNING STATUTES, VOL. 1:89 PAS Memo 463/463. American Planning Association, 1996.

Executive Decisionmaking by Local Legislatures in Florida: Justice, Judicial Review, and the Need for Reform, 26 STETSON LAW REVIEW 627 (Spring 1996).

Linkage Fees and Fair Share Regulations: Law and Method (with W. Merrill), in Robert Freilich and David Bushek, eds. FINANCING LOCAL DEVELOPMENTS: A GUIDE TO DEDICATIONS, EXACTIONS AND IMPACT FEES, (American Bar Association, 1995), reprinted from 25 URBAN LAWYER 223 (1993).

The Missing Link: Legal Issues and Implementation Strategies for Affordable Housing Linkage Fee and Fair Share Regulations (with W. Merrill) in 1994 ZONING AND PLANNING LAW HANDBOOK, Kenneth Young, ed, (1994), reprinted from 22 STETSON LAW REVIEW 469 (1993).

Book Review: *Managing Community Growth: Policies, Techniques, and Impacts* by Eric Damian Kelly, 22 ENVIRONMENTAL AND URBAN ISSUES (Fall 1994).

Inconsistent Treatment: The Florida Courts Struggle with the Consistency Doctrine in 7 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 33 (1992).

RESEARCH REPORTS

Implementing Florida's Coastal Management Program Using Local Governments, principal investigator, (with Patty Metzger, et al), FAU/FIU Joint Center for Env't'l & Urban Problems, October 1994.

Issues Affecting the Affordability of Housing in Coral Springs, Pembroke Pines, Plantation, Sunrise and Unincorporated Broward County, (with Margaret S. Murray and Robyn S. Turner), Florida Atlantic University and the FAU/FIU Joint Center for Env't'l & Urban Problems, August 1994.

Local Planning for Coastal Nonpoint Source Pollution, (with James May, Patty Metzger, et al), Homer Hoyt Center for Land Economics and Real Estate (at Florida State University) and the FAU/FIU Joint Center for Env't'l & Urban Problems, 2 Volumes, January and July 1994.

Land Development Regulations and Transit Oriented Development: An Evaluation of Ten Florida Jurisdictions, FAU/FIU Joint Center for Env't'l & Urban Problems, January 1994.

LECTURES, PANELS AND PRESENTATIONS

The Zoning Game, The Zoning Game Revisited, and the Zoning Game in Florida Today, CLE International Land Use Law Conference, August 28-29, 2023, Tampa, Florida.

Recent Land Use and Local Government Caselaw Update, CLE International: Land Use Law in Florida, Tampa, FL, June 2005, Nov. 2006; Dec. 2007, Aug. 2008, Dec. 2008, Aug. 2009, Aug. 2010, Aug. 2011, Aug. 2012, Aug. 2013, Aug. 2014, Aug. 2015, Aug. 2016, Aug. 2017, Aug. 2018, Aug. 2023, Tampa, Florida.

Paying for Infrastructure: Current Issues and Opportunities for User Fees, Site Improvements, Impact Fees and Special Assessments, 47th Annual Florida Bar City, County, and Local Government Annual Conference, April 29, 2023, Palm Coast, Florida.

Home Based Businesses: Pre-emption Under Section 559.955, Florida Statutes, Florida Municipal Attorneys Association Conference, July 28-30, 2022, Naples, Florida.

Florida's Pre-emption of Local Home-Based Business Regulation, Miami-Dade County Bar Association, Webinar panelist, December 17, 2021.

Impact Fees: Core Concepts and Evolving Law, Panel Presentation, Florida Bar Env't'l & Land Use Section, Webinar, October 21, 2021.

Exaction Toolbox, Panel Presentation, Florida Planning Conference, Miami, September 2, 2021.

Hot Topics in Land Use Law, Florida Bar Land Use & Env't'l Law Section, Environmental and Land Use Law 2021 Update, June 11, 2021.

The Life and Death of the Consistency Doctrine and the Cause of Action under Sec. 163.3215, Florida Bar Env't'l & Land Use Section, Land Use 2020, November 13, 2020.

Local Power to Adopt and Enforce Emergency Measures, Florida Municipal Attorneys Association, Webinar, July 25, 2020.

Virtual Hearings: Statewide Best Practices for Local Government Land Use Hearings, Florida Bar City, County, and Local Government Section, Webinar, May 6, 2020.

Avoiding Liability under Section 70.45, Florida Municipal Attorneys Association, Palm Beach, Florida, July 2019.

Innovative Land Use Controls, CLE International: Land Use Law in Florida, Tampa, FL, Aug. 2019.

Case Law Update, Florida Bar Environmental & Land Use Section, Land Use Seminar, Orlando, FL, May 2014.

Case Law Update, Florida Bar Env't'l & Land Use Section, Emerging Trends on the Development Front for Environmental, Land Use and Real Estate Practitioners, Tampa, Florida, January 2014.

Dismantling State Oversight of Local Government Decisions – Has the Pendulum Swung Too Far?, Florida Bar Env't'l & Land Use Section, Environmental and Land Use Update, Pointe Vedra, Florida, August 2012.

Exactions Under Current Law and Home Rule, Florida Bar Env't'l & Land Use Section, Land Use 2012, St. Augustine, Florida, May 2012.

Foreseeable Uses Under the Bert Harris Act, CLE International Eminent Domain Institute, Tampa, Florida, October 2010.

Hometown Democracy – Panel Discussion, USF/Sarasota Institute of Government, Sarasota, Florida, November 8, 2007.

Certiorari Review of Local Land Use Decisions, CLE International: Litigating Land Use Disputes, Tampa, Florida, November 15, 2004, December 16, 2005, June 2006, September 2007.

Prospects for Growth Management in Michigan, presentation, Michigan State University Legislative Leadership Forum, December 13, 1994.

Federal and State Coastal Laws and Legislation, Panel Moderator, "Weathering the Storm," 1994 Florida Coastal Conference, September 26, 1994.

Snyder v. Brevard County: Implications for Planning Practice, May 23 and June 11, 1994, Florida Institute of Government.

The DRI Process in Florida: Will it go away?, FAU/FIU Joint Center for Env't'l and Urban Policy and the SE Section, Urban Land Institute's Annual Growth Management Conference, May 3, 1994.

Planning Practice after Snyder, Panel Discussion, Broward County Section of the Florida Chapter, American Planning Association, March 24, 1994.

Linkage Fees and Fair Share Regulations: Law and Method, Guest Lecture, Michigan State University, Urban & Regional Planning Program, March 20, 1994.

PUBLIC SERVICE

CLE Committee, Florida Bar Env't'l & Land Use Section, 2020-present

Co-Chair and Chair, CLE International Conference "Land Use Law", 2017-present

Conservation Foundation of the Gulf Coast, Volunteer of the Year, 2016 (significant philanthropic legal work to protect Triangle Ranch Conservation Area – Myakka Island Conservation Corridor)

New College Foundation, Board of Directors, 2011-2019

Treasurer and Chair of Finance Committee, 2014-2019

New College Alumni Association – Board of Directors, 1997-2015

Chair 2011 – 2013

Sarasota Bar Association, 2005-present

Local Government Law Section, Chair, 2014-16

Leadership Sarasota, Class of 2012

Legal Aid of Manasota, Legal Impact Award, 2011

Sarasota Downtown Partnership, Board of Directors, 2007-2008