

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

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## EDUCATION

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**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

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Florida Bar, Admitted July 1994

Federal Courts: Middle District of Florida, Southern District of Florida

## PROFESSIONAL DISTINCTIONS

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**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

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### 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:

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*Dutkiewicz v. Pasco County*, 2022 Fla. Cir. LEXIS 378, \*1 (Cir. Ct. Pasco County, 2022).  
*Kochman v. Sarasota County*, 308 So. 3d 599 (Fla. 2<sup>nd</sup> 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. 2<sup>nd</sup> 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 (12<sup>th</sup> Cir., November 14, 2012).  
*Islandside Property Owners' Coalition et al v. Town of Longboat Key*, 20 Fla. L. Weekly Supp. 1153b (12<sup>th</sup> 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

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### 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.

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## LECTURES, PANELS AND PRESENTATIONS

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*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.

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## PUBLIC SERVICE

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*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