

# Hugo Benitez

## Of Counsel

Miami

[hbenitez@gunster.com](mailto:hbenitez@gunster.com)

(305) 376-6023

(305) 801-6657



## Practice & Industry Areas

- Environmental & Land Use Law
- Real Estate Law
- Construction Law
- Government Procurement

## Education

- Columbia University School of Law, J.D., 1982
- Yale College, B.A. in Philosophy, 1979

## Bar & Court Admissions

- Florida Bar, 1985
- Southern District of Florida, 1988
- District of Columbia, 1982 (inactive)

## Overview

Hugo Benitez brings more than three decades of service and experience as an Assistant County Attorney and the Division Chief for Commercial and Construction Litigation for Miami-Dade County to his commercial law practice today. He brings longevity and veteran skill to all phases of the development process – ranging from negotiating, documenting and closing construction and development contracts and lease agreements, to navigating procurement law and bid protests, to advocacy and litigation inside and outside the courtroom on attack or defense.

Having performed an important role in the negotiation, preparation, bidding, award and dispute resolution related to public contracts for so many years, including advising the Board of County Commissioners, the Mayor, and other agencies on transactional and adversarial matters, Hugo has developed important relationships across the industry that offer the potential to provide value to those he serves. He brings depth and hands-on

experience to navigating proposed ordinances and resolutions, sensitive and/or contentious contract awards, and other matters that involve public works.

Notably, Hugo has extensive experience in drafting ordinances and resolutions for adoption by the Commission. This included amendments to the administrative chapters of the Code dealing with building matters, ordinances relating to construction, hurricane emergencies, the Public Health Trust, and amendments to the County's purchasing and ethics Code. Having participated in formulating these regulations and protocols, Hugo offers this unique perspective to providing actionable legal solutions to the industry constituents directly impacted.

Hugo is fluent in matters associated with the Board of Rules and Appeals and Unsafe Structures Board – having served as lead counsel for those boards for many years – and in advocating before myriad agency and industry oversight advisory committees. Over years of agency leadership, Hugo oversaw the conduct of meetings and hearings and defended administrative decisions in court. As a result, he understands the underlying issues and drivers of the decision-makers that will determine his client's ultimate success.

In the event a dispute arises or state or federal court litigation ensues, Hugo is that experienced advocate who has resolved contract and construction disputes across Florida and beyond. His litigation skill is broad and multi-dimensional and ranges from the resolution of construction and vendor fraud to construction delays and bid protests, among many other examples.

## **Representative Matters**

- Responsible for negotiating and drafting of major development transactions through formal legislative approval including construction administration agreements for two professional basketball arenas, the Marlins' stadium and cruise terminals for three tenants of Port Miami
- Responsible for negotiating, drafting and advising the Board of County Commissioners in connection with change orders related to major construction projects
- *Miami Dade County v. Church & Tower*, 715 So.2d 1084 (Fla. 3d DCA 2004); successful defense of government contract decision and bid protest ordinance
- *MRO Software, Inc. v. Miami Dade County*, 895 So.2d 1086 (Fla. 3d DCA 2004) upholding contract award decision in bid protest as legislative act of government
- Successful jury trial defense against contractor's differing site conditions claim. Appellate case reported at *Hendry v. Miami Dade County*, 648 So.2d 140 (Fla. 3d DCA 1994).
- *Public Health Trust v. Romart*, 577 So.2d 636 (Fla. 3d DCA 1991) upholding government's enforcement of liquidated damages clause in delay of construction of public hospital
- Directed team effort to achieve workout of Airport North Terminal construction claims in excess of \$175 million, including the simplification of the settlement processes and

- amendment of the construction agreement to allow for project completion
- Obtained favorable settlement of Water and Sewer Department multi million construction claim involving County overpayment for work not performed
- Drafting of numerous County ordinances and resolutions relating to contract awards, bid disputes and construction issues

## **Honors**

- AV Preeminent rating as independently determined by Martindale-Hubbell
- “Most Effective Lawyer,” Daily Business Review, 2008
- Florida Legal Elite Government Attorney, Florida Trend
- Outstanding Service Award, Office of the County Attorney