

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

JANIE POE ASSOCIATES 3, LLC,

Petitioner,

vs.

DOAH CASE NO.: 12-1613
FHFC NO. : 2012-029C
APPLICATION NO. 2011-201C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation for consideration and final agency action on July 20, 2012. The matter for consideration before this Board is a recommended order pursuant to Rule 67-48.005(2), Florida Administrative Code.

Janie Poe Associates 3, LLC, ("Petitioner") timely submitted its 2011 Universal Cycle Program Application (the "Application") to Florida Housing Finance Corporation ("Florida Housing") to compete for funding from the 2011 Universal Cycle Program.

Petitioner timely filed its Petition for Review ("Petition"), pursuant to Sections 120.569 and 120.57, Florida Statutes, challenging Florida Housing's scoring of Petitioner's Application. The matter was referred to the Division of

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Della M. Harris /DATE: 7/24/12

Administrative Hearings, Case No. 12-1613. A final hearing in this matter was held before the Honorable Linzie Bogan, Administrative Law Judge on June 14, 2012, in Tallahassee, Florida. Petitioner and Respondent timely filed Proposed Recommended Orders.

After consideration of the arguments, evidence and testimony presented at hearing, and the Proposed Recommended Orders, the Administrative Law Judge issued a Recommended Order. A true and correct copy of the Recommended Order is attached hereto as "Exhibit A." The Administrative Law Judge affirmed Florida Housing's final scoring of Petitioner's application which found that Petitioner was not entitled to six Tie-Breaker Measurement Points for a Public Bus Transfer Stop and was not entitled to 1.75 Tie-Breaker Measurement Points for a Public Library for its proposed development. The Administrative Law Judge recommended that Florida Housing enter a Final Order denying the Janie Poe Associates 3, LLC's Petition.

RULING ON THE RECOMMENDED ORDER

The Findings of Fact and Conclusions of Law of the Recommended Order are supported by competent substantial evidence.

ORDER

In accordance with the foregoing, it is hereby ordered:

1. The Findings of Fact of the Recommended Order are adopted as Florida Housing's Findings of Fact and incorporated by reference as though fully set forth in this Order.

2. The Conclusions of Law of the Recommended Order are adopted as Florida Housing's Conclusions of Law and incorporated by reference as though fully set forth in this Order.

Based on the Findings of Fact and Conclusions of Law stated above, **IT IS HEREBY ORDERED** that Florida Housing's scoring of Petitioner's Application is **AFFIRMED** and the relief requested in the Petition is **DISMISSED**.

DONE and ORDERED this 20 day of July, 2012.

FLORIDA HOUSING FINANCE
CORPORATION



By: _____

Chair

Copies to:

Wellington H. Meffert II
General Counsel
Florida Housing Finance Corporation
337 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Kevin Tatreau
Director of Multifamily Development Programs
Florida Housing Finance Corporation
337 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Michael Donaldson
Carlton Fields, P.A.
P.O. Drawer 190
Tallahassee, FL 32302

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.