

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

FOUR6 SKYWAY, LLC, and
DDA DEVELOPMENT, LLC

Petitioners,

FHFC Case No. 2018-015BP

v.

DOAH Case No. 18-2027BID

FLORIDA HOUSING FINANCE
CORPORATION, and EAGLE
RIDGE APARTMENTS, LLLP,

Respondents.

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on July 27, 2018. Petitioner FOUR6 Skyway, LLC (“FOUR6 Skyway”) was an Applicant under Request for Applications 2017-113, Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties (the “RFA”). DDA Development, LLC was the developer entity for Four6 Skyway. The matter for consideration before this Board is a Recommended Order issued pursuant to §§120.57(1) and (3), Fla. Stat. and the Exceptions to the Recommended Order.

On October 6, 2017, Florida Housing Finance Corporation (“Florida Housing”) issued the RFA, which solicited applications to compete for an allocation of low income housing credit funding. On March 16, 2018, Florida Housing posted notice of its intended decision to award funding to one applicant from each of the six counties, and one additional applicant from Broward County. Respondent Eagle Ridge Apartments, LLLP (“Eagle Ridge”) was selected for funding from Pinellas County. FOUR6 Skyway was determined to be ineligible for funding. Petitioners timely filed their notice of intent to protest followed by a formal written protest. Eagle Ridge filed a Notice of Appearance and was granted party status.

The protest was referred to the Division of Administrative Hearings (“DOAH”). A formal hearing took place on May 23, 2018, in Tallahassee, Florida, before Administrative Law Judge J. Bruce Culpepper (the “ALJ”). At the hearing, Florida Housing testified that FOUR6 Skyway had been found ineligible for failure to submit the latitude/longitude coordinates of its Development in the proper format. FOUR6 Skyway argued that Florida Housing should have accepted the coordinates in the wrong format, or should have waived the formatting error as a minor irregularity. After the hearing, all parties timely filed Proposed Recommended Orders.

After consideration of the oral and documentary evidence presented at hearing, and the entire record in the proceeding, the ALJ issued a Recommended

Order on July 24, 2018. A true and correct copy of the Recommended Order is attached hereto as “Exhibit A.” The ALJ determined that Petitioners had failed to meet their burden to establish that Florida Housing’s initial determination was contrary to the terms of the RFA or was clearly erroneous, and recommended that Florida Housing award funding to Eagle Ridge and dismiss the formal written protest of FOUR6 Skyway. No party has filed Exceptions to this Recommended Order.

The Findings of Fact set out in the Recommended Order are supported by competent substantial evidence.

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

In accordance with the foregoing, it is hereby **ORDERED**:

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

The Recommendation of the Recommended Order is adopted.

Florida Housing’s scoring and ranking of RFA 2017-113 is **AFFIRMED** and the relief requested in the Petitions is **DENIED**.

DONE and ORDERED this 27th day of July, 2018.

FLORIDA HOUSING FINANCE
CORPORATION



By: 
Chair

Copies to:

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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, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, 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.