

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

HTG ADDISON II, LLC,

FHFC Case No. 2020-020BP
DOAH Case No. 20-1770BID

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

TRANQUILITY AT MILTON, LLC AND
WESTSIDE PHASE I, LLLP,

Intervenors.

ROCHESTER PARK LTD., AND
ROCHESTER PARK DEVELOPER, LLC,

FHFC Case No. 2020-015BP
DOAH Case No 2020-1778BID

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

and

HTG EDGEWOOD, LTD.,

Intervenor.

MADISON SQUARE, LLC;
AND ARC 2019, LLC,

FHFC Case No. 2020-017BP
DOAH Case No. 20-1779BID
FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

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Thomas Blumoy / DATE: 7/17/2020

Petitioners,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

DIPLOMAT SOUTH, LLC,

Intervenor.

MADISON OAKS EAST, LLC
AND ARC 2019, LLC,

FHFC Case No. 2020-018BP
DOAH Case No. 20-1780BID

Petitioners,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

RETREAT AT COCOA COMMONS, LLC,
AND TRANQUILITY AT MILTON, LLC,

Intervenors.

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 17, 2020. Petitioners HTG Addison II, LLC, (“HTG Addison”), Rochester Park Ltd., and Rochester Park Developer, LLC, (“Rochester”), Madison Square, LLC and ARC 2019, LLC, (“Madison Square”), and Madison Oaks East, LLC and ARC 2019, LLC (“Madison Oaks”), as well as Intervenors Tranquility at Milton, LLC, (“Tranquility”), Westside Phase I, LLLP, (“Westside”), HTG Edgewood, Ltd., (“HTG Edgewood”), Diplomat South, LLC, (“Diplomat”), and Retreat at Cocoa Commons, LLC (“Cocoa Commons”) were Applicants under Request for Applications 2019-113, Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (the “RFA”). The matter for consideration before the Board is a Recommended Order issued pursuant to sections 120.569, 120.57(1), and 120.57(3), Florida Statutes.

On March 6, 2020, Florida Housing Finance Corporation (“Florida Housing”) posted notice of its intended decision to award funding to eleven (11) applicants, including Intervenors Westside, HTG Edgewood, Diplomat, and Tranquility. Petitioners timely filed notices of intent to protest followed by formal written protests challenging the scoring process in the RFA and Intervenors timely intervened. On April 9, 2020, Florida Housing referred the matters to the Division

of Administrative Hearings (“DOAH”). Administrative Law Judge (“AJ”) Darren A. Schwartz was assigned to conduct the final hearing. The ALJ consolidated these matters with other petitions filed by Turnstone Eustis, LP (DOAH Case No. 20-1775BID); Tranquility Milton, LLC (DOAH Case No. 20-1776BID); and Meadowlark Court, Ltd. (DOAH Case No. 20-1777BID). Prior to final hearing, Turnstone Eustis, LP, Tranquility Milton, LLC and Meadowlark Court, Ltd filed notices of voluntary dismissal.

On May 4, 2020, Rochester, Florida Housing, and HTG Edgewood entered into a written stipulation in DOAH Case No. 20-1778BID for the entry of findings of fact and a recommended order deeming HTG Edgewood’s application for funding ineligible and Rochester’s application eligible for funding. On May 5, 2020, Madison Square, Florida Housing, and Diplomat entered into a written stipulation in DOAH Case No. 20-1779BID for the entry of findings of fact and recommended order deeming Diplomat’s application for funding ineligible and Madison Square’s application eligible for funding.

The final hearing commenced as scheduled and concluded on May 8, 2020. At hearing, the parties presented evidence as to DOAH Case Nos. 20-1780BID and 20-1770. Madison Oaks presented the testimony of Marisa Button and Stacy Banach. Tranquility presented the testimony of Todd Wind. HTG Addison presented the testimony of Marisa Button. Joint Exhibits 1 through 10 and 12

through 14 were received into evidence. Madison Oaks' Exhibits 2 through 4, 6, 7, 11, and 13 were received into evidence. Tranquility's Exhibits 1 through 6 were received into evidence. HTG Addison's Exhibits 1 through 4 were received into evidence. Madison Square's Exhibit 2 was received into evidence.

The on-volume final hearing transcript was filed on May 21, 2020. The Recommended Order of the ALJ was entered on June 19, 2020 recommending that Florida Housing enter a final order 1) dismissing the protests of HTG Addison and Madison Oaks; 2) finding the HTG Edgewood, Diplomat, and Madison Oaks applications ineligible for funding; and 3) finding Rochester, Madison Square, Tranquility, and Westside applications eligible for funding. No exceptions or objections were filed.

Ruling on the Recommended Order

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

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

The Recommendation of the Recommended Order is reasonable and supported by competent substantial evidence.

ORDER

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

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

IT IS HEREBY ORDERED that 1) the Petitions of HTG Addison and Madison Oaks are dismissed; 2) HTG Edgewood, Diplomat, and Madison Oaks are ineligible for funding; and 3) Rochester, Madison Square, Tranquility, and Westside are eligible for funding.

DONE and ORDERED this 17th day of July, 2020.



FLORIDA HOUSING FINANCE CORPORATION

By: 
Chair

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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.