

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

ABILITY VNA, LLC,

Petitioner,

vs.

FHFC Case No. 2021-104BP  
DOAH Case No. 22-0080BID

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent,

and

MADISON GROVE, LLC; HTG HIDDEN  
LAKE, LTD.; AND THE VERANDAS OF  
PUNTA GORDA III, LLLP,

Intervenors.

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**FINAL ORDER**

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on April 29, 2022. Petitioner Ability VNA, LLC (“Ability”), and Intervenors Madison Grove, LLC (“Madison Grove”), HTG Hidden Lake, Ltd., (“Hidden Lake”), and The Verandas of Punta Gorda III, LLLP (“Verandas”) were Applicants under Request for Applications 2021-201, Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (the “RFA”). The matter for

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*ATM:alamo* / DATE: 5/2/2022

consideration before the Board is a Recommended Order issued pursuant to sections 120.57(3), Florida Statutes.

On December 10, 2021, Florida Housing Finance Corporation (“Florida Housing”) posted notice of its intended decision to award funding to twelve of the seventy-eight (78) applicants, including Intervenors Madison Grove, Verandas, and Hidden Lake. Petitioner timely filed a notice of intent to protest followed by a formal written protest challenging the scoring of Madison Grove. Madison Grove entered a Notice of Appearance as a Specifically Named Party. On January 10, 2022, Florida Housing referred the matter to the Division of Administrative Hearings (“DOAH”).

After conducting a telephonic status conference, Administrative Law Judge (the “ALJ”) Robert J. Telfer III set the case for Zoom teleconference hearing on February 9, 2022, on which date it commenced and concluded. Prior to hearing, Hidden Lake and Verandas filed Motions to Intervene, which were granted. Also prior to hearing, the parties submitted a Joint Pre-hearing Stipulation.

The two-volume final hearing transcript was filed with DOAH on March 1, 2022. The parties timely filed Proposed Recommended Orders. The Recommended Order of the ALJ was entered on March 31, 2022, recommending that Florida Housing enter a final order finding 1) Madison Grove is ineligible for the 2019 and

2020 Prior Submission Preference; and 2) Ability's application is eligible for funding and meets the 2019 and 2020 Prior Submission Preference.

No exceptions to the Recommended Order 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 as to funding in RFA 2021-201:

1) Madison Grove is ineligible for the 2019 and 2020 Prior Submission Preference; and

2) Ability's application is eligible for funding and is eligible for the 2019 and 2020 Prior Submission Preference.

**DONE and ORDERED** this 29th day of April, 2021.



FLORIDA HOUSING FINANCE  
CORPORATION

By:   
Chair

Copies to:

Hugh R. Brown, Esq.  
Betty Zachem, Esq.  
Florida Housing Finance Corporation  
[Hugh.Brown@floridahousing.org](mailto:Hugh.Brown@floridahousing.org)  
[Betty.Zachem@floridahousing.org](mailto:Betty.Zachem@floridahousing.org)

M. Christopher Bryant, Esq.  
Oertel, Fernandez, Bryant & Atkinson, P.A.  
[cbryant@ohfc.com](mailto:cbryant@ohfc.com)  
[bpetty@ohfc.com](mailto:bpetty@ohfc.com)

J. Timothy Schulte, Esq.  
Zimmerman, Kiser & Sutcliffe, P.A.  
[tschulte@zkslawfirm.com](mailto:tschulte@zkslawfirm.com)  
[service@zkslawfirm.com](mailto:service@zkslawfirm.com)

Michael P. Donaldson, Esq.  
Carlton Fields  
[mdonaldson@carltonfields.com](mailto:mdonaldson@carltonfields.com)  
[rcbrown@carltonfields.com](mailto:rcbrown@carltonfields.com)

J. Stephen Menton, Esq.  
Tana D. Storey, Esq.  
Rutledge Ecenia, P.A.  
[smenton@rutledge-ecenia.com](mailto:smenton@rutledge-ecenia.com)  
[tana@rutledge-ecenia.com](mailto:tana@rutledge-ecenia.com)

## **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.