

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

THE ARC OF MARTIN COUNTY, INC.,

Petitioner,

v.

FHFC Case No.: 2013-037BP

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

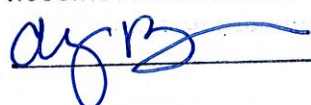
FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation ("Board") for consideration and final agency action on March 8, 2013. The matter for consideration before this Board is a Recommended Order issued pursuant to Section 120.57(2) and (3), Florida Statutes.

After a review of the record and otherwise being fully advised in these proceedings, this Board finds:

The ARC of Martin County, Inc. ("Petitioner") applied for funding under RFA 2013-005 – Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities (the "RFA") seeking an allocation of funding. Petitioner was notified of the Board's intended decision, which did not award funding to Petitioner's Application, on or about December 13, 2013.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE: 03/14/14

Petitioner timely filed its "Petition," challenging the Corporation's rejection of its Application on the grounds that Petitioner failed to demonstrate site control in that Petitioner failed to provide a closing date in its purchase contract that did not expire less than six months after the Application Deadline.

Florida Housing reviewed the Petition and as there were no disputed issues of material fact, the matter could be resolved under Section 120.57(2), Florida Statutes in an informal hearing, which was held on January 30, 2014, in Tallahassee, Florida, before Florida Housing's designated Hearing Officer, Christopher D. McGuire.

At hearing, Petitioner attempted to demonstrate site control by providing a sales contract with a revised closing date. This document was not part of Petitioner's Application. Florida Housing objected to the introduction of this document as evidence of site control, as Section 120.57(3)(f), Florida Statutes, precludes Florida Housing from considering any submissions made after the Application was filed, which would amend or supplement the Application. The Hearing Officer sustained Florida Housing's objection and excluded the proffered contract.

Following the hearing, Petitioner and Respondent timely filed Proposed Recommended Orders.

After reviewing the Proposed Recommended Orders, the Hearing Officer issued a Recommended Order, finding that Florida Housing correctly scored

Petitioner's Application with regard to its failure to demonstrate site control. The Hearing Officer specifically refused to consider Petitioner's revised sales contract as it would amend or supplement its Application, in violation of Section 120.573(f), Fla. Stat. A copy of the Recommended Order is attached hereto. No written argument or exceptions regarding the Recommended Order has been filed by either party.

The Hearing Officer recommended that Florida Housing adopt a Final Order finding that Florida Housing's scoring of Petitioner's Application 2013-150G was correct, and denying all relief sought by Petitioner.

RULING ON THE RECOMMENDED ORDER

The Board finds that the findings of fact and the conclusions of law of the Recommended Order are reasonable and appropriate under the circumstances.

ORDER

In accordance with the foregoing, it is hereby found and 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.

Accordingly, it is found and **ORDERED** that Florida Housing's final scoring of the ARC of Martin County, Inc.'s Application 2013-150G was correct, and that Petitioner's Application in response to RFP 2013-005 did not meet the mandatory requirement of site control and is ineligible for available funding.

DONE and ORDERED this 14th day of March, 2014.



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

Ken Reecy
Director of Multifamily Programs
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

Keith Muniz
ARC of Martin County, Inc.
2001 Kanner Highway
Stuart, Florida 34994

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.