

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

LAS BRISAS ESTATES, LLC

Petitioner,

FHFC Case No.: 2018-043BP

RFA No.: 2017-112

Application No.: 2018-098C

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

ORDER DISMISSING PETITION

1. On May 4, 2018, at 10:30 a.m., Florida Housing Finance Corporation (“Florida Housing”) published on its website the Board Approved Preliminary Awards/Notice of Intended Decision for RFA 2017-112 (“Notice of Intended Decision”), with the posting time and date noted.

2. The Notice of Intended Decision included the following:

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

3. Rule 67-60.009(2), Florida Administrative Code, states:

Applicants not selected for funding under any competitive solicitation issued pursuant to this rule chapter may only protest the results of the competitive solicitation process

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HOUSING FINANCE CORPORATION

Tom S. Williams FILE: 6/11/18

pursuant to the procedures set forth in Section 120.57(3), F.S., and Chapter 28-110, F.A.C.

4. Section 120.57(3)(b), Florida Statutes, sets forth the procedures to be followed regarding any challenge to Florida Housing's proposed action to fund or not fund applicants under RFA 2017-112. It states:

Any person who is adversely affected by the agency decision or intended decision shall file with the agency a notice of protest in writing within 72 hours after the posting of the notice of decision or intended decision. . . . **The formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this chapter.** [emphasis added]

5. Notices of protest regarding RFA 2017-112 were required to be filed with the Corporation Clerk no later than 10:30 a.m. on May 9, 2018, 72 hours after posting of the notice (excluding weekends).

6. On May 8, 2018, Florida Housing received a notice of protest from Las Brisas Estates, LLC, ("Petitioner").

7. Ten days after the date of filing of Petitioner's notice of protest is May 18, 2018.

8. Rule 28-106.104(3) Florida Administrative Code, states:

Any document received by the office of the agency clerk before 5:00 p.m. shall be filed as of that day but any document received after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

9. Petitioner filed its Formal Written Protest and Petition for Administrative Hearing (the "Petition") at 6:15 p.m., on May 18, 2018.

10. On May 29, 2018, Florida Housing issued an Order to Show Cause to Petitioner as to why the Corporation should not dismiss the Petition filed by Petitioner as untimely. The Petitioner had until 5:00 pm on June 4, 2018 to respond.

11. No response to the Order to Show Cause was filed.

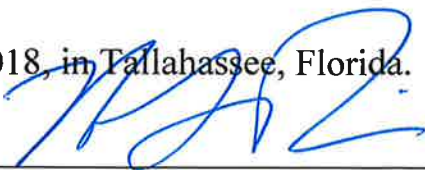
12. Section 120.569(2)(c), Florida Statutes, states: "Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured."

13. In this case, Petitioner failed to timely file a formal petition in accordance with Section 120.57(3)(b), Florida Statutes, and Florida Housing has determined that this defect cannot be cured through any amendment to the Petition.

IT IS THEREFORE ORDERED: The Petition is DISMISSED with prejudice.

Done this 11th day of June, 2018, in Tallahassee, Florida.





Harold L. Price
Executive Director
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NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTIONS 120.569, 120.57, AND 120.68, FLORIDA STATUTES. SUCH PROCEEDINGS ARE COMMENCED PURSUANT TO CHAPTER 67-52, FLORIDA ADMINISTRATIVE CODE, BY FILING AN ORIGINAL AND ONE (1) COPY OF A PETITION WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329.