



Date: March 26, 2024
 Location: Marriott Orlando Airport Lakeside
 Commencement Time: 8:30am

Call in Number: 1-888-585-9008 **BOARD MEETING AGENDA**
 Conference Room: 369-746-945

Call to Order, Declaration of Quorum	<i>Board Liaison</i>
Public Comment	<i>Chair</i>
Minutes Approval of Minutes of the February 2, 2024 Board Meeting	<i>Chair</i>
Approval of Items on Consent Agenda	<i>Chair</i>
Audit Committee Update	<i>Vice-Chair</i>
Legislative Update	<i>Katie Norman Coxwell</i>
Live Local Update	<i>Marisa Button</i>
Action Items	
I. Multifamily Programs- Allocations	
A. RFA 2024-103 Housing Credit and SAIL Financing to Develop Housing for Homeless Persons	<i>Melissa Levy</i>
B. RFA 2024-106 Financing to Develop Housing for Persons with Disabling Conditions/Developmental Disabilities	
C. RFA 2024-206 HOME And Live Local SAIL Financing to Be Used For Rental Developments In Certain Hurricane Idalia Impacted Counties	
D. 2024 Rule Development	
E. Request Approval to Issue the Competitive Housing Credit Geographic Request for Applications (RFAs) 2024-201, 2024-202, and 2024-203	
F. Request to Allocate SAIL Funding Remaining from RFA 2023-204 SAIL Financing for the Preservation of Elderly Developments	
II. Professional Services Selection (PSS)	
A. Request for Qualifications (RFQ) 2024-02, for Recruiting and Staffing Services	<i>Laura Cox</i>
B. Single Source Procurement for Affordable Housing Catalyst Program Services	
C. Single Source Procurement for OnBase Licensing	<i>Angie Sellers</i>
Public Comment	<i>Chair</i>
Adjournment	

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

I. MULTIFAMILY PROGRAMS - ALLOCATIONS

A. RFA 2024-103 Housing Credit and SAIL Financing to Develop Housing for Homeless Persons

1. **Background:**

- a) On November 7, 2023, Florida Housing Finance Corporation (Florida Housing) issued RFA 2024-103 offering \$15,420,538 in SAIL Financing, \$5,134,500 in Competitive Housing Credits, and \$5,500,000 in forgivable NHTF or HOME-ARP funding, for Non-Profit Applicants proposing housing for Homeless Households that also include a portion of units for Persons with Special Needs, located in Medium and Large Counties.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, February 13, 2024.

2. **Present Situation:**

- a) Florida Housing received 4 Applications in response to this RFA. The Review Committee members, designated by the Chief Financial Officer, were Zach Summerlin, Policy Director (Chair); Jack Hartsfield, Multifamily Programs Manager; Diana Fields, Policy Administrator; Elaine Roberts, Policy Administrator; Mitch Englert, Multifamily Programs Credit Underwriting Manager; and Freebeau Swindle, Construction Administrator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its March 12, 2024, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed here.
- c) The RFA 2024-103 All Applications chart (provided as [Exhibit A](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit A](#) and recommendations for funding as set out on [Exhibit B](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on [Exhibit A](#) and recommendations for funding as set out on [Exhibit B](#).
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation:**

- a) Approve the Committee's recommendations that the Board, adopt the scoring results of the 4 Applications and authorize the tentative selection of the 1 Application (set out on [Exhibit B](#)) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on the [Exhibit B](#).
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation for those Applicants impacted by litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the resulting funding range. For those Applications in the funding range but not impacted by litigation, staff will issue invitations to underwriting as outlined in rule 67-48.0072(1), F.A.C.
- d) There is \$7,738,238 in SAIL funding and \$2,992,500 in Competitive Housing Credits remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

B. RFA 2024-106 Financing to Develop Housing for Persons with Disabling Conditions/Developmental Disabilities

1. Background:

- a) On November 9, 2023, Florida Housing Finance Corporation (Florida Housing) issued RFA 2024-106 offering \$6,000,000 in SAIL Financing, \$3,264,800 in Competitive Housing Credits, \$4,600,000 in grant funding, and \$5,500,000 in forgivable NHTF or HOME-ARP funding for Non-Profit Applicants proposing the development of independent Permanent Supportive Housing for either (i) persons with a Disabling condition that also includes a portion of units for Homeless Households; or (ii) Persons with Developmental Disabilities.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, February 15, 2024.

2. Present Situation:

- a) Florida Housing received 6 Applications in response to this RFA. The Review Committee members, designated by the Chief Financial Officer, were Zach Summerlin, Policy Director (Chair); Freebeau Swindle, Construction Administrator; Jack Hartsfield, Multifamily Programs Manager; Diana Fields, Policy Administrator; Elaine Roberts, Policy Administrator; and Mitch Englert, Multifamily Programs Credit Underwriting Manager. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its March 12, 2024, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed here.
- c) The RFA 2024-106 All Applications chart (provided as [Exhibit C](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit C](#) and recommendations for funding as set out on [Exhibit D](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on [Exhibit C](#) and recommendations for funding as set out on [Exhibit D](#).
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation:**

- a) Approve the Committee's recommendations that the Board, adopt the scoring results of the 6 Applications and authorize the tentative selection of the 1 Application (set out on [Exhibit D](#)) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Application set out on [Exhibit D](#).
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation for those Applicants impacted by litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the resulting funding range. For those Applications in the funding range but not impacted by litigation, staff will issue invitations to underwriting as outlined in rule 67-48.0072(1), F.A.C.
- d) There is \$6,000,000 in SAIL funding and \$1,314,800 in Competitive Housing Credits and there is no grant funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.
- e) Staff also recommends the Board approve the preliminary selection of the next highest ranking eligible unfunded Application with a demographic of Disabling Conditions by adding \$1,185,200 in 9% Housing Credit allocation from returned Housing Credit funding in the fourth quarter 2023. If approved, Application 2024-305CSN, The Franklin, would be funded and there would be no funding remaining under this RFA.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

C. RFA 2024-206 HOME and Live Local SAIL Financing to be Used for Rental Developments in Certain Hurricane Idalia Impacted Counties

1. **Background:**

- a) On January 23, 2024, Florida Housing Finance Corporation (Florida Housing) issued RFA 2024-206 offering \$28 million in HOME funding and \$7 million in SAIL funding appropriated by the Live Local Act for Applicants proposing the construction of affordable housing in a Florida Designated Rural Areas of Opportunity, with a preference that the proposed Development is in a county with significant damage from Hurricane Idalia.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, February 14, 2024.

2. **Present Situation:**

- a) Florida Housing received 8 Applications in response to this RFA. The Review Committee members, designated by the Chief Financial Officer, were David Woodward, Federal Loan Program Administrator (Chair); Amanda Franklin, Federal Loan Programs Manager; and Rachael Grice, Multifamily Programs Coordinator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its March 7, 2024, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed here.
- c) The RFA 2024-206 All Applications chart (provided as [Exhibit E](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit E](#) and recommendations for funding as set out on [Exhibit F](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on [Exhibit E](#) and recommendations for funding as set out on [Exhibit F](#).
- e) The motions passed unanimously.

3. **Recommendation:**

- a) Approve the Committee's recommendations that the Board, adopt the scoring results of the 8 Applications and authorize the tentative selection of the 4 Applications (set out on [Exhibit F](#)) for funding.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on [Exhibit F](#).
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation for those Applicants impacted by litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the resulting funding range. For those Applications in the funding range but not impacted by litigation, staff will issue invitations to underwriting as outlined in rule 67-48.0072(1), F.A.C.
- d) There is \$5,177,232 in HOME funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

D. 2024 Rule Development

1. Background

- a) A rule development workshop was held on February 21, 2024 to solicit comments concerning the proposed changes to Rule Chapters 67-21.002 (Non-Competitive Affordable Multifamily Rental Housing Programs), 67-48.002, F.A.C. (Competitive Affordable Multifamily Rental Housing Programs) and the 2024 Qualified Allocation Plan (QAP).

2. Present Situation

- a) As a result of the workshops, staff has drafted proposed revisions. Staff would like to proceed with the rule development process for these rules and requests the Board's approval of the proposed Rules and QAP. The Notice of Proposed Rulemaking (NOPR) for rule 67-21.002, F.A.C. is attached as [Exhibit G](#), the NOPR for rule 67-48.002, F.A.C. is attached as [Exhibit H](#), and the proposed 2024 QAP is attached as [Exhibit I](#). The first page of each NOPR contains a summary of the rule changes, with links to each rule section.
- b) If the Board approves the proposed rules and QAP as presented, the NOPRs will be published in the March 27, 2024, edition of the Florida Administrative Register. The NOPRs will announce the Rule Hearings which are scheduled for April 18, 2024. Following review of the public comments received at the Rule Hearings and the comments received from the Joint Administrative Procedures Committee following its review of the NOPRs, staff will proceed as follows:
 - (1) If modification of the proposed rules is not required, staff will file the proposed rules for adoption.
 - (2) If modification of the proposed rules is required, staff will prepare the necessary Notice of Change (NOC) to incorporate all proposed modifications to the proposed rule and, if required, will submit the NOC for Board approval.

3. Recommendation

- a) Approve the proposed rules and QAP and authorize staff to file the rules for adoption if a NOC is not required and, if a NOC is required, authorize the Board Chair to determine whether a NOC makes material, substantive changes to the rule chapter. If the Chair determines that it does not, staff recommends that the Board approve such NOC without the requirement of another Board meeting. In the alternative, if the Chair determines that any NOC does make material, substantive changes to the rule chapter, staff recommends that a telephonic Board meeting be called to obtain Board approval for any required changes, with such changes to be ratified at the next regularly scheduled Board meeting.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

E. Request Approval to Issue the Competitive Housing Credit Geographic Request for Applications (RFAs) 2024-201, 2024-202, and 2024-203

1. Background

- a) Historically, Request for Applications ("RFAs") for the Competitive Housing Credits ("HC") have been issued in late summer/early fall with the beginning of the new RFA cycle. Beginning with the December 2021 General RFA Workshop, staff began workshopping the plan to move the timeline up so that the awards for the Geographic 9% RFAs would be presented to the Board for approval at the September or October Board Meetings. Given the 2024 Board meeting schedule, it is beneficial for the awards for the Geographic 9% RFAs to be presented at the August 23, 2024 Board meeting.
- b) Issuing these RFAs earlier will (i) allow for staff to focus on RFAs for recurring Live Local Act funding in the fall months; (ii) resolve any potential litigation for the Geographic 9% RFAs in the fall months; and (iii) facilitate getting developments into underwriting before the end of the year.

2. Present Situation

- a) Staff would like to hold a workshop for the following RFAs in late May 2024, and issue the RFAs in June 2024 with Application Deadlines in mid-July 2024:
 - (1) RFA 2024-201 Housing Credit Financing for Affordable Housing Developments Located in Small And Medium Counties, to include an estimated \$1,628,560 of HC financing for proposed Developments located in small counties and an estimated \$21,406,630 of HC financing for proposed Developments located in medium counties.
 - (2) RFA 2024-202 Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, And Pinellas Counties, to include an estimated \$24,555,000 of HC financing.
 - (3) RFA 2024-203 Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County, to include an estimated \$9,672,310 of HC financing.
- b) Staff will present the remaining RFAs planned for the 2024-2025 funding cycle for approval at the May Board meeting. However, a draft of the tentative 2024/2025 RFA Cycle timeline is included within the Informational Agenda items.

3. Recommendation

- a) Authorize staff to proceed with the development of the Housing Credit RFAs 2024-201, 2024-202, and 2024-203.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

F. Request to Allocate SAIL Funding Remaining from RFA 2023-204 SAIL Financing for the Preservation of Elderly Developments

1. Background

- a) On November 21, 2023, staff issued RFA 2023-204, offering \$4,533,638 in SAIL funding, in conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits, for Applicants proposing the preservation of affordable, multifamily housing for the Elderly.
- b) The Application Deadline was December 14, 2023, and four applications were received.
- c) At the February 2, 2024, the Board approved the scoring and selection results of the Review Committee, and one Application was invited to enter Credit Underwriting.
- d) There was \$2,244,726 in SAIL funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

2. Present Situation

- a) The next highest ranking, eligible Application in this RFA is Application number 2024-218BS, with a total SAIL request amount of \$2,338,300. This Development consists of 60 units and is located in Lee County.
- b) In order to fully fund this Application, an additional \$93,574 in SAIL funding is necessary.
- c) Staff would like to utilize the remaining funding from this RFA, plus \$93,574 in program income, to fully fund Application 2024-218BS.

3. Recommendation

- a) Authorize staff to utilize the remaining funding in RFA 2023-204, add \$93,574 in program income, and invite Application 2023-218BS to enter Credit Underwriting.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

II. PROFESSIONAL SERVICES SELECTION (PSS)

A. Request for Qualifications (RFQ) 2024-02, for Recruiting and Staffing Services

1. Background:

- a) On January 16, 2024, Florida Housing staff issued a competitive solicitation for a Recruiting and Staffing Services. A review committee was established to make a recommendation to the Board.

2. Present Situation:

- a) The deadline for receipt of responses was 2:00 p.m., February 14, 2024. A copy of the RFQ is provided as [Exhibit A](#).

- b) Sixteen responsive proposals were received from:

- 22nd Century Technologies, Inc.
- AgreeYa Solutions, Inc.
- Ark Infotech LLC
- Cogent Infotech Corporation
- Compunnel Software Group, Inc.
- Corporate Temps, Inc.
- DraftPoint Inc.
- Elegant Enterprise-Wide Solutions, Inc.
- InfiCare Health Inc. d/b/a InfiCareTech
- InstantServe LLC
- LanceSoft, Inc.
- MSys, Inc.
- OCH Services LLC d/b/a On Cue Hire
- SNI Companies Corp.
- Talent Capsule Recruiting, LLC
- Zirlen Technologies Inc.

- c) Members of the review committee were Marisa Button (Chairperson), Managing Director of Strategic Initiatives; Van Gottel, Data Management Director; and David Hearn, Chief Information Officer.

- d) Each member of the review committee individually reviewed the proposals prior to convening for the Review Committee meeting which was held at 10:00 a.m., March 6, 2024.

- e) At the March 6th meeting, the review committee provided final scores for the response. The score sheet is provided as [Exhibit B](#).

3. Recommendation:

- a) The review committee recommends that Florida Housing enter into contract negotiations with the four highest scoring respondents: 22nd Century Technologies, Inc.; InstantServe, LLC; LanceSoft, Inc.; and Elegant Enterprise-Wide Solutions, Inc.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

B. Single Source Procurement for Affordable Housing Catalyst Program Services

1. Background:

- a) Florida Housing is authorized to administer the Affordable Housing Catalyst Program (Catalyst) under section 420.531, Fla.Stat.
- b) The Affordable Housing Catalyst Program provides training and technical assistance mainly to local governments and community-based organizations on state and federal housing programs. The training and technical assistance includes administration and implementation of the State Housing Initiatives Partnership (SHIP) Program, the HOME Investment Partnerships (HOME) Program, the State Apartment Incentive Loan (SAIL) Program, and other affordable housing programs, including the Hurricane Housing Recovery Program (HHRP). The training and technical assistance services now include information and education to help local governments and other Catalyst services recipients understand and implementation respective components of the Live Local Act. Typically, the Catalyst program is funded using state appropriated funds.
- c) The technical assistance provided through Catalyst allows local governments, not-for-profit organizations and other stakeholders engaged in the development/preservation of affordable housing to access expertise in a variety of subjects and formats. Subjects may include, but not be limited to specific program management for SHIP, HHRP, HOME, SAIL and other housing programs; affordable housing developer-specific topics; land use; and housing for persons with special needs. Technical assistance and trainings are provided through onsite direct technical assistance, in-person workshops, webinars, email, and phone. A major focus of Catalyst is providing these services to local government staff engaged in the management of the SHIP and HHRP programs.
- d) Section 420.531, F.S., also outlines the requirements for the entity providing technical assistance, stating in pertinent part, “To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization. It must have as its primary mission the provision of affordable housing training and technical assistance, an ability to provide training and technical assistance statewide, and a proven track record of successfully providing training and technical assistance under the Affordable Housing Catalyst Program.”
- e) The only firm that meets all of these statutory requirements is the Florida Housing Coalition, Inc.

2. Present Situation:

- a) The current contract provides the following services:
 - Telephonic and e-mail assistance that is available to all stakeholders;
 - On- and off-site technical assistance visits (primarily for local governments and non-profit developers);
 - Statewide in-person one/two-day workshops; and
 - Webinars.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

- b) The current contract for these services with the Florida Housing Coalition, Inc., expires on June 30, 2024, and Florida Housing has a continuing need for these services.

3. **Recommendation:**

- a) Authorize staff to enter into a one-year single source contract with the Florida Housing Coalition, Inc., to deliver affordable housing training and technical assistance under the Catalyst program.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

C. Single Source Procurement for OnBase Licensing

1. **Background:**

- a) Florida Housing uses OnBase as its document management system, and Hyland Software, Inc., is the developer of OnBase software. At the January 23, 2020 meeting, the Board approved an upgrade to an enterprise license with increased functionality. These licenses contain more robust functionality to better integrate OnBase with Florida Housing's multifamily line of business software, ProLink.
- b) OnBase is proprietary software and Hyland Software, Inc., is the only entity able to provide licensure.

2. **Present Situation:**

- a) Staff believes that it is in the best interest of Florida Housing to continue with these services and proceed with an updated, one-year contract.

3. **Recommendation:**

- a) Staff recommends that the Board authorize staff to enter into negotiations for a one-year, single source contract with Hyland Software, Inc., for continued access to the enterprise license.

RFA 2024-103 All Applications

Application Number	Name of Development	County	County Size	Region	HC Request Amount	SAIL Request Amount	ELI Loan Request Amount	Total SAIL Request (SAIL plus ELI)	Eligible For Funding?	Priority Level	Total Points	Operating/Managing Experience Points Preference	Involvement in the Local Homeless Resources Network Points Preference	Accessibility Preference	Corporation Funding Per Set-Aside	A/B Leveraging	Qualifying Financial Assistance Preference	Florida Job Creation Preference	Lottery Number
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Eligible Applications

2024-291CSN	Cedar Cove	Manatee	M	Tampa Bay	\$2,142,000	\$7,300,000	\$382,300	7,682,300	Y	1	157	N	Y	Y	\$245,680.39	A	Y	Y	2
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Ineligible Applications

2024-292CSN	Copper Hill Crossings	Hillsborough	L	Tampa Bay	\$2,992,500	\$2,840,000	\$249,200	3,089,200	N	1	138	N	N	Y	\$305,788.39	A	N	Y	4
2024-293CSN	Village of Pine Hills	Orange	L	Central Florida	\$2,700,000	\$7,352,800	\$347,200	7,700,000	N	1	153	Y	Y	Y	\$303,339.33	A	N	Y	1
2024-294CSN	The Franklin	Hillsborough	L	Tampa Bay	\$2,400,000	\$7,440,100	\$259,900	7,700,000	N	1	151	Y	Y	Y	\$268,439.42	A	N	Y	3

RFA 2024-103 Review Committee Recommendations

Total HC Available for RFA	5,134,500
Total HC Allocated	2,142,000
Total HC Remaining	2,992,500

Total SAIL Available for RFA	15,420,538
Total SAIL Allocated	7,682,300
Total SAIL Remaining	7,738,238

Application Number	Name of Development	County	County Size	Region	Demographic	Total Units	Name of Principal Representative	Developer	HC Request Amount	Total SAIL Request (SAIL plus ELI)	Eligible For Funding?	Priority Level	Total Points	Operating/ Managing/ Experience Points Preference	Involvement in the Local Homeless Resources Network Points Preference	Accessibility Preference	A/B Leveraging	Qualifying Financial Assistance Preference	Florida Job Creation Preference	Lottery Number
2024-291CSN	Cedar Cove	Manatee	M	Tampa Bay	Homeless - less than 80%	80	Julian S Eller	Blue CC Developer, LLC; CASL Developer, LLC	\$2,142,000	7,682,300	Y	1	157	N	Y	Y	A	Y	Y	2

RFA 2024-106 All Applications

Application Number	Name of Development	County	Name of Authorized Principal	Name of Developers	Demo	Total Units	HC Request Amount	Total SAIL Request Amount (SAIL + ELI)	Grants Requested	Eligible For Funding?	Priority Level	Total Points	Operating/ Managing Experience Points Preference	Accessibility Preference	Qualifying Financial Assistance Preference	Total Corp Funding Per Set-Aside	A/B Leveraging	Florida Job Creation Preference	Lottery Number
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Eligible Applications

2024-303CGN	Orchid Place	Brevard	Rob Cramp	HTG Orchid Place Developer, LLC; HFH Orchid Place Developer, LLC	DD	60	\$2,142,000	-	\$4,600,000	Y	1	148	N	Y	N	\$366,129.33	A	Y	3
2024-304CGN	Legacy Village	Manatee	Julian S. Eller	Blue 41 Developer, LLC ; CASL Developer, LLC	DD	60	\$1,950,000	-	\$4,600,000	Y	1	155	Y	Y	Y	\$272,998.75	A	Y	1
2024-305CSN	The Franklin	Hillsborough	Roaya Tyson	DDA Development, LLC	DC	80	\$2,500,000	6,000,000	\$0	Y	1	146	Y	Y	N	\$261,044.42	A	Y	2
2024-307CSN*	Willow Way Village	Okaloosa	Bonnie Barlow	Bridgeway Housing Development, LLC; Willow Way Developer, LLC	DC	72	\$2,142,000	6,000,000	\$0	Y	1	154	Y	N	N	\$318,734.00	A	Y	5

Ineligible Applications

2024-306CGN	The Residences	Lee	Stephanie Berman	Carrfour Supportive Housing, Inc.	DD	60	\$2,142,000	-	\$4,575,000	N	1	141	N	Y	Y	\$293,988.23	A	Y	6
2024-308CGN	Special Compass Living	Broward	Jim Sayih	Special Compass Living Dev, LLC; GM Special Compass Living Dev, LLC	DD	60	\$2,992,500	-	\$4,600,000	N	1	117	N	Y	N	\$370,166.32	A	Y	4

*Applicant's HC request amount was adjusted during scoring. This also affected the Corporation Funding Per Set-Aside but did not affect the A/B Leveraging.

RFA 2024-106 Review Committee Meeting Recommendations

Total HC Available for RFA	3,264,800
Total HC Allocated	1,950,000
Total HC Remaining	1,314,800
Total SAIL Available for RFA	6,000,000
Total SAIL Allocated	-
Total SAIL Remaining	6,000,000

Total Grants Available for RFA	4,600,000
Total Grants Allocated	4,600,000
Total Grants Remaining	-

Application Number	Name of Development	County	Name of Authorized Principal	Name of Developers	Demo	Total Units	HC Request Amount	Total SAIL Request Amount (SAIL + ELI)	Grants Requested	Eligible For Funding?	Priority Level	Total Points	Operating/ Managing Experience Points Preference	Accessibility Preference	Qualifying Financial Assistance Preference	A/B Leveraging	Florida Job Creation Preference	Lottery Number
Goal																		
2024-304CGN	Legacy Village	Manatee	Julian S. Eller	Blue 41 Developer, LLC ; CASL Developer, LLC	DD	60	\$1,950,000	-	\$4,600,000	Y	1	155	Y	Y	Y	A	Y	1

RFA 2024-206 – All Applications

Application Number	Name of Development	County	County Size	Name of Applicant	Name of Developers	Total Units	Demo.	HOME Request Amount	Eligible for Funding?	Points	Qualified for CHDO Goal?	Tier Level	HOME Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Eligible HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Lottery
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Eligible Applications

2024-295SH	Live Oak Homes	Suwannee	S	Irwin Avenue and Pinewood Drive, LLC	Judd Roth Real Estate Development, Inc.	24	F	\$6,480,200	Y	10	Y	1	Y	Y	96.16%	0.00%	Y	6
2024-296SH	Sandcastle Preserve	Taylor	S	Sandcastles Foundation, Inc.	Sandcastles Foundation, Inc. ; FBC Holdings, LLC	23	F	\$6,665,019	Y	10	N	1	Y	Y	95.21%	0.00%	Y	4
2024-297SH	Sandcastle Oaks	Suwannee	S	Sandcastles Foundation, Inc.	Sandcastles Foundation, Inc.; FBC Holdings, LLC	23	F	\$6,664,349	Y	10	N	1	Y	Y	95.20%	0.00%	Y	7
2024-298SH	Gateway Estates	Madison	S	Solutions Madison, LLC	Affordable Housing Solutions for Florida, Inc.	23	F	\$6,000,000	Y	10	Y	1	Y	Y	92.90%	0.00%	Y	3
2024-299SH	Sandcastle Crossing	Dixie	S	Sandcastles Foundation, Inc.	Sandcastles Foundation, Inc. ; FBC Holdings, LLC	23	F	\$6,637,749	Y	10	N	1	Y	Y	94.82%	0.00%	Y	1
2024-302SH	Suwannee Pointe II	Suwannee	S	Rio Pointe on Flagler, LP	Royal American Properties, LLC	20	F	\$3,520,000	Y	10	N	1	Y	Y	70.70%	0.00%	Y	8

Ineligible Applications

2024-300SH	Vista at Pinewood	Suwannee	S	Andorra Park Apartments, LLLP	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	38	E, Non-ALF	\$6,950,000	N	10	Y	1	Y	Y	99.63%	1.44%	Y	5
2024-301SH	Vista at Irvin	Suwannee	S	York River Apartments, LLLP	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	38	E, Non-ALF	\$6,950,000	N	10	Y	1	Y	Y	99.63%	1.44%	Y	2

RFA 2024-206 – Review Committee Recommendations

Total HOME Available for RFA	28,000,000
Total HOME Allocated	22,822,768
Total HOME Remaining	5,177,232

\$7 million of Live Local SAIL has been made available in this RFA. Each Application will be awarded a portion of the total available. The Live Local SAIL funding amount may increase or decrease in credit underwriting, based on overall awards.

Application Number	Name of Development	County	County Size	Name of Applicant	Name of Developers	Total Units	Demo.	HOME Request Amount	Points	Qualified for CHDO Goal?	Tier Level	HOME Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Eligible HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Lottery
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CHDO Goal

2024-298SH	Gateway Estates	Madison	S	Solutions Madison, LLC	Affordable Housing Solutions for Florida, Inc.	23	F	\$6,000,000	10	Y	1	Y	Y	92.90%	0.00%	Y	3
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Remaining Funding

2024-302SH	Suwannee Pointe II	Suwannee	S	Rio Pointe on Flagler, LP	Royal American Properties, LLC	20	F	\$3,520,000	10	N	1	Y	Y	70.70%	0.00%	Y	8
2024-299SH	Sandcastle Crossing	Dixie	S	Sandcastles Foundation, Inc.	Sandcastles Foundation, Inc. ; FBC Holdings, LLC	23	F	\$6,637,749	10	N	1	Y	Y	94.82%	0.00%	Y	1
2024-296SH	Sandcastle Preserve	Taylor	S	Sandcastles Foundation, Inc.	Sandcastles Foundation, Inc. ; FBC Holdings, LLC	23	F	\$6,665,019	10	N	1	Y	Y	95.21%	0.00%	Y	4

Notice of Proposed Rulemaking

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:
67-21.002: Definitions

PURPOSE AND EFFECT: The purpose of this Rule is to establish the definitions used in Rule Chapter 67-21, F.A.C., which includes by reference the Qualified Allocation Plan.

SUMMARY: Prior to the opening of an Application process, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Applications to determine what changes or additions should be added to the Rule and/or Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply for Non-Competitive Housing Credits, or a combination of MMRB and Non-Competitive Housing Credits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule is not likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The rule is not likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. In addition, the rule is not likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 420.507, 420.508, FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509, 420.5099 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 18, 2024, beginning at 10:00 a.m., Eastern Time

PLACE: The hearing will take place by webinar and the instructions for accessing the webinar will be posted on the Corporation's website <https://www.floridahousing.org/programs/developers-multifamily-programs/competitive/current-rules-and-rule-development-process/2024-rule-development-process>. Interested parties may also attend in person at the offices of Florida Housing Finance Corporation, 227 N. Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Levy, Managing Director of Multifamily Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850) 488-4197.

THE FULL TEXT OF THE PROPOSED RULE IS:

67-21.002 Definitions.

(1) “ACC” or “Annual Contribution Contract” means a contract between HUD and a Public Housing Authority containing the terms and conditions under which HUD assists in providing for development of housing units, modernization of housing units, operation of housing units, or a combination of the foregoing.

(2) “Acknowledgment Resolution” means the official action taken by the Corporation to reflect its intent to finance a Development provided that the requirements of the Corporation, the terms of the MMRB Loan Commitment, and the terms of the Credit Underwriting Report are met.

(3) “Act” means the Florida Housing Finance Corporation Act, Chapter 420, Part V, F.S.

(4) “Address” means the address number, street name and city or, at a minimum, street name, closest designated intersection, and whether or not the Development is located within a city or in the unincorporated area of the county. If located within a city, include the name of the city.

(5) “Affiliate” means any person that:

(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant or Developer;

(b) Serves as an officer or director of the Applicant or Developer or of any Affiliate of the Applicant or Developer;

(c) Directly or indirectly receives or will receive a financial benefit from a Development except as further described in Rule 67-21.0025, F.A.C., or

(d) Is the spouse, parent, child, sibling, or relative by marriage of a person described in paragraph (a), (b) or (c), above.

(6) “Allocation Authority” means the total dollar volume of the state of Florida’s Housing Credit ceiling available for distribution by the Corporation and authorized pursuant to Section 42 of the IRC.

(7) “Annual Household Income” means the gross income of a person, together with the gross income of all persons who intend to permanently reside with such person in the Development to be financed by the Corporation, as of the date of occupancy shown on the income certification promulgated by the Corporation.

(8) “Applicable Fraction” means Applicable Fraction as defined in Section 42(c)(1)(B) of the IRC.

(9) “Applicant” means any person or legal entity of the type and with the management and ownership structure described herein that is seeking a loan or funding from the Corporation by submitting an Application or responding to a competitive solicitation pursuant to rule Chapter 67-60, F.A.C., for one or more of the Corporation’s programs. For purposes of Rule 67-21.031, F.A.C., Applicant also includes any assigns or successors in interest of the Applicant. Unless otherwise stated in a competitive solicitation, as used herein, a ‘legal entity’ means a corporation, limited partnership or limited liability company legally formed as of the Application deadline.

(10) “Application” means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for Non-Competitive Housing Credits only, or both MMRB and Non-Competitive Housing Credits, as outlined in subsection 67-21.003(1), F.A.C. A completed Application may include additional supporting documentation provided by an Applicant.

(11) “Board” or “Board of Directors” means the Board of Directors of the Corporation.

(12) “Bond Counsel” means the attorney or law firm retained by the Corporation to provide the specialized services generally described in the industry as the role of bond counsel.

(13) “Bond” or “Bonds” means Bond as defined in Section 420.503, F.S.

(14) “Bond Trustee” or “Trustee” means a financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bond holders, and in some instances the Corporation, in enforcing the terms of the Program Documents.

(15) “Building Identification Number” means, with respect to a Housing Credit Development, the number assigned by the Corporation to describe each building in a Housing Credit Development, pursuant to Internal Revenue Service Notice 88-91.

(16) “Calendar Days” means the seven (7) days of the week.

(17) “Commercial Fishing Worker” means Commercial fishing worker as defined in Section 420.503, F.S.

(18) “Competitive Housing Credits” or “Competitive HC” means those Housing Credits which come from the Corporation’s annual Allocation Authority.

(19) “Compliance Period” means a period of time that the Development shall conform to all set-aside requirements as described further in the rule chapter and agreed to by the Applicant in the Application.

(20) “Contact Person” means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(21) “Corporation” means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(22) “Cost of Issuance Fee” means the fee charged by the Corporation to the Applicant for the payment of the costs and expenses associated with the sale of Bonds and the loaning of the proceeds, including a fee for the Corporation.

(23) “Credit Enhancement” means a letter of credit, third party guarantee, insurance contract or other collateral or security pledged to the Corporation or its Trustee for a minimum of ten years by a third party Credit Enhancer or financial institution securing, insuring or guaranteeing the repayment of the Mortgage Loan or Bonds under the MMRB Program.

(24) “Credit Enhancer” means a financial institution, insurer or other third party which provides a Credit Enhancement or guarantee instrument acceptable to the Corporation securing repayment of the Mortgage Loan or Bonds issued pursuant to the MMRB Program.

(25) “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility for providing Credit Underwriting services.

(26) “Credit Underwriting” means an in-depth analysis by the Credit Underwriter of all documents submitted in connection with an Application.

(27) “Credit Underwriting Report” means the report that is a product of Credit Underwriting.

(28) “Cross-collateralization” means the pledging of the security of one Development to the obligations of another Development.

(29) “DDA” or “Difficult Development Area” means areas designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with section 42(d)(5)(B) of the IRC.

(30) “Developer” means the individual or legal entity which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application. Unless otherwise stated in a competitive solicitation, as used herein, a ‘legal entity’ means a corporation, association, joint venturer, or partnership legally formed as of Application deadline.

(31) “Developer Fee” means the fee earned by the Developer.

(32) “Development” means Project as defined in Section 420.503, F.S.

(33) “Development Cost” means the total of all costs incurred in the completion of a Development excluding Developer Fee, operating deficit reserves, and total land cost as typically shown in the Development Cost line item on the development cost pro forma.

(34) “Development Location Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on the site with the most units that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

(35) “Disclosure Counsel” means the Special Counsel designated by the Corporation to be responsible for the drafting and delivery of the Corporation’s disclosure documents such as preliminary official statements, official statements, re-offering memorandums or private placement memorandums and continuing disclosure agreements.

(36) “Document” means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(37) “Elderly” means Elderly as defined in Section 420.503, F.S.

(38) “Elderly Housing” means housing or a unit being occupied or reserved for qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), F.S.

(39) “Eligible Persons” means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be of Low Income.

(40) “EUA” or “Extended Use Agreement” means, with respect to the HC Program, an agreement which sets forth the set-aside requirements and other Development requirements under the HC Program.

(41) “Executive Director” means the Executive Director of the Corporation.

(42) “Family” means a household composed of one or more persons.

(43) “Farmworker” means Farmworker as defined in Section 420.503, F.S.

(44) “Farmworker Development” means a Development:

(a) Of not greater than 80 units, at least 40 percent of the total residential units of which are occupied or reserved for Farmworker Households; and,

(b) For which independent market analysis demonstrates a local need for such housing.

(45) “Farmworker Household” means a household of one or more persons wherein at least one member of the household is a Farmworker at the time of initial occupancy.

(46) “Final Housing Credit Allocation” means, with respect to a Housing Credit Development, the issuance of Housing Credits to an Applicant upon completion of construction or Rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Final Cost Certification Application Package pursuant to Rule 67-21.027, F.A.C.

(47) “Financial Beneficiary” means any Principal of the Developer or Applicant entity who receives or will receive any direct or indirect financial benefit from a Development, except as further described in Rule 67-21.0025, F.A.C.

(48) “Florida Keys Area” means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(49) “Freddie Mac Multifamily Targeted Affordable Housing Lender” means any entity that (a) has been approved and designated by the Federal Home Loan Mortgage Corporation (“Freddie Mac”) to act as a lender and seller-servicer for Freddie Mac multifamily targeted affordable housing transactions (including those under Freddie Mac’s Tax-Exempt Loan Program) and (b) has accepted a written commitment from Freddie Mac to purchase Bonds under Freddie Mac’s Tax-Exempt Loan Program pursuant to the terms and conditions of said commitment.

(50) “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in Rules 67-21.014 and 67-21.026, F.A.C.

(51) “HC” or “Housing Credit Program” means the rental housing program administered by the Corporation in accordance with section 42 of the Internal Revenue Code and Section 42.5099, F.S., under which the Corporation is designated the Housing Credit agency for the state of Florida within the meaning of the following:

(a) Section 42(h)(7)(A) of the Internal Revenue Code;

(b) This rule chapter regarding Non-Competitive Housing Credits; and,

(c) Rule Chapter 67-48, F.A.C., regarding Competitive Housing Credits.

(52) “Homeless” means Homeless as defined in Section 420.621, F.S.

(53) “Housing Credit” means the tax credit issued in exchange for the development of rental housing pursuant to the following:

(a) Section 42 of the IRC;

(b) The provisions of this rule chapter regarding Non-Competitive Housing Credits; and,

(c) The provisions of rule Chapter 67-48, F.A.C., regarding Competitive Housing Credits.

(54) “Housing Credit Allocation” means the amount of Housing Credits determined by the Corporation as necessary to make a Development financially feasible and viable throughout the Development’s Compliance Period pursuant to Section 42(m)(2)(A) of the IRC.

(55) “Housing Credit Development” means the proposed or existing rental housing Development(s) for which Housing Credits have been applied or received.

(56) “Housing Credit Extended Use Period” means, with respect to any building that is included in a Housing Credit Development, the period that begins on the first day of the Compliance Period in which such building is part of the Development and ends on the later of:

(a) The date specified by the Corporation in the Extended Use Agreement; or

(b) The date that is the fifteenth anniversary of the last day of the Compliance Period, unless earlier terminated as provided in Section 42(h)(6) of the IRC.

(57) “Housing Credit Period” means with respect to any building that is included in a Housing Credit Development, the period of 10 years beginning with:

(a) The taxable year in which such building is placed in service; or

(b) At the election of the Applicant, the succeeding taxable year.

(58) “Housing Credit Rent-Restricted Unit” means, with respect to a Housing Credit Development, a unit for which the gross monthly rent shall not exceed 30 percent of the imputed income limitation applicable to such unit as committed to by the Applicant in its Application and shall be determined in a manner consistent with Section 42(g)(2) of the IRC.

(59) “Housing Credit Set-Aside” means the number of units in a Housing Credit Development necessary to satisfy Section 42(g) of the IRC and the percentage of units set-aside by the Applicant in the Application or in response to a competitive solicitation, if applicable.

(60) “Housing Credit Syndicator” means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects as defined in Section 42(g) of the IRC.

(61) “HUD” means the United States Department of Housing and Urban Development.

(62) “HUD Risk Sharing Program” means the program authorized by section 542(c) of the Housing and Community Development Act of 1992.

(63) “Identity of Interest” means, for the purpose of the HUD Risk Sharing Program, any person or entity that has a one percent or more financial interest in the Development and in any entity providing services for a fee to the Development.

(64) “Investment Banker” means, with respect to an issue of Bonds, an underwriter, placement agent or structuring agent who is under contract with the Corporation and whose primary purpose is to either:

(a) In the case of an underwriter, acquire the Bonds in a commercial arm’s length transaction for resale to investors, or

(b) In the case of a placement agent or structuring agent, arrange for the sale of Bonds.

In either case, the underwriter, placement agent or structuring agent assists on matters pertinent to the Bond issue, such as structure, timing, marketing, terms, Bond ratings and cash flows.

(65) “IRC” or “Internal Revenue Code” means 26 CFR Sections 42, 142, 147, 151, and 501 of the Internal Revenue Code of 1986, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States.

(66) “IRMA” or “Independent Registered Municipal Advisor” means a professional who is under contract with the Corporation to provide advice with respect to the issuance of municipal securities, which advice may include, among other things, the determination of the method of sale for one or more series of Bonds. The IRMA owes the Corporation a fiduciary duty and is obligated to place the interest of the Corporation ahead of its own and may not engage in self-dealing.

(67) “Local Government” means Local government as defined in Section 420.503, F.S.

(68) “Local Public Fact Finding Hearing” means a public hearing requested by any person residing in the county or municipality in which the proposed Development is located and which is conducted by the Corporation for the purpose of receiving public comment or input regarding the financing of a proposed Development with Bonds by the Corporation.

(69) “Low Income” means the adjusted income for a Family which does not exceed 80 percent of the area median income.

(70) “Lower Income Residents” means Families whose annual income does not exceed either 50 percent or 60 percent depending on the minimum set-aside elected of the area median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Residents if all the occupants of a unit are students as defined in section 151(c)(4) of the Internal Revenue Code or if the residents do not comply with the provisions of the Internal Revenue Code defining Lower Income Residents. (See section 142 of the Internal Revenue Code.)

(71) “MMRB” or “MMRB Program” means the Corporation’s Multifamily Mortgage Revenue Bond Program.

(72) “MMRB LURA” or “MMRB Land Use Restriction Agreement” means an agreement among the Corporation, the Bond Trustee and the Applicant which sets forth certain set-aside requirements and other Development requirements under rule Chapter 67-21, F.A.C.

(73) “MMRB Loan” means the loan made by the Corporation to the Applicant from the proceeds of the Bonds issued by the Corporation.

(74) “MMRB Loan Agreement” means the Program Documents or Loan Documents wherein the Corporation and the Applicant agree to the terms and conditions of the MMRB Loan, including the repayment of the MMRB Loan.

(75) “MMRB Loan Commitment” means the loan commitment executed by the Corporation and the Applicant after the issuance of a favorable Credit Underwriting Report that defines the conditions under which the Corporation agrees to make the MMRB Loan to the Applicant for the purpose of financing a Development.

(76) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(77) “Mortgage Loan” means Mortgage loan as defined in Section 420.503, F.S.

(78) “Non-Competitive Housing Credits” or “Non-Competitive HC” means those Housing Credits which qualify to be used with Tax-Exempt Bond-Financed Developments and do not come from the Corporation’s annual Allocation Authority.

(79) “Non-Profit” unless otherwise set forth in a competitive solicitation, means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51 percent of the ownership interest in the Development held by the general partner or managing member entity, which shall receive at least 25 percent

of the Developer Fee and which entity is acceptable to federal and state agencies and financial institutions as a sponsor for affordable housing, as further described in Rule 67-21.0025, F.A.C.

(80) “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(81) “PBRA” or “Project-Based Rental Assistance” means a rental subsidy through a contract with HUD or RD for a property.

(82) “Persons with Special Needs” means Person with special needs as defined in Section 420.0004(13), F.S.

(83) “PHA” or “Public Housing Authority” means a housing authority under Chapter 421, F.S.

(84) “Preliminary Determination” means an initial determination by the Corporation of the amount of Housing Credits outside the Allocation Authority needed from the Treasury to make a Tax-Exempt Bond-Financed Development financially feasible and viable.

(85) “Preservation” means rehabilitation of an existing development that is at least 20 years old as of the date the Application is submitted to the Corporation and has an active contract through one or more of the following HUD or RD programs: Sections 202 of the Housing Act of 1959 (12 U.S.C. §1701q), 236 of the National Housing Act (12 U.S.C. §1701), 514, 515, or 516 of the U.S. Housing Act of 1949 (42 U.S.C. §1484), or 811 of the U.S. Housing Act of 1937 (42 USC §1437), or either has PBRA or is public housing assisted through ACC. If funded through the Corporation, the Development must maintain at least the same number of PBRA or ACC units. Such developments must not have closed on funding from HUD or RD within the 20 years prior to when the Application is submitted to the Corporation where the budget was at least \$10,000 per unit for rehabilitation in any year.

(86) “Principal” has the meanings set forth below and any Principal other than a natural person must be a legally formed entity as of the Application deadline:

(a) For a corporation, each officer, director, executive director, and shareholder of the corporation.

(b) For a limited partnership, each general partner and each limited partner of the limited partnership.

(c) For a limited liability company, each manager and each member of the limited liability company.

(d) For a trust, each trustee of the trust and all beneficiaries of majority age (i.e.; 18 years of age) as of Application deadline.

(e) For a Public Housing Authority, each officer, director, commissioner, and executive director of the Authority.

(87) “Private Placement” means the sale of the Corporation Bonds directly or through an Investment Banker to 35 or fewer initial purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers.

(88) “Program Documents” or “Loan Documents” means the MMRB Loan Commitment, MMRB Loan Agreement, Note, Mortgage, Credit Enhancement, MMRB Land Use Restriction Agreement, trust indenture, preliminary and final official statements, intercreditor agreement, assignments, bond purchase agreement, compliance monitoring agreement, mortgage servicing agreement and such other ordinary and customary documents necessary to issue and secure repayment of the Bonds and the MMRB Loan sufficient to protect the interests of the Bond owners and the Corporation.

(89) “QAP” or “Qualified Allocation Plan” means, with respect to the HC Program, the 2024 ~~2023~~ Qualified Allocation Plan which is adopted and incorporated herein by reference, effective upon approval by the Governor of the State of Florida, pursuant to Section 42(m)(1)(B) of the IRC and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on the Corporation’s website under the Multifamily Programs link or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or from _____
<http://www.flrules.org/Gateway/reference.asp?No=Ref-15420>.

(90) “QCT” or “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50 percent or more of the households at an income which is less than 60 percent of the area median gross income, or a poverty rate of at least 25 percent, in accordance with section 42(d)(5)(B) of the Internal Revenue Code.

(91) “Qualified Institutional Buyer” is sometimes called a “sophisticated investor” and specifically includes the following:

(a) Any of the following entities, acting for its own account or the accounts of other Qualified Institutional Buyers that, in the aggregate, own and invest on a discretionary basis at least \$100 million in securities of issuers that are not affiliated with the entity:

1. Any insurance company as defined in section 2(13) of the Securities Act of 1933,

2. Any investment company registered under the Investment Company Act of 1940 or any business development company as defined in section 80a-2(a)(48) of that Act,

3. Any Small Business Investment Company licensed by the U.S. Small Business Administration under section 301(c) or (d) of the Small Business Investment Act of 1958,

4. Any plan established and maintained by a state or state agency or any of its political subdivisions, on behalf of their employees,
 5. Any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974,
 6. Trust funds of various types, except for trust funds that include participants' individual retirement accounts or H.R. 10 plans,
 7. Any business development company as defined in section 80b-2(a)(22) of the Investment Advisors Act of 1940,
 8. Any organization described in section 501(c)(3) of the Internal Revenue Code, corporation (except a bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities Act of 1933, or a foreign bank or savings and loan or similar institution), partnership, Massachusetts or similar business trust, or any investment adviser registered under the Investment Advisors Act.
 - (b) Any dealer registered under section 15 of the Securities Exchange Act of 1934, acting on its own behalf or on the behalf of other Qualified Institutional Buyers who in the aggregate own and invest at least \$10 million of securities of issuers not affiliated with the dealer (not including securities held pending public offering).
 - (c) Any dealer registered under section 15 of the Securities Exchange Act of 1934 acting in a riskless principal transaction on behalf of a Qualified Institutional Buyer.
 - (d) Any investment company registered under the Investment Company Act that is part of a family of investment companies that together own at least \$100 million in securities of issuers, other than companies with which the investment company or family of investment companies is affiliated.
 - (e) Any entity, all of whose equity owners are Qualified Institutional Buyers.
 - (f) Any bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities Act of 1933 or foreign bank or savings and loan or similar institution that, in aggregate with the other Qualified Institutional Buyers, owns and invests in at least \$100 million in securities of affiliates that are not affiliated with it and that has an audited net worth of at least \$25 million as demonstrated during the 16 to 18 months prior to the sale.
- (92) "Qualified Lending Institution" means any lending institution designated by the Corporation.
- (93) "Qualified Project Period" means Qualified Project Period as defined in Section 142(d) of the Internal Revenue Code.
- (94) "RD" or "Rural Development" means the Rural Development (RD), Rural Housing service (RHS) agency, within the United States Department of Agriculture (USDA), or any successor agency, department, entity or instrumentality designated by law to administer the programs or exercise the powers of the USDA RD RHS.
- (95) "Redevelopment" means:
- (a) With regard to a proposed Development that involves demolition of multifamily rental residential structures currently or previously existing that are at least 30 years old as of the date the Application is submitted to the Corporation and either originally received financing or are currently financed through one or more of the following HUD or RD programs: Sections 202 of the Housing Act of 1959 (12 U.S.C. §1701q), 236 of the National Housing Act (12 U.S.C. §1701), 514, 515 or 516 of the U.S. Housing Act of 1949 (42 U.S.C. §1484), 811 of the U.S. Housing Act of 1937 (42 USC §1437), or have PBRA; and new construction of replacement structures on the same site maintaining at least the same number of PBRA units, or
 - (b) With regard to proposed Developments that involve demolition of public housing structures currently or previously existing on a site with a Declaration of Trust that are at least 30 years old as of the date the Application is submitted to the Corporation and that are assisted through ACC; and new construction of replacement structures on the same site, providing at least 25 percent of the total new units with PBRA, ACC, or both, after Redevelopment.
- (96) "Rehabilitation" means, with respect to the Housing Credit Program, the alteration, improvement or modification of an existing structure where less than 50 percent of the proposed construction work consists of new construction, as further described in Rule 67-21.0025, F.A.C.
- (97) "Rehabilitation Expenditures," with respect to the MMRB Program, has the meaning set forth in section 147(d)(3) of the Internal Revenue Code.
- (98) "Scattered Sites," as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site that contains, or will contain upon completion of the Development, at least one residential building within a Scattered Site Development, is considered to be a "Scattered Site.") For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street. All of the Scattered Sites must be located in the same county.
- (99) "Special Counsel" means any attorney or law firm retained by the Corporation, pursuant to a Request for Qualifications (RFQ), to serve as counsel to the Corporation, including Disclosure Counsel.

(100) “State Bond Allocation” means the allocation of the state private activity bond volume limitation pursuant to Chapter 159, Part VI, F.S., administered by the Division of Bond Finance and allocated to the Corporation for the issuance of Tax-exempt Bonds by either the Single Family Mortgage Revenue Bonds or MMRB Programs.

(101) “Taxable Bonds” means those Bonds on which the interest earned is included in gross income of the owner for federal income tax purposes pursuant to the Internal Revenue Code.

(102) “Tax Exempt Bond-Financed Development” means a Development which has been financed by the issuance of Tax-exempt Bonds subject to applicable volume cap pursuant to section 42(h)(4) of the Internal Revenue Code.

(103) “Tax-exempt Bonds” means those Bonds on which all or part of the interest earned is excluded from gross income of the owner for federal income tax purposes pursuant to the Internal Revenue Code.

(104) “TEFRA Hearing” means a public hearing held pursuant to the requirements of the Internal Revenue Code and in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), section 147(f) of the Internal Revenue Code, at which members of the public or interested persons are provided an opportunity to present evidence or written statements or make comments regarding a requested application for Tax-exempt Bond financing of a Development by the Corporation.

(105) “Total Development Cost” means the total of all costs incurred in the completion of a Development all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter, and as further described in Rule 67-21.0025, F.A.C.

(106) “Treasury” means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(107) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) of which is www.floridahousing.org.

Rulemaking Authority 420.507, 420.508 FS. Law Implemented 420.502, 420.503, 420.503(4), 420.507, 420.508, 420.509, 420.5099 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 9I-21.002, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 10-5-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, 3-30-08, 8-6-09, 11-7-11, 7-16-13, 2-2-15, 9-15-16, 5-24-17, 7-8-18, 7-11-19, 6-23-20, 5-18-21, 7-6-22, 6-28-23, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Levy, Managing Director of Multifamily Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850) 488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ryan Benson, Chairman of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850) 488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 50, Number 24, February 5, 2024

Notice of Proposed Rulemaking

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002: Definitions

PURPOSE AND EFFECT: The purpose of this Rule is to establish the definitions used in Rule Chapter 67-48, F.A.C., which includes by reference the Qualified Allocation Plan.

SUMMARY: Prior to the opening of a funding process, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior competitive funding processes to determine what changes or additions should be added to the Rule, competitive solicitations, and the Qualified Allocation Plan (QAP). The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply under these funding programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule is not likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The rule is not likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. In addition, the rule is not likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 18, 2024, beginning at 10:00 a.m., Eastern Time

PLACE: The hearing will take place by webinar and the instructions for accessing the webinar will be posted on the Corporation's website <https://www.floridahousing.org/programs/developers-multifamily-programs/competitive/current-rules-and-rule-development-process/2024-rule-development-process>. Interested parties may also attend in person at the offices of Florida Housing Finance Corporation, 227 N. Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Levy, Managing Director of Multifamily Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850) 488-4197.

THE FULL TEXT OF THE PROPOSED RULE IS:

PART I ADMINISTRATION

67-48.002 Definitions.

(1) “ACC” or “Annual Contributions Contract” means a contract between HUD and a Public Housing Authority containing the terms and conditions under which HUD assists in providing for development of housing units, modernization of housing units, operation of housing units, or a combination of the foregoing.

(2) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(3) “Address” means the address number, street name and city or, at a minimum, the street name, closest designated intersection, and whether or not the Development is located within a city or in the unincorporated area of the county. If located within a city, include the name of the city.

(4) “Adjusted Income” means, with respect to a HOME Development, the gross income from wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, adjusted for family size, minus the deductions allowable under 24 CFR §5.611.

(5) “Affiliate” means any person that:

(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant or Developer;

(b) Serves as an officer or director of the Applicant or Developer or of any Affiliate of the Applicant or Developer;

(c) Directly or indirectly receives or will receive a financial benefit from a Development except as further described in Rule 67-48.0075, F.A.C., or

(d) Is the spouse, parent, child, sibling, or relative by marriage of a person described in paragraph (a), (b) or (c), above.

(6) “ALF” or “Assisted Living Facility” means a Florida licensed living facility that complies with Sections 429.01 through 429.54, F.S., and Chapter 58A-5, F.A.C.

(7) “Allocation Authority” means the total dollar volume of the state of Florida’s Housing Credit ceiling available for distribution by the Corporation and authorized pursuant to Section 42 of the IRC.

(8) “Applicable Fraction” means Applicable Fraction as defined in Section 42(c)(1)(B) of the IRC.

(9) “Applicant” means any person or legal entity of the type and with the management and ownership structure described herein that is seeking a loan or funding from the Corporation by submitting an Application or responding to a competitive solicitation pursuant to rule Chapter 67-60, F.A.C., for one or more of the Corporation’s programs. For purposes of Rules 67-48.0105, 67-48.0205 and 67-48.031, F.A.C., Applicant also includes any assigns or successors in interest of the Applicant. Unless otherwise stated in a competitive solicitation, as used herein, a ‘legal entity’ means a corporation, limited partnership or limited liability company legally formed as of the Application deadline.

(10) “Application” means the sealed response submitted to participate in a competitive solicitation for funding pursuant to rule Chapter 67-60, F.A.C.

(11) “Binding Commitment” means, with respect to a Housing Credit Development, an agreement between the Corporation and an Applicant by which the Corporation allocates and the Applicant accepts Housing Credits from a later year’s Allocation Authority in accordance with Section 42(h)(1)(C) of the IRC.

(12) “Board of Directors” or “Board” means the Board of Directors of the Corporation.

(13) “Building Identification Number” means, with respect to a Housing Credit Development, the number assigned by the Corporation to describe each building in a Housing Credit Development, pursuant to Internal Revenue Service Notice 88-91.

(14) “Calendar Days” means, the seven (7) days of the week.

(15) “Carryover” means the provision under Section 42 of the IRC and Rule 67-48.028, F.A.C., which allows a Development to receive a Housing Credit Allocation in a given calendar year and be placed in service by the close of the second calendar year following the calendar year in which the allocation is made.

(16) “Catchment Area” means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised as necessary by the State Office on Homelessness, in accordance with Section 420.624, F.S.

(17) “CHDOs” or “Community Housing Development Organizations” means Community housing development organizations as defined in Section 420.503, F.S., and 24 CFR Part 92.

(18) “Commercial Fishing Worker” means Commercial fishing worker as defined in Section 420.503, F.S.

(19) “Commercial Fishing Worker Household” means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker at the time of initial occupancy.

(20) “Competitive Housing Credits” or “Competitive HC” means those Housing Credits which come from the Corporation’s annual Allocation Authority.

(21) “Compliance Period” means a period of time that the Development shall conform to all set-aside requirements as described further in the rule chapter and agreed to by the Applicant in the Application.

(22) “Consolidated Plan” means the plan prepared in accordance with 24 CFR Part 91, which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(23) “Contact Person” means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(24) “Corporation” means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(25) “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(26) “DDA” or “Difficult Development Area” means areas designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5)(B), of the IRC.

(27) “Department” means the Department of Economic Opportunity as defined in Section 420.503, F.S.

(28) “Developer” means any individual or legal entity which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application. Unless otherwise stated in a competitive solicitation, as used herein, a ‘legal entity’ means a corporation, association, joint venturer, or partnership legally formed as of Application deadline.

(29) “Developer Fee” means the fee earned by the Developer.

(30) “Development” means Project as defined in Section 420.503, F.S.

(31) “Development Cash Flow” means, with respect to SAIL Developments as well as HOME Developments when the HOME Development is also at least partially financed with a Multifamily Mortgage Revenue Bond (MMRB) Loan (as defined in rule Chapter 67-21, F.A.C.), cash transactions of the Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles (“GAAP”), as adjusted for any cash transactions that are subordinate to the SAIL loan interest payment including any distribution or payment to the Applicant or Developer, Principal(s) of the Applicant or Developer or any Affiliate of the Principal(s) of the Applicant or Developer, or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining the annual debt service coverage in the Board approved final credit underwriting report.

(32) “Development Cost” means the total of all costs incurred in the completion of a Development excluding Developer Fee, operating deficit reserves, and total land cost as typically shown in the Development Cost line item on the development cost pro forma.

(33) “Development Expenses” means, with respect to SAIL Developments as well as HOME Developments when the HOME Development is also at least partially financed with a MMRB Loan (as defined in rule Chapter 67-21, F.A.C.), usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to SAIL Developments as well as HOME Developments when the HOME Development is also at least partially financed with a MMRB Loan (as defined in rule Chapter 67-21, F.A.C.) and to the application of Development Cash Flow described in subsections 67-48.010(5) and (6), F.A.C., as it relates to SAIL Developments or in paragraph 67-48.020(3)(b), F.A.C., as it relates to HOME Developments, the term includes only those expenses disclosed in the operating pro forma on an annual basis included in the final credit underwriting report, as approved by the Board, and maximum of 20 percent Developer Fee per year.

(34) “Development Location Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on the site with the most units that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

(35) “Document” means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(36) “Domestic Violence” means Domestic violence as defined in Section 741.28, F.S.

(37) “Draw” means the disbursement of funds to a Development.

(38) “EHCL” or “EHCL Program” means the Elderly Housing Community Loan Program.

(39) “Elderly” means Elderly as defined in Section 420.503, F.S.

(40) “ELI Household” or “Extremely Low Income Household” means a household of one or more persons wherein the annual adjusted gross income for the Family is equal to or below the percentage of area median income for ELI Persons.

(41) “ELI Loan” means the loan made by the Corporation for the Applicant’s ELI Set-Aside commitment, based on terms and conditions outlined in a competitive solicitation.

(42) “ELI Persons” or “Extremely Low Income Persons” means Extremely low income persons as defined in Section 420.0004(9), F.S., or in a competitive solicitation.

(43) “ELI Set-Aside” or “Extremely Low Income Set-Aside” means the number of units designated to serve ELI Households.

(44) “Eligible Persons” means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be of Low Income or Very Low Income, as further described in Rule 67-48.0075, F.A.C.

(45) “EUA” or “Extended Use Agreement” means, with respect to the HC Program, an agreement which sets forth the set-aside requirements and other Development requirements under the HC Program.

(46) “Executive Director” means the Executive Director of the Corporation.

(47) “Family” means a household composed of one or more persons.

(48) “Farmworker” means Farmworker as defined in Section 420.503, F.S.

(49) “Farmworker Household” means a household of one or more persons wherein at least one member of the household is a Farmworker at the time of initial occupancy.

(50) “Final Housing Credit Allocation” means, with respect to a Housing Credit Development, the issuance of Housing Credits to an Applicant upon completion of construction or Rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed final cost certification process as required by Section 42, IRC.

(51) “Financial Beneficiary” means any Principal of the Developer or Applicant entity who receives or will receive any direct or indirect financial benefit from a Development except as further described in Rule 67-48.0075, F.A.C.

(52) “Financial Institution” means Lending institution as defined in Section 420.503, F.S.

(53) “Florida Keys Area” means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and,

(c) Federal properties.

(54) “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in Rule 67-48.0072, F.A.C.

(55) “Geographic Set-Aside” means the amount of Allocation Authority or funding which has been designated by the Corporation to be allocated for Developments located in specific geographical regions within the state of Florida.

(56) “HC” or “Housing Credit Program” means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the state of Florida within the meaning of the following:

(a) Section 42(h)(7)(A) of the IRC;

(b) This rule chapter regarding Competitive Housing Credits; and,

(c) Rule Chapter 67-21, F.A.C., regarding Non-Competitive Housing Credits.

(57) “HOME” or “HOME Program” means the HOME Investment Partnerships Program administered by the Corporation pursuant to 24 CFR Part 92 and Section 420.5089, F.S.

(58) “HOME-Assisted Unit” means the specific units that are funded with HOME funds. HOME units shall adhere to rent controls and income targeting requirements pursuant to 24 CFR §92.252.

(59) “HOME Development” means any Development which receives financial assistance from the Corporation under the HOME Program.

(60) “HOME Rental Development” means a Development proposed to be constructed or rehabilitated with HOME funds.

(61) “HOME Rent-Restricted Unit” means the maximum allowable rents designed to ensure affordability on the HOME-Assisted Units.

(62) “Homeless” means Homeless as defined in Section 420.621, F.S.

(63) “Housing Credit” means the tax credit issued in exchange for the development of rental housing pursuant to the following:

(a) Section 42 of the IRC;

(b) The provisions of this rule chapter regarding Competitive Housing Credits; and,

(c) The provisions of rule Chapter 67-21, F.A.C., regarding Non-Competitive Housing Credits.

(64) “Housing Credit Allocation” means the amount of Housing Credits determined by the Corporation as necessary to make a Development financially feasible and viable throughout the Development’s Compliance Period pursuant to Section 42(m)(2)(A) of the IRC.

(65) “Housing Credit Development” means the proposed or existing rental housing Development(s) for which Housing Credits have been applied or received.

(66) “Housing Credit Extended Use Period” means, with respect to any building that is included in a Housing Credit Development, the period that begins on the first day of the Compliance Period in which such building is part of the Development and ends on the later of:

(a) The date specified by the Corporation in the Extended Use Agreement, or

(b) The date that is the fifteenth anniversary of the last day of the Compliance Period, unless earlier terminated as provided in Section 42(h)(6) of the IRC.

(67) “Housing Credit Period” means with respect to any building that is included in a Housing Credit Development, the period of 10 years beginning with:

(a) The taxable year in which such building is placed in service, or

(b) At the election of the Applicant, the succeeding taxable year.

(68) “Housing Credit Rent-Restricted Unit” means, with respect to a Housing Credit Development, a unit for which the gross monthly rent shall not exceed 30 percent of the imputed income limitation applicable to such unit as committed to by the Applicant in its Application and shall be determined in a manner consistent with Section 42(g)(2) of the IRC.

(69) “Housing Credit Set-Aside” means the number of units in a Housing Credit Development necessary to satisfy Section 42(g) of the IRC and the percentage of units set-aside by the Applicant in the Application.

(70) “Housing Credit Syndicator” means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects [as defined in Section 42(g) of the IRC].

(71) “Housing for the Elderly” or “Housing Community for the Elderly” means any housing community as defined in Section 420.503, F.S.

(72) “Housing Provider” means, with respect to a HOME Development, Local Government, consortia approved by HUD under 24 CFR Part 92, for-profit and Non-Profit Developers, and qualified CHDOs, with demonstrated capacity to construct or rehabilitate affordable housing.

(73) “HUD” means the United States Department of Housing and Urban Development.

(74) “IRC” means 26 CFR Section 42 and subsections 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1986, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States.

(75) “Lead Agency” means a Local Government or non-profit serving as the point of contact and accountability to the State Office on Homelessness with respect to the Local Homeless Assistance of Continuum of Care Plan, in accordance with Section 420.624, F.S.

(76) “Local Government” means Local government as defined in Section 420.503, F.S.

(77) “Local Homeless Assistance Continuum of Care Plan” means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with Section 420.624, F.S.

(78) “Low Income” means the Adjusted Income for a Family which does not exceed 80 percent of the area median income.

(79) “LURA” or “Land Use Restriction Agreement” means an agreement which sets forth the set-aside requirements and other Development requirements under a Corporation program.

(80) “Match” means non-federal contributions to a HOME Development eligible pursuant to 24 CFR Part 92.

(81) “Moderate Rehabilitation” means, with respect to the SAIL Program, Moderate rehabilitation as defined in Section 420.503, F.S.

(82) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(83) “Non-Competitive Housing Credits” means the Housing Credits which qualify to be used with Tax-Exempt Bond-Financed Developments and do not come from the Corporation’s annual Allocation Authority.

(84) “Non-Profit” unless otherwise set forth in a competitive solicitation, means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51 percent of the ownership interest in the Development held by the general partner or managing member entity, which shall receive at least 25 percent of the Developer Fee, and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing, as further described in Rule 67-48.0075, F.A.C.

(85) “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(86) “PBRA” or “Project-Based Rental Assistance” means a rental subsidy through a contract with HUD or RD for a property.

(87) “Person with a Disability” means, pursuant to Section 3 of the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, an individual to which both of the following apply:

(a) The individual has a physical or mental impairment that substantially limits one or more of the major life activities of such individual; and,

(b) The individual is currently or was formerly regarded as having an existing record of such an impairment.

(88) “Person with a Disabling Condition” means a person with a Disabling condition as defined in Section 420.0004(7), F.S.

(89) “Persons with Special Needs” means Person with special needs as defined in Section 420.0004(13), F.S.

(90) “PHA” or “Public Housing Authority” means a housing authority under Chapter 421, F.S.

(91) “Portfolio Diversification” means a distribution of SAIL and HOME Program loans to Developments in varying geographic locations with varying design structures and sizes and with different types and identity of Sponsors.

(92) “Preliminary Allocation” means a non-binding reservation of Housing Credits issued to a Housing Credit Development which has demonstrated a need for Housing Credits and received a positive recommendation from the Credit Underwriter.

(93) “Preservation” unless otherwise stated in a competitive solicitation, means Rehabilitation of an existing development that is at least 20 years old as of an Application Deadline in a competitive solicitation and has an active contract through one or more of the following HUD or RD programs: Sections 202 of the Housing Act of 1959 (12 U.S.C. §1701q), 236 of the National Housing Act (12 U.S.C. §1701), 514, 515, or 516 of the U.S. Housing Act of 1949 (42 U.S.C. §1484), 811 of the U.S. Housing Act of 1937 (42 U.S.C. §1437), or either has PBRA or is public housing assisted through ACC. If funded through the Corporation, the Development must maintain at least the same number of PBRA or ACC units. Such developments must not have closed on funding from HUD or RD within the 20 years prior to an Application Deadline in a competitive solicitation where the budget was at least \$10,000 per unit for rehabilitation in any year.

(94) “Principal” has the meanings set forth below and any Principal other than a natural person must be a legally formed entity as of the Application deadline:

(a) For a corporation, each officer, director, executive director, and shareholder of the corporation.

(b) For a limited partnership, each general partner and each limited partner of the limited partnership.

(c) For a limited liability company, each manager and each member of the limited liability company.

(d) For a trust, each trustee of the trust and all beneficiaries of majority age (i.e.; 18 years of age) as of Application deadline.

(e) For a Public Housing Authority, each officer, director, commissioner, and executive director of the Authority.

(95) “Project” or “Property” means Project as defined in Section 420.503, F.S.

(96) “QAP” or “Qualified Allocation Plan” means, with respect to the HC Program, the 2024 ~~2023~~ Qualified

Allocation Plan which is adopted and incorporated herein by reference, effective upon approval by the Governor of the State of Florida, pursuant to Section 42(m)(1)(B) of the IRC and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on the Corporation's website under the Multifamily Programs link or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or from http://www.flrules.org/Gateway/reference.asp?No=Ref_15419.

(97) "QCT" or "Qualified Census Tract" means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50 percent or more of the households at an income which is less than 60 percent of the area median gross income, or a poverty rate of at least 25 percent, in accordance with Section 42(d)(5)(B) of the IRC.

(98) "RD" or "Rural Development" means the Rural Development (RD), Rural Housing Service (RHS) agency, within the United States Department of Agriculture (USDA), or any successor agency, department, entity or instrumentality designated by law to administer the programs or exercise the powers of the USDA RD RHS.

(99) "Redevelopment" unless otherwise stated in a competitive solicitation means:

(a) With regard to a proposed Development that involves demolition of multifamily rental residential structures currently or previously existing that are at least 30 years old as of an Application Deadline in a competitive solicitation and either originally received financing or are currently financed through one or more of the following HUD or RD programs: Sections 202 of the Housing Act of 1959 (12 U.S.C. §1701q), 236 of the National Housing Act (12 U.S.C. §1701), 514, 515, or 516 of the U.S. Housing Act of 1949 (42 U.S.C. §1484), 811 of the U.S. Housing Act of 1937 (42 U.S.C. §1437), or have PBRA; and new construction of replacement structures on the same site maintaining at least the same number of PBRA units, or

(b) With regard to proposed Developments that involve demolition of public housing structures currently or previously existing on a site with a Declaration of Trust are at least 30 years old as of an Application Deadline in competitive solicitation and that are assisted through ACC; and new construction of replacement structures on the same site, providing at least 25 percent of the total new units with PBRA, ACC, or both, after Redevelopment.

(100) "Rehabilitation" means, with respect to the HOME and Housing Credit Program(s), the alteration, improvement or modification of an existing structure where less than 50 percent of the proposed construction work consists of new construction, as further described in Rule 67-48.0075, F.A.C.

(101) "Review Committee" or "Committee" means a committee established pursuant to rule Chapter 67-60, F.A.C.

(102) "SAIL" or "SAIL Program" means the State Apartment Incentive Loan Program created pursuant to Sections 420.507(22) and 420.5087, F.S.

(103) "SAIL Development" means a residential Development comprised of one (1) or more residential buildings proposed to be constructed or rehabilitated with SAIL funds for Eligible Persons.

(104) "SAIL Minimum Set-Aside Requirement" means the least number of set-aside units in a SAIL Development which must be held for Very Low-Income persons or households pursuant to the category (i.e., Family, Elderly, Homeless, Persons with Special Needs, or Farmworker and Commercial Fishing Worker) under which the Application has been made, as further described in Rule 67-48.009, F.A.C.

(105) "SAIL Rent-Restricted Unit" means with respect to a SAIL Development, a unit for which the gross monthly rent shall not exceed 30 percent of the imputed income limitation applicable to such unit as committed to by the Applicant in its Application and shall be determined in a manner consistent with Section 42(g)(2) of the IRC.

(106) "Scattered Sites," unless otherwise stated in a competitive solicitation, as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site that contains, or will contain upon completion of the Development, at least one residential building within a Scattered Site Development, is considered to be a "Scattered Site"). For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement, provided the easement is not a roadway or street. All of the Scattered Sites must be located in the same county.

(107) "Section 8 Eligible" means a Family with an income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937.

(108) "Special Needs Household" means a household consisting of a Family that is considered to be Homeless, a survivor of Domestic Violence, a Person with a Disability, or Youth Aging Out of Foster Care. These households require initial, intermittent or on-going supportive services from one or more community based service providers to obtain and retain stable, adequate and safe housing in their communities.

(109) “Special Needs Household Referral Agency” means an organization that is designated and authorized by legislative mandate or the responsible federal or state agency to plan, coordinate and administer the provision of federal or state supportive services or long-term care programs for at least one Special Needs Household population.

(110) “Sponsor” means Sponsor as defined in Section 420.503, F.S.

(111) “State Office on Homelessness” means the office created within the Department of Children and Family Services under Section 420.622, F.S.

(112) “Substantial Rehabilitation” means, with respect to the SAIL Program, to bring a Development back to its original state with added improvements, where the value of such repairs or improvements (excluding the costs of acquiring or moving a structure) exceeds 40 percent of the appraised as is value (excluding land) of such Development before repair and less than 50 percent of the proposed construction work consists of new construction. For purposes of this definition, the value of the repairs or improvements means the Development Cost. To be considered “Substantial Rehabilitation,” there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

(113) “Tax-Exempt Bond-Financed Development” means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the IRC.

(114) “Total Development Cost” means the total of all costs incurred in the completion of a Development, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter, and as further described in Rule 67-48.0075, F.A.C.

(115) “Treasury” means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(116) “Very Low-Income” means:

(a) With respect to the SAIL Program,

1. If using tax-exempt bond financing for the first mortgage, income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this rule chapter, or

2. If using taxable financing for the first mortgage, total annual gross household income which does not exceed 50 percent of the median income adjusted for family size, or 50 percent of the median income adjusted for family size for households within the metropolitan statistical area (MSA), within the county in which the Family resides, or within the state of Florida, whichever is greater, or

3. If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the IRC, or

(b) With respect to the HOME Program, income which does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for family size, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on a basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

(117) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) for which is www.floridahousing.org.

(118) “Youth Aging Out of Foster Care” means youth or young adults who are eligible for services under Section 409.1451(2), F.S.

(119) “Zero Bedroom Unit” means a single person occupancy unit of at least 350 square feet that includes a private full bathroom and a vertical closet for clothing. The unit shall include a kitchen with a refrigerator, stove and sink.

Rulemaking Authority 420.507, 420.508 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, 3-30-08, 8-6-09, 11-22-11, 10-9-13, 10-8-14, 9-15-16, 5-24-17, 7-8-18, 7-11-19, 6-23-20, 5-18-21, 7-6-22, 6-28-23, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Levy, Managing Director of Multifamily Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850) 488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ryan Benson, Chairman of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850) 488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 50, Number 24, February 5, 2024

Florida Housing Finance Corporation
2024 2023 Qualified Allocation Plan
Low Income Housing Tax Credits Program

I. Introduction

Pursuant to Section 420.5099, Florida Statutes, the Florida Housing Finance Corporation (FHFC) is designated as the “housing credit agency” responsible for the allocation and distribution of Low Income Housing Tax Credits (Housing Credits) in Florida. As the allocating agency for the state, FHFC must distribute Housing Credits to Applicants pursuant to a Qualified Allocation Plan (QAP).

Section 42(m) of the Internal Revenue Code (IRC) requires each state allocating agency to adopt an allocation plan that includes certain priorities and selection criteria.

A. Preferences given when allocating Housing Credits:

- Serving the lowest-income tenants
- Serving qualified tenants for the longest periods
- Projects located in qualified census tracts (as defined in subsection (d)(5)(B)(ii) of the IRC, and the development of which contributes to a concerted community revitalization plan

B. The following selection criteria will be considered when determining the allocation of Housing Credits:

- Project location
- Housing needs characteristics
- Projects characteristics, including existing housing as part of a community revitalization plan
- Sponsor characteristics
- Tenant populations with special housing needs
- Public housing waiting lists
- Tenant populations of individuals with children
- Projects intended for eventual tenant ownership
- Energy efficiency of the projects
- Historic nature of the project

C. Provides a procedure that the agency will follow in monitoring for noncompliance with the provisions of Section 42, IRC, and in notifying the Internal Revenue Service of such noncompliance which such agency becomes aware of and in monitoring for noncompliance with habitability standards through regular site visits.

FHFC issues and allocates Competitive Housing Credits through competitive solicitation processes pursuant to Rule Chapter 67-60, F.A.C. Such competitive solicitations will set forth additional selection criteria and preferences.

Prior to the issuance of a Housing Credit Allocation, a Development must be underwritten in accordance with Rule 67-48.0072, F.A.C., or as outlined in a competitive solicitation in order to determine the Development's feasibility, ability to proceed and the appropriate Housing Credit amount, if any. FHFC shall issue Housing Credits in an amount no greater than the amount needed for the financial feasibility and viability of a Development throughout the Housing Credit compliance period. The issuance of Housing Credits or the determination of any allocation amount in no way represents or purports to warrant the feasibility or viability of the Development by FHFC.

All capitalized terms not otherwise defined herein have the meanings set forth in Rule Chapters 67-21, 67-48 and 67-60, Florida Administrative Code, or a competitive solicitation.

II. Competitive Housing Credits

The portion of the Allocation Authority, ~~(annual per capita allocation amount plus any unused Housing Credit carryovers allocated among certain States per Section 42, IRC, (National Pool) less minus~~ any applicable binding commitments, designated to be available within each respective competitive solicitation process at the time the Board approves the list of applications to award funding will be awarded in accordance with each competitive solicitation process as approved by the Board. All Developments will be reviewed if eligible pursuant to Rule Chapter 67-48, Florida Administrative Code, and/or the requirements of a competitive solicitation, and evaluated pursuant to FHFC's competitive solicitation process.

- A. Up to five percent of the Allocation Authority will be reserved for high-priority affordable housing projects, as defined by the Board.
- B. Five percent of the Allocation Authority will be reserved for affordable housing projects that target persons who have a disabling condition. Any Housing Credits not allocated because of a lack of eligible projects targeting persons who have a disabling condition shall be distributed for high-priority affordable housing projects.
- C. The remaining Allocation Authority available will be set aside for those Applicants that select and qualify for the following Development Categories: New Construction, Rehabilitation, Acquisition and Rehabilitation, Redevelopment, Acquisition and Redevelopment, Preservation, or Acquisition and Preservation.

The Geographic Set-Aside distributions for Allocation Authority in this section are based on the most recent statewide market study:

Large County Allocation Authority:	59.65 %
Medium County Allocation Authority:	37.74 %
Small County Allocation Authority:	2.61 %

- D. FHFC's goal is to have a diversified rental housing portfolio. Therefore, its annual competitive solicitation process targeting goal is to include an allocation of Housing Credits with a minimum of one (1) affordable housing project in the Florida Keys Area of Critical

State Concern and/or the City of Key West Area of Critical State Concern, pursuant to Section 420.507, Florida Statutes. All other targeting will be as approved by the Board.

- E. FHFC will endeavor to allocate through one or more competitive solicitations not less than 15 percent of the Allocation Authority for Developments with Applicants qualified as Non-Profit under Rule Chapter 67-48, F.A.C., or as provided in the competitive solicitations, as applicable, unless the Board approves otherwise. FHFC is required by Section 42, IRC, to allocate no more than 90 percent of the Allocation Authority to Applicants which do not qualify as Non-Profit Applicants.
- F. Any Allocation Authority received on or before September 30th from returned Housing Credits from a prior year or from National Pool, will be used (i) to fully fund any Application that has been partially funded with a binding commitment and then (ii) use will be determined by the Board.
- G. Unless the Board approves otherwise, any Allocation Authority received on or after October 1st from returned Housing Credits from a prior year, will be used (i) to fully fund any Application that has been partially funded with a binding commitment and then (ii) applied to the next annual Allocation Authority.
- H. State-Designated Basis Boost
 - (i) FHFC will retain the authority to designate Developments as a high-cost area, eligible for up to the 30% boost if that Development is not located in a HUD-designated DDA or a QCT, as authorized by Section 42(d)(5)(B)(v) of the IRC the Housing and Economic Recovery Act of 2008, enacted July 30, 2008.
 - (ii) Person with Special Needs Developments, Homeless Developments, and Developments located in FHFC-designated Areas of Opportunity, will be eligible for such designation based on the criteria outlined in a competitive solicitation.
 - (iii) ~~In addition, if, at the time of final allocation, If the funded Development qualifies as is no longer located in a HUD-designated DDA or QCT as of Application Deadline, because the 730-day period after the Application Deadline has expired, the Development may retain its basis boost as authorized by Section 42(d)(5)(B)(v) of the IRC the status as a HUD-designated DDA or QCT.~~
- I. If time constraints preclude the conduct of a competitive solicitation process and Allocation Authority remains available to FHFC after the allocation of Housing Credits to all Developments which (i) applied in a competitive solicitation process, and (ii) were determined to be eligible for funding by the Board, FHFC may allocate Housing Credits to any Development in a manner designated by the Board.
- J. Notwithstanding any other provision of this QAP, where a Development has not been placed in service by the date required pursuant to Section 42 of the IRC, or it is apparent that a Development will not be placed in service by the date required pursuant to Section 42 of the

IRC, and the Applicant has returned its Housing Credit Allocation after the end of the second calendar quarter of the year in which it was otherwise required to be placed in service pursuant to Section 42 of the IRC, the Corporation will reserve allocation in an amount not to exceed the amount of Housing Credits returned, and will issue a Carryover Allocation Agreement allocating such Housing Credits to the Applicant for either the current year or the year after the year in which the Development was otherwise required to be placed in service pursuant to Section 42 of the IRC, provided the following conditions have been met:

- (i) The Applicant sponsor must have provided written notice to the Corporation, describing the circumstances, all remedial measures attempted by the Applicant to mitigate the delay, and any other pertinent information, prior to returning the allocation; and
- (ii) A site inspection reflecting ~~the percentage of Development completion must be completed. If the Development is at least fifty (50) percent complete completed, as reflected in the site inspection, the approval may be made by Corporation staff. If the Development is less than fifty (50) percent completed, as reflected in the site inspection, the approval must be made by the Board. In making such determination, the Board must find and determine that the delay was caused by circumstances beyond the Applicant's control, and that the sponsor exercised due diligence in seeking to resolve the circumstances causing delay;~~ and
- (iii) The ~~Corporation or Board, as applicable, must find that the~~ Development in all respects, except time placed in service, still meets the conditions upon which the Housing Credits were originally allocated, and that the Development is still desirable in terms of meeting affordable housing needs.

A Development located in a HUD-designated DDA or QCT at the time of original allocation may retain its ~~designation as such~~ basis boost as authorized by Section 42(d)(5)(B)(v) of the IRC.

- K. In the event of a disaster declared by the federal or state government, any Allocation Authority not preliminarily allocated, as well as authority remaining after October 1st, may be diverted to one or more federally or state declared disaster areas.
- L. In the event a natural disaster is declared by the federal or state government, a portion of the current year or a future year Housing Credit Allocation Authority may be allocated to be used for natural disaster recovery. The process for allocating the current year Housing Credits and/or awarding Housing Credits from a future Allocation Authority will be approved by the Board of Directors.
- M. In the event of an unprecedented increase in the federal inflation rate, causing volatility in construction pricing which results in significant increases in Development Construction cost outside of the Applicant's control, a portion of the current year or a future year Housing Credit Allocation Competitive Authority may be allocated to be used to fill funding gaps in Developments not currently under construction. The process for allocating the current year

Housing Credits and/or awarding Housing Credits from a future Allocation Authority for this purpose is not required to be competitive and will be approved by the Board of Directors.

- N. Housing Credits will be allocated in accordance with this Qualified Allocation Plan until a subsequent Qualified Allocation Plan becomes effective.
- O. For any Application awarded Housing Credits with a Binding Commitment, the Carryover Allocation will reflect the same place-in-service deadline requirement as the Application awarded through that same competitive solicitation process.

III. Non-Competitive Housing Credits

Developments financed with Tax-Exempt Bonds subject to volume cap are required to meet FHFC minimum Housing Credit guidelines to qualify and be eligible for a Housing Credit analysis. If 50 percent (or as otherwise provided by law) or more of the aggregate basis of a Development's building(s) and the land on which such building(s) are located is financed with volume cap Tax-Exempt Bonds, the Housing Credits are issued at the federal level rather than as part of the State's Allocation Authority and these Developments are subject to Rule Chapter 67-21, Florida Administrative Code; however, they must meet the minimum threshold criteria, as follows:

- A. Developments that receive Tax-Exempt Bonds issued by FHFC, without any other FHFC competitive funding, will be deemed to have met the minimum threshold criteria by successfully completing a request for Housing Credits in their Non-Competitive Application, or through a competitive solicitation for the Bonds by the date specified in Rule Chapter 67-21, Florida Administrative Code, or the competitive solicitation, as applicable.
- B. Developments that receive Tax-Exempted Bonds issued by a County Housing Finance Authority, without any other FHFC competitive funding, will be deemed to have met the minimum threshold criteria by successfully completing a request for Housing Credits utilizing the Non-Competitive Application Package by the date specified in Rule Chapter 67-21, Florida Administrative Code, and meet the threshold requirements thereof.
- C. Developments receiving other FHFC funding awarded through a competitive solicitation process, where the Tax-Exempt Bonds are issued either by FHFC or a County Housing Finance Authority and the Bonds will be used with such other FHFC funding, will be deemed to have met the minimum criteria for a Housing Credit request upon final Board action regarding such competitive solicitation.
- D. Developments that receive Tax-Exempt Bonds issued by any entity other than FHFC or a County Housing Finance Authority must request the Non-Competitive Housing Credits using the Non-Competitive Application Package, must meet threshold requirements specified in the application instructions and Rule Chapter 67-21, Florida Administrative Code, and must submit the Application by the date specified in Rule Chapter 67-21, Florida Administrative Code.

The Non-Competitive Housing Credits are subject to applicable provisions of Rule Chapter 67-21, Florida Administrative Code, as outlined in ~~sub~~section 67-21.027, Florida Administrative Code, including, but not limited to, the compliance monitoring requirements set forth in Part IV of this plan.

IV. Compliance

- A. All Developments funded with Housing Credits will be monitored by FHFC or its appointee. Detailed compliance requirements are set forth in Rule Chapter 67-53, Florida Administrative Code, and in 26 CFR Part 1 Section 1.42-5.
- B. FHFC shall promptly notify the Internal Revenue Service of any Development non-compliance in relation to Section 42 of the Code and all other related applicable federal regulations.

New: 4-30-90; Amended: 3-25-91; 3-12-92; 3-4-93; 12-16-93, 2-9-95; 1-5-96; 10-21-96, 12-8-97, 9-25-98, 12-16-99, 1-4-01, 2-22-02, 2-28-03, 3-1-04, 1-11-05, 12-22-05, 3-6-07, 3-4-08, 4-29-09, 11-18-10, 6-24-11, 11-1-11, 9-18-13, 9-4-14, 7-26-16, 6-11-18, 6-4-19, 5-28-20, 4-23-21, 6-9-22, 05-17-23,_____.

REQUEST FOR QUALIFICATIONS (RFQ) 2024-02

RECRUITING AND STAFFING SERVICES

for

FLORIDA HOUSING FINANCE CORPORATION

January 16, 2024

SECTION ONE INTRODUCTION

Florida Housing Finance Corporation (“Florida Housing”) is soliciting competitive, sealed responses from qualified firms to provide recruiting and staffing services in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ), and any other term and condition in any contract subsequently awarded. Respondents will be selected and determined through Florida Housing’s review of each response, considering the factors identified in this RFQ. Florida Housing expects to select one or more Respondents that propose to provide all of the services specified in this RFQ.

SECTION TWO DEFINITIONS

For purposes of this document, the following terms will be defined as follows:

“Board”	The Board of Directors of Florida Housing Finance Corporation.
“Committee”	The review committee composed only of employees of Florida Housing that is established pursuant to Rule 67-49.007, Fla. Admin. Code.
“Contractor”	A person or entity providing the professional services described in Section Four of this RFQ.
“Days”	Calendar days, unless otherwise specified.
“Effective Date”	The date the last party signs the contract that is awarded as a result of this RFQ.
“Florida Housing”	Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.
“Respondent”	Any person or entity who has the capability in all respects to perform fully the requirements contained in this RFQ, and submits a response to this RFQ.
“Response”	The written submission by a Respondent to this RFQ.
“RFQ”	This RFQ, including all exhibits referenced in this document and all other documents incorporated by reference.
“Website”	The Florida Housing Finance Corporation website, the URL of which is www.floridahousing.org .

SECTION THREE
PROCEDURES AND PROVISIONS

A. Respondents will submit their Response to:

<https://www.floridahousing.org/legal/procurements/RFQ-2024-02-document-upload>

Florida Housing must receive the entire Response on or before 2:00 p.m., Eastern Time, on February 14, 2024, as Responses will be opened at that time. Any Responses received after the deadline will be considered non-responsive. One complete copy of the response in PDF format is preferred, unless specified otherwise in Section Six below, and the file name ought to contain a reference to both the solicitation number (RFQ 2020-09) and the name of the Respondent. Please note that the site will ask for the Respondent's contact information and the solicitation number prior to being able to upload the Response. Florida Housing will not accept a mailed or faxed Response.

B. This RFQ does not commit Florida Housing to award a contract to any Respondent or to pay any costs incurred in the preparation or mailing of a Response.

C. All services under the contract awarded are to be performed solely by the Contractor, unless subcontracted or assigned with the prior written approval and consent of Florida Housing.

D. Florida Housing reserves the right to:

1. Waive minor deficiencies and informalities;
2. Accept or reject any or all Responses received as a result of this RFQ;
3. Obtain information concerning any or all Respondents from any source;
4. Request an oral interview before the Board from any or all Respondents;
5. Select for contract negotiation or for award a Response other than (or in addition to) that with the highest score in order to serve the best interests of Florida Housing and the public; and
6. Negotiate with the successful Respondent with respect to any additional terms or conditions of the contract.

E. Any interested party may submit any question regarding this RFQ in writing via e-mail to the Contract Administrator at Contract.Admin@floridahousing.org. All questions must be submitted no later than 2:00 p.m., Eastern Time, on January 31, 2024. Phone calls will not be accepted. Florida Housing expects to respond to all questions in writing by 5:00 p.m., Eastern Time, on February 7, 2024. Florida Housing will post a copy of all questions received and the corresponding answers on Florida Housing's website at:

<http://www.floridahousing.org/legal/procurements/request-for-qualifications>.

Only written responses or statements from the Contract Administrator that are posted on our website will bind Florida Housing. No other means of communication, whether oral or written, may be construed as an official response or statement from Florida Housing.

F. Between the release of the solicitation and the end of the 72-hour period following the posting of the notice of intended award, respondents to this solicitation or persons acting on their behalf may not contact any member of Florida Housing’s Board of Directors or any Florida Housing employee concerning any aspect of this solicitation, except in writing to the Contract Administrator. Violation of this provision may be grounds for rejecting a response.

G. Any person who wishes to protest the specifications of this RFQ must file a protest in compliance with Section 120.57(3), Fla. Stat., and Rule Chapter 28-110, Fla. Admin. Code. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., will constitute a waiver of proceedings under Chapter 120, Fla. Stat.

H. The term of the contract will be for three years, subject to satisfactory performance at the sole discretion of Florida Housing. If the parties mutually agree in writing, the contract may be renewed for a period of up to three years.

I. Florida Housing is not required to use the services of any selected Contractor or to assign any work to such provider, and may terminate the contract with any selected Contractor without cause and without penalty.

J. Pursuant to Rule 67-49.004, Fla. Admin. Code, Florida Housing may modify the terms of the RFQ at any point prior to the due date for Responses. A notice of such modification will be posted on Florida Housing’s Website. Any Respondent will have at least seven days from the date of the posting of the notice of the modification to submit or modify its Response.

K. The terms of this RFQ, and any modifications thereto, will be incorporated into any contract offered as a result of this RFQ. Failure of a successful Respondent to accept these obligations in the final contract may result in cancellation of the award.

SECTION FOUR

SCOPE OF SERVICES

A. Background

Florida Housing is a public corporation, and a public body corporate and politic created by Section 420.504, Fla. Stat. As a financial institution, it is the state’s housing finance agency (HFA) and administers federal and state resources, to provide low-interest financing and down payment assistance to homebuyers, and to finance the development and preservation of affordable homeowner and rental housing.

In recent years, Florida Housing has experienced challenges with recruiting top candidates for open positions within the organization. The ideal Respondent will have experience placing professionals with backgrounds in advocacy, banking, communications, construction management, finance, Florida law, information technology, legislative affairs, procurement, and/or public policy in public sector positions.

B. Services to be Provided by the Contractor

In the event that multiple contracts are awarded under this RFQ, Florida Housing will only engage one Contractor per position at a time. If none of the proposed candidates are successful, Florida Housing will engage a different Contractor under contract.

The Contractor will be expected to:

1. Within two business days of the initial request, schedule a time to meet with Florida Housing’s human resources and pertinent management staff to understand the requirements for the needed position. This will include qualifications such as professional credentials, personal characteristics, or other job-specific information deemed relevant to the search. This will also include a discussion of the unit’s culture, work structure and position-specific needs. Specific time frames for the recruitment process will be addressed at this meeting; however, Contractors should expect that the position will need to be filled as soon as possible.
2. Market each open position in multiple ways, including, but not limited to online advertising, email advertising and direct candidate sourcing.
3. Identify a minimum of three qualified candidates for each request. If the Contractor cannot identify the minimum number of candidates, they must notify Florida Housing as soon as possible and provide detail of the specific challenges being faced.
4. Ensure that each qualified candidate meets the minimum position requirements; is willing to work within the salary rates provided; and is willing to relocate to the Tallahassee, Florida area, if necessary.
5. Provide a resume and cover letter from the Contractor introducing the qualified candidate. Senior-level positions may require additional documentation regarding the candidate’s professional history.
6. Conduct reference checks for top candidates using forms and questions provided by Florida Housing.
7. Respond to any requests for information from Florida Housing e.g., status updates on the recruitment process or document requests within one business day.

C. Services to be Provided by Florida Housing

At the initial meeting, Florida Housing will provide the Contractor with relevant position data to include job description (including responsibilities, title, reporting relationships, experience requirements, requirements, certifications, education requirements, salary range, and timing). Florida Housing shall also ensure that the Company has sufficient information to share with candidates to assist with making informed decisions and will conduct criminal history checks for top candidates.

SECTION FIVE CERTIFICATION

Do not reproduce the language of Section Five in the Response. By inclusion and execution of the statement provided in Section Six of this RFQ, each Respondent certifies that:

A. The Respondent submits this Response without prior understanding, agreement, or connection with any person or entity submitting a separate Response for the same services. However, any agreement with a person or entity with whom the Response is jointly filed and such joint filing is made clear on the face of the Response will be an exception so long as the Response is in all respects fair and without collusion or fraud.

B. Any material submitted in response to this RFQ is a public record pursuant to Chapter 119, Fla. Stat., and subject to examination upon request, but only after Florida Housing provides a notice of decision pursuant to Section 120.57(3), Fla. Stat., or within 30 days after the Response is opened, whichever is earlier.

C. The Respondent, if awarded a contract under this RFQ, will comply with Section 420.512(5), Fla. Stat. For the purpose of Section 420.512(5), Fla. Stat., “Prohibited Business Solicitation Communications” is defined by Section 420.503(34), Fla. Stat.

D. The Respondent further affirms it is in compliance with Section 420.512(5)(c), Fla. Stat.

E. The Respondent is in compliance with Section 287.133(2)(a), Fla. Stat.

F. The Respondent is in compliance with Section 448.095, Fla. Stat.

G. The Respondent understands and agrees to cooperate with any audits conducted in accordance with the provisions set forth in Section 20.055(5), Fla. Stat.

H. The Respondent attests, under penalty of perjury, that it does not meet any of the criteria in Section 287.138(2)(a) – (c), Fla. Stat.

I. Pursuant to Section 119.0701(2)(b), Fla. Stat., the Respondent, if awarded a contract under this RFQ, will be required to comply with public records laws, specifically to:

1. Keep and maintain public records required by Florida Housing to perform the service.

2. Upon request from Florida Housing’s custodian of public records, provide Florida Housing with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.

3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to Florida Housing.

4. Upon completion of the contract, transfer, at no cost, to Florida Housing all public records in possession of the contractor or keep and maintain public records required by Florida Housing to perform the service. If the contractor transfers all public records to Florida Housing upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to Florida Housing, upon request from Florida Housing’s custodian of public records, in a format that is compatible with Florida Housing’s information technology systems.

If the Contractor has questions regarding the application of Chapter 119, Florida Statutes, to the Contractor’s duty to provide public records relating to this contract, contact the Corporation Clerk at:

Corporation Clerk
227 N. Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329
Phone: 850.488.4197
E-mail: Corporation.Clerk@floridahousing.org

Notwithstanding anything contained herein to the contrary, the provisions and requirements of this paragraph will only apply if and when the Contractor is acting on behalf of Florida Housing.

J. The Respondent acknowledges that if awarded a contract it will be prohibited from engaging in activities in connection with services related to Florida Housing transactions that produce direct or indirect financial gain for the Respondent other than for the compensation agreed upon in the contract that results from this RFQ, unless that Respondent has Florida Housing’s written consent after Florida Housing has been fully informed of such activities in writing.

K. The Respondent acknowledges that if awarded a contract it will be prohibited from engaging in any actual, apparent, or potential conflict of interest. Should any such actual, apparent, or potential conflict of interest come into being subsequent to the effective date of the contract and prior to the conclusion of the contract, the Respondent will provide written notification (Notice of

Conflict of Interest) to Florida Housing’s Contract Administrator within 10 working days for review by Florida Housing’s Executive Director in consultation with the Ethics Officer. If the Respondent is found to be in non-compliance with this provision, any compensation received in connection with this contract will be subject to forfeiture to Florida Housing.

L. The Respondent, in submitting this Response, acknowledges and agrees that the terms and conditions of this RFQ, as well as any modifications thereto, will be incorporated into any contract offered as a result of this RFQ.

M. CERTIFICATION STATEMENT:

THE FOLLOWING WILL BE REPEATED IN THE RESPONDENT’S RESPONSE AND SIGNED BY AN INDIVIDUAL AUTHORIZED TO BIND THE RESPONDENT. THIS IS A MANDATORY ITEM. FAILURE TO INCLUDE THE CERTIFICATION STATEMENT BEARING AN ORIGINAL SIGNATURE, EXACTLY AS STATED AND WITHOUT ANY ADDITIONS, DELETIONS OR CAVEAT LANGUAGE, WILL RESULT IN REJECTION OF THE RESPONSE.

“I agree to abide by all conditions of RFQ 2024-02 and certify that all information provided in this Response is true and correct, that I am authorized to sign this Response as the Respondent and that I am in compliance with all requirements of the RFQ, including but not limited to, the certification requirements stated in Section Five of this RFQ.”

Authorized Signature (Original)

Print Name and Title

SECTION SIX
INFORMATION TO BE PROVIDED IN RESPONSE

In providing the following information, restate each item and sub-item (with its letter and number), limit your Response to one attachment. Responses to the items must be included immediately after the restated items without any reference to any appendix.

A. COVER LETTER

Each proposal must be accompanied by a cover letter that contains a general statement of the purpose of submission and includes the following information.

1. The name, job title, address, office and cellular telephone numbers, and e-mail address of a primary contact person, who will be responsible for day-to-day contact with Florida Housing, and any backup personnel who would be accessible if the primary contact cannot be reached.

2. Legal business status (individual, partnership, corporation, etc.), address, and telephone number of the Respondent.

B. GENERAL INFORMATION

1. Provide evidence that the Respondent is qualified to do business in the State of Florida.

2. Describe the Respondent's presence in Florida, and ability to be accessible to Florida Housing staff, availability for meetings, conferences, consultation, etc.

3. Describe the Respondent's ability to provide the services requested in Section Four of this RFQ immediately upon award of a contract.

4. Provide a statement of any other qualifications or services, which the Respondent considers to be significant, innovative or otherwise relevant to Florida Housing.

C. EXPERIENCE AND RESOURCES

1. Provide an overview of the Respondent's firm, to include a brief history, how many years the company has been in business, and the number of public sector clients that the company currently has. If the Respondent tracks which field e.g., legal, financial, information technology, etc., clients are in, provide a breakdown of clients for each applicable field.

2. Provide resumes and note any pertinent qualifications and/or certifications for any key individuals who would work with Florida Housing if awarded a contract under this solicitation.

3. Detail the information that the Respondent maintains for each candidate, e.g., work samples, reference letters, previous employment verification, etc.

4. Provide the candidate retention rates for the first year of employment. If the Respondent maintains data on retention rates past the first year, provide retention rates for up to a total of five years after placement. If the Respondent tracks which field e.g., legal, financial, information technology, etc., candidates are placed in, provide a breakdown for each applicable field.

5. List any litigation that the Respondent has been involved in during the past two years for services similar to those outlined in this RFQ.

D. COMMUNICATION PLAN AND MARKETING STRATEGIES

1. Detail the Respondent's proposed communication plan to be used to keep Florida Housing informed about each recruitment process.

2. Describe the Respondent's marketing strategies. If there are different strategies for entry level, mid-level, and senior level positions, provide detail for each level.

E. LEGAL ISSUES

List any litigation that the Respondent has been involved with during the past two years for services similar to those outlined in this RFQ.

F. FEE

1. Florida Housing anticipates compensating the awarded Contractor with a fee that is equal to a certain percentage of the hired candidate(s) first-year salary, not including benefits. In Table 1 below, provide the proposed percentage to be assessed in connection with the services described in Section Four of this RFQ.

TABLE 1 Fee	
Percentage of Candidate(s) First-Year Salary	%

2. Define the payment terms and structure of the above percentage. Florida Housing presumes a graduated payment structure and terms based on retention over an agreed period of time, to be stated in this Response, and the terms and structure of reimbursement to Florida Housing if a candidate fails in the performance of the required tasks and is maintained in another position within Florida Housing, leaves the employ of Florida Housing prior to an agreed-upon term, or is released by Florida Housing within an agreed-upon period of time.

FINAL FEE WILL BE SUBJECT TO NEGOTIATION.

G. DRUG-FREE WORKPLACE

If the Respondent has implemented a drug-free workplace program, the Respondent must submit the following certification indicating that it meets all of the requirements of Section 287.087, Fla. Stat.:

I hereby certify on behalf of the Respondent, under the terms of RFQ 2024-02, that the Respondent has implemented a drug-free workplace program pursuant to Section 287.087, Fla. Stat.

Authorized Signature: _____

Print Name: _____

Print Title: _____

H. MINORITY BUSINESS ENTERPRISE

If the Respondent is a minority business enterprise as defined in Section 288.703, Fla. Stat., the Respondent must submit the following certification:

I hereby certify on behalf of the Respondent, under the terms of RFQ 2024-02, that the Respondent is a “minority business enterprise” as defined in Section 288.703(3), Fla. Stat.

Authorized Signature: _____
 Print Name: _____
 Print Title: _____

I. CERTIFICATION (Mandatory Item)

FAILURE TO INCLUDE THE CERTIFICATION STATEMENT LOCATED IN SECTION FIVE OF THIS RFQ BEARING AN ORIGINAL SIGNATURE WILL RESULT IN REJECTION OF THE RESPONSE.

**SECTION SEVEN
EVALUATION PROCESS**

The individual Committee members will independently evaluate the Responses by reviewing the answers to each of the items identified in Section Six of this RFQ and assigning points up to the maximum points allowed for each item. The points available for items in Section Six are to be evaluated are as follows:

<u>Item Reference</u>	<u>Maximum Points</u>
B. General Information.....	5
C. Experience and Resources	25
D. Communication Plan and Marketing Strategies	20
F. Fee	10
Total Points Available.....	60

For the Fee proposal, the Respondent with the lowest proposed total percentage of candidate salary will receive the maximum allowable points (XX points). The remaining respondents will receive a percentage of the maximum points, rounded to the nearest whole number, based on the following formula:

Lowest Proposed Percentage	=	%	x	10	=	Total Points Awarded for that “Fee” (Rounded to the nearest whole number)
÷ Current Respondent’s Proposed Percentage						

In the event of a tie, Florida Housing will give preference in the award process to the Response certifying a drug-free workplace has been implemented in accordance with Section 287.087, Fla. Stat. If a tie continues to exist, Florida Housing will give preference to minority business enterprises as defined in Section 288.703, Fla. Stat.

The Committee will conduct one or more public meetings during which members will discuss their evaluations and develop a recommendation or series of recommendations to the Board. The Committee's recommendation will be based on the cumulative scoring and information gathered from the non-scored items. The Board may use the Responses, the Committee's scoring, the non-scored items in the Responses, any other information or recommendation provided by the Committee or staff, and any other information the Board deems relevant in its selection of Respondents to whom to award a contract.¹

SECTION EIGHT **AWARD PROCESS**

Florida Housing will provide notice of its decision, or intended decision, for this RFQ on Florida Housing's Website the next business day after the applicable Board vote. After posting, an unsuccessful applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat. or failure to post the bond or other security required by law within the time allowed for filing a bond will constitute a waiver of proceedings under Chapter 120, Fla. Stat.

¹ Pursuant to s. 287.05701 Fla. Stat., Florida Housing may not request documentation of or consider a vendor's social, political, or ideological interest when determining if the vendor is a responsible vendor. Additionally, Florida Housing may not give preference to a vendor based on the vendor's social, political, or ideological interests.

RFQ 2024-02 - Staffing and Recruiting Services

		22nd Century Technologies, Inc. ★					AgreeYa Solutions, Inc.				Ark Infotech LLC				Cogent Infotech Corporation			
SECTION SIX ITEM REFERENCE	Max Score	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	
B. General Information	5	5	4	4	13	5	3	2	10	5	4	4	13	5	3	4	12	
C. Experience and Resources	25	24	24	16	64	24	20	11	55	23	15	13	51	22	15	14	51	
D. Communication Plan and Marketing Strategies	20	19	19	14	52	20	15	11	46	20	15	14	49	20	15	11	46	
F. Fee	10	8	8	8	24	0	0	0	0	7	7	7	21	7	7	7	21	
TOTAL POINTS	60	56	55	42	153	49	38	24	111	55	41	38	134	54	40	36	130	
A. Cover Letter	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
E. Legal Issues	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
G. Drug-Free Workplace	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
H. Minority Business Enterprise	Y/N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	
I. Certification	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

		Compunnel Software Group, Inc.					Corporate Temps, Inc.				DraftPoint Inc.				Elegant Enterprise-Wide Solutions, Inc. ★			
SECTION SIX ITEM REFERENCE	Max Score	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	
B. General Information	5	5	3	3	11	5	3	2	10	0	0	0	0	5	4	4	13	
C. Experience and Resources	25	24	15	12	51	24	10	12	46	0	0	0	0	23	20	15	58	
D. Communication Plan and Marketing Strategies	20	20	18	12	50	20	10	12	42	0	0	0	0	10	20	17	47	
F. Fee	10	6	6	6	18	6	6	6	18	0	0	0	0	7	7	7	21	
TOTAL POINTS	60	55	42	33	130	55	29	32	116	0	0	0	0	45	51	43	139	
A. Cover Letter	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	
E. Legal Issues	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	
G. Drug-Free Workplace	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
H. Minority Business Enterprise	Y/N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N	
I. Certification	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

		InfiCare Health Inc. d/b/a InfiCareTech					InstantServe LLC ★				LanceSoft, Inc. ★				MSys, Inc.			
SECTION SIX ITEM REFERENCE	Max Score	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	
B. General Information	5	4	4	3	11	5	5	4	14	4	4	4	12	3	4	3	10	
C. Experience and Resources	25	24	20	5	49	25	22	16	63	23	20	16	59	19	15	13	47	
D. Communication Plan and Marketing Strategies	20	10	15	10	35	17	15	14	46	19	16	14	49	18	15	12	45	
F. Fee	10	10	10	10	30	7	7	7	21	6	6	6	18	8	8	8	24	
TOTAL POINTS	60	48	49	28	125	54	49	41	144	52	46	40	138	48	42	36	126	
A. Cover Letter	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
E. Legal Issues	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
G. Drug-Free Workplace	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
H. Minority Business Enterprise	Y/N	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	N	N	N	N	
I. Certification	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

		OCH Services LLC d/b/a On Cue Hire					SNI Companies Corp.				Talent Capsule Recruiting, LLC				Zirlen Technologies Inc.			
SECTION SIX ITEM REFERENCE	Max Score	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	Marisa	Van	David	Total	
B. General Information	5	4	4	3	11	4	3	2	9	4	4	3	11	4	4	3	11	
C. Experience and Resources	25	20	15	11	46	20	20	8	48	19	20	7	46	22	25	14	61	
D. Communication Plan and Marketing Strategies	20	19	15	11	45	17	10	7	34	17	10	10	37	11	18	11	40	
F. Fee	10	6	6	6	18	6	6	6	18	5	5	5	15	6	6	6	18	
TOTAL POINTS	60	49	40	31	120	47	39	23	109	45	39	25	109	43	53	34	130	
A. Cover Letter	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
E. Legal Issues	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
G. Drug-Free Workplace	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
H. Minority Business Enterprise	Y/N	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	N	N	N	N	
I. Certification	Y/N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	