

**BEFORE THE STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

BLUE PINELLAS, LLC,

Petitioner,

vs.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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FHFC Case No: 2019-015BP

RFA No. 2018-112

Application No. 2019-114C

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FLORIDA HOUSING FINANCE CORPORATION

**FORMAL WRITTEN PROTEST AND  
PETITION FOR ADMINISTRATIVE HEARING**

Petitioner, BLUE PINELLAS, LLC. (“Blue Pinellas”), pursuant to sections 120.57(3), Florida Statutes (“F.S.”), and Rules 28-110 and 67-60, Florida Administrative Code (“FAC”) hereby files this Formal Written Protest and Petition for Administrative Hearing regarding the review, ranking and scoring decisions of Respondent, FLORIDA HOUSING FINANCE CORPORATION (“Florida Housing”) to award funding to responsive bidders pursuant to Request for Application 2018-112 Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties (the “RFA”). In support Blue Pinellas provides as follows:

1. Blue Pinellas is a Florida limited liability company in the business of providing affordable housing. Blue Pinellas is located at 5300 W Cypress Street, Suite 200, Tampa, FL 33607.

2. Florida Housing is the allocating agency for the State of Florida that was granted the authority to issue the RFA for the purpose of new construction, redevelopment, or rehabilitation of much needed affordable housing. Florida Housing's address is 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301.

3. On September 6, 2018, Florida Housing issued the RFA which offered funding as follows:

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing located in Broward County, Duval County, Hillsborough County, Orange County, Palm Beach County, and Pinellas County.

Under this RFA, Florida Housing Finance Corporation (the Corporation) expects to have up to an estimated \$17,314,387 of Housing Credits available for award to proposed Developments located in Broward County, Duval County, Hillsborough County, Orange County, Palm Beach County, and Pinellas County. The Corporation is soliciting applications from qualified Applicants that commit to provide housing in accordance with the terms and conditions of this RFA, inclusive of all Exhibits, applicable laws, rules and regulations, and the Corporation's generally applicable construction and financial standards.

4. Through the issuance of the RFA, Florida Housing sought to solicit proposals from qualified Applicants that would provide housing consistent with the terms and conditions of the RFA, applicable laws, rules, and regulations.

5. On November 7, 2018, Blue Pinellas submitted its Application in response to the RFA that included information concerning the development of a 65 unit apartment complex in Pinellas County, Florida, named Blue Pinellas, LLC. Through the Application, Blue Pinellas was requesting \$1,035,000 in tax credit funding. Blue Pinellas satisfied all threshold requirements of the RFA and was awarded a score of 10 out of 10 possible points. Florida Housing received 29 applications in response to the RFA.

6. As the owner of a project seeking funding through the RFA, Blue Pinellas is substantially affected by the review, scoring, and ranking of the responses to the RFA. The results of this and related proceedings may affect Blue Pinellas's ability to obtain funding through the RFA.

7. Consistent with the primary mission and goal of the RFA, Blue Pinellas proposes to provide much needed affordable housing in Pinellas County. Without the funds provided by the RFA, Blue Pinellas will be unable to provide this much needed housing. Accordingly, Blue Pinellas's substantial interests are affected by the decisions made by Florida Housing.

8. On January 22, 2019, the designated Review Committee met and considered the Applications responding to the RFA. At the meeting the Review Committee orally listed and manually input the scores for each section of each RFA Response and ultimately made recommendations to the Board of Directors for their consideration. The Review Committee consisted of Florida Housing staff. During the meeting, the Review Committee determined that the Blue Pinellas Application was eligible however not selected for funding. Instead Application #2019-100C (The Shores) was recommended for tentative funding in Pinellas County. On February 1, 2019, Florida Housing's Board of Directors accepted the Review Committee's ranking and funding recommendation at its regularly scheduled board meeting.

9. On February 6, 2019, Blue Pinellas timely filed its Notice of Intent to Protest. This Formal Written Protest is being timely filed and Florida Housing has waived the bid protest bond requirement for the RFA. As a Developer of affordable housing in need of supplemental funding, Blue Pinellas's substantial interests are affected by Florida Housing's decision not to award its necessary funding pursuant to the RFA. In this action Blue Pinellas is challenging the eligibility of The Shores Application in that it has provided as Community Services a Public School and Medical Facility that do not meet the requirements of the RFA. If successful in its challenge Blue Pinellas will move into the funding range as the next eligible Application in Pinellas County.

## Public School

10. Section Four A(5)(e)(3) of the RFA allows applicants to receive points for proximity to certain Community Services including Public Schools and Medical Facilities. The RFA provides that applicants must receive at least 10.5 points to be eligible for funding, and at least 12.5 points to be eligible for a Proximity Funding Preference. Based on the information supplied at page 5 and 6 of its Exhibit A The Shores based on the distances it provided from its proposed Development to Service is entitled to 16.5 proximity points.

11. Specifically at Section Four A(4)(5)(e) the RFA allows applicants to satisfy the proximity eligibility requirements of the RFA as follows:

### e. Proximity

The Application may earn proximity points based on the distance between the Development Location Point and the Bus or Rail Transit Service (if Private Transportation is not selected at question 5.e.(2)(a) of Exhibit A) and the Community Services stated in Exhibit A. Proximity points will not be applied towards the total score. Proximity points will only be used to determine whether the Applicant meets the required minimum proximity eligibility requirements and the Proximity Funding Preference, as outlined in the chart below.

Applications for proposed Developments that select and qualify for the Local Government Areas of Opportunity Funding outlined in Section Four A.11. will automatically qualify for the Proximity Funding Preference without the requirement to provide the services outlined below, provided the Applicant provides the Development Location Point as outlined in d. above.

12. In its Application, The Shores listed Lakeview Fundamental Elementary School as a "Public School", for which it earned 3 proximity points as authorized by the RFA. Lakeview Fundamental Elementary School however does not meet the definition of Public School as defined by the RFA.

13. The RFA defines a Public School as follows:

A public elementary, middle, junior and/or high school, **where the principal admission criterion is the geographic proximity to the school.** This may include a charter school, if the charter school is open to appropriately aged children in the radius area who apply, without additional requirements for admissions such as passing an entrance exam or audition, payment of fees or tuition, or demographic diversity considerations. Additionally, it must have been in existence and available for use by the general public as of the Application Deadline.

(emphasis added)

14. The principal admission criterion for the Lakeview Fundamental Elementary School is not “geographic proximity to the school”. Lakeview Fundamental Elementary School is designated as a Fundamental Program school by the Pinellas County Public Schools. Fundamental Program schools are one of three types of “Application” schools; the other two types being Magnet and Career Academies. A document entitled PROCEDURES FOR DISTRICT APPLICATION PROGRAMS includes an explanation of how admissions are determined for the Fundamental Program elementary schools. (See Exhibit A) In essence the admission procedure is a lottery. Specifically the procedure explains as follows:

All students enter application programs using the online application process in the Student Reservation System. A computer random selection process is used if the number of applications exceeds the number of seats available for students. The number of seats available is based on the staffing model, the school capacity, and the constitutional class size requirements. The number of openings determines the number of invitations. **The computer assigns all applicants a random number. The completed process yields one randomly numbered list of applicants.**

(emphasis added)

15. Furthermore, Lakeview Fundamental Elementary School is not even listed on the “Find Your School Zone” page of the Pinellas County Public Schools website. The website shows a map of all schools whose principal admission criterion is the geographic proximity to the school and allows one to search by address. Accordingly, Lakeview Fundamental

Elementary School is not a Public School as defined by the RFA and The Shores should not receive 3 proximity points for its inclusion.

Medical Facility

16. The Shores listed Health Care Now as its designated Medical Facility for purposes of proximity points.

17. The RFA defines Medical Facility as follows:

A medically licensed facility that (i) employs or has under contractual obligation at least one physician licensed under Chapter 458 or 459, F.S. available to treat patients by walk-in or by appointment; and (ii) **provides general medical treatment to any physically sick or injured person.** Facilities that specialize in treating specific classes of medical conditions or specific classes of patients, including emergency Page 75 of 117 RFA 2018-112 rooms affiliated with specialty or Class II hospitals and clinics affiliated with specialty or Class II hospitals, will not be accepted.

Additionally, it must have been in existence and available for use by the general public as of the Application Deadline.

(emphasis added)

18. As indicated on the Healthcare Now webpage, Healthcare Now only provides medical services to persons “18 years and older.” (See Exhibit B) This result has been confirmed by several calls to Healthcare Now. Additionally an email confirmation was obtained which specifically asked if Healthcare Now provided services to children. The response from Healthcare Now was “No we do not see pediatric patients.” (See Exhibit C)

19. The Shores is designated as a Family Demographic, however the Medical Facility identified in The Shores Application will not support the families that will be living at the proposed Development specifically anyone under 18 years of age. The Medical Facility identified by The Shores is not acceptable under the provisions of the RFA and The Shores should not receive 3.5 proximity points.

20. Based on the subtraction of 6.5 proximity points (3.0 for its Public School and 3.5 for its Medical Facility) The Shores is only entitled to 10 proximity points which is below the proximity eligibility requirement for this RFA. Accordingly The Shores application must be deemed ineligible.

21. Material issues to be resolved:

- a. Whether Florida Housing review and actions taken concerning Application #2019-100C was arbitrary or capricious, clearly erroneous and contrary to competition.
- b. Whether the review of Application #2019-100C was inconsistent with the RFA requirements.
- c. Whether Application #2019-100C has provided an acceptable Public School and Medical Facility.

WHEREFORE, Blue Pinellas requests a hearing and entry of an order determining that Florida Housing's review and scoring of Application #2019-100C was contrary to the RFA specifications and to Florida Housing's governing statutes, rules and policies to such an extent as to be arbitrary, capricious, contrary to competition, and clearly erroneous.

Respectfully submitted,

CARLTON, FIELDS, JORDEN BURT, P.A.

/s/ Michael P. Donaldson

MICHAEL P. DONALDSON

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*Attorneys for Blue Pinellas, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a copy of the foregoing has been filed by E-Mail and Hand Delivery to Ana McGlamory Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, this 15<sup>th</sup> day of February 2019.

/s/ Michael P. Donaldson

MICHAEL P. DONALDSON



**Pinellas County Schools**

**PROCEDURES FOR  
DISTRICT APPLICATION  
PROGRAMS**

Board Approved:  
January 16, 2001

Amended: April 17, 2001  
Amended: January 9, 2007  
Amended: December 9, 2008  
Amended: December 7, 2010  
Amended: November 8, 2011  
Amended: December 11, 2012  
Amended: September 24, 2013  
Amended: March 11, 2014  
Amended: October 14, 2014  
Amended: September 22, 2015  
Amended: September 27, 2016  
Amended: October 10, 2017  
Amended: May 8, 2018

## School Board of Pinellas County

Carol J. Cook  
Rene Flowers  
Terry Krassner  
Joanne Lentino  
Linda S. Lerner  
Eileen Long  
Peggy O'Shea

Michael A. Grego, Ed.D.  
Superintendent

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## **Program Application Process**

### **Preface**

District application programs are ones to which students must apply for admission. These programs include fundamental programs, magnets, area magnets and career academies. The purpose of these programs is to provide choice opportunities and promote diversity for the students of Pinellas County while voluntarily desegregating schools. Membership in District application programs is a privilege enjoyed by interested and/or qualified Pinellas County students. Therefore, students in these programs are expected to exhibit exemplary achievement and conduct while in membership in these programs.

### **Application Process**

All students enter application programs using the online application process in the Student Reservation System. A computer random selection process is used if the number of applications exceeds the number of seats available for students. The number of seats available is based on the staffing model, the school capacity, and the constitutional class size requirements. The number of openings determines the number of invitations. The computer assigns all applicants a random number. The completed process yields one randomly numbered list of applicants. No applicant's random number will be released prior to the designated notification date on the District Application Programs timeline.

By their application to any program, families and students agree to abide by the practices in that school for which they are making application (e.g. no participation in sports or the extra-curricular activities of any other Pinellas County public school).

Applications are not transferable and are effective only for the application year.

All interested applicants, including siblings and the children of fulltime employees in the school, must apply for computer random selection. Application and acceptance deadlines and requirements apply to all applicants. Reapplication is not necessary once a student is enrolled in a program as long as the student/family continues to meet the conditions of the school. All students eligible for a priority from feeder elementary programs to the related middle school programs or feeder middle school programs to related high school programs must complete the application process. There is a feeder pattern priority from fundamental middle school programs to the fundamental high school programs but there is no feeder pattern priority into any other high school application programs.

### **Application Ranking**

Applicants will be able to delineate their first through fifth preferences by ranking their choices. Priority preferences will only apply to the top (first choice) ranked application.

### **Geographic Application Areas**

Geographic application areas are defined for certain programs. These areas will identify the location of the program to which an applicant may apply. Arterial transportation will be provided within the application areas. The application areas are outlined below. Some programs have unique application areas which are described on pages 34-36 of this document. Application areas are defined by grouping individual school zones.

Middle school application areas are defined as the grouping of individual school zones listed below:

North: Dunedin Highland, Joseph Carwise, Palm Harbor, Safety Harbor, Tarpon Springs

Mid (Central): Largo, Morgan Fitzgerald, Oak Grove, Osceola, Pinellas Park, Seminole

South: Azalea, Bay Point, John Hopkins, Meadowlawn, Tyrone



Walk-In Primary Care & Wellness Center

**PHONE**

(727) 767-0940

**EMAIL**

rosariomd@yahoo.com

**ADDRESS**

2128 34th Street South (U.S. 19)  
St. Petersburg, Florida 33711

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- [WELLNESS CARE](#)
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**Patient Portal**

Appointments & Records - Secure



**New Patient Forms**

Print them ahead of time

**Clinic Hours**

Open Monday 8-6pm \*  
Tuesday 10-7pm  
Wednesday, Thursday  
& Friday 8am-6pm

**Locations**

Maps and driving directions

**EXHIBIT B**



## Locations & Directions

Click here for directions and an interactive map

## Meet our Team

Click to learn more about the medical staff at HealthCare Now

## se habla español

We are a bi-lingual Walk-In Clinic and Primary Health Care Center

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**COME IN AS THE OLD YOU AND LEAVE AS THE NEW YOU!**

**HealthCare Now – St. Petersburg is not a substitute for emergency care. For every serious or life-threatening medical problem, please use a hospital based emergency care center.**

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**HealthCare Now!** Walk-in primary care clinic, St. Petersburg, FL. Doctor se habla español \* No appointments for walk-in care.

**At HealthCare Now – We see patients ages 18 and up.**

We offer affordable – walk-in primary care – fees for patients who do not have health insurance. [Click here to view fees.](#) We accept most insurance plans such as Humana, United, Tricare, and medicare. We also serve patients recently involved in a motor vehicle accident. Your car insurance gives you only 14 days to be seen by a licensed healthcare provider or you may lose your medical benefits.

**HealthCare Now** also offers wellness services such as cosmetic dermatology, smoking cessation programs, and weight loss programs.

At HealthCare Now – St. Petersburg, we understand that preventative healthcare is essential to maintaining your health.

Our walk-in primary care service is designed to maintain the health of those we serve to detect disease early for more efficient treatment. For those interested in primary care services, we invite you to visit our [Primary Care](#) page..

HealthCare Now, St. Petersburg, is a proud provider to Medicare patients. Started October 1, 2015 we

We are proud to offer DOT physicals on-site as our medical team is certified to provide DOT examinations. [Click here to learn more about our DOT physicals.](#)

In addition, we offer common immunizations on a walk in basis. [Click here for immunization details.](#)

began accepting Humana Gold Plus insurance. September 1, 2015 we began accepting all Humana commercial plans both PPO and HMO at our St. Petersburg location.

Our relaxed atmosphere is tailored to meet the needs of our patients and to provide you with the best possible experience for all of your urgent and primary care needs.

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**Walk-in Clinic & Primary Care**  
**2128 34th Street South (U.S. 19) St. Petersburg, Florida 33711**  
**Phone (727) 767-0940 \* Fax (727) 767-0937**

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Re: Quick Question about your services?

From: Cristobal Rosario (rosariomd@yahoo.com)

To: jessica\_rivera\_99@yahoo.com

Date: Thursday, February 14, 2019, 4:35 PM EST

No we do not see pediatric patients. Unfortunately, I do not know of any urgent care facilities in the area that do.

*Jessica Bowen, CPC*

*(P) 727-807-9322*

*(F) 727-781-9899*

*Office Manager*

*Cristobal R. Rosario, M.D., P.A.*

<http://gulfcoastinternists.com>

<http://healthcarenowstpete.com>

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On Thursday, February 14, 2019, 2:25:03 PM GMT-5, JESSICA RIVERA <jessica\_rivera\_99@yahoo.com> wrote:

Good afternoon!

I have been looking around for doctors in the Skyway Marina area for my 10-year old daughter. I noticed on your website that you serve patients that ages 18 and up. Do you treat children?

Do you know any primary care or walk-in type doctors in the area that do treat children?

Thank you for your time!

**EXHIBIT C**