

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

WINTER HAVEN LUCERNE
PARK, LTD., LLLP,

Petitioner,

vs.

FHFC Case No: 2006-026UC
Application No. 2006-050C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

**PETITION FOR INFORMAL
ADMINISTRATIVE PROCEEDING**

Petitioner, WINTER HAVEN LUCERNE PARK, LTD., LLLP (“Lucerne”), pursuant to sections 120.569 and 120.57(2), Florida Statutes, and Rules 67-48.005 and 28-106.301, Florida Administrative Code (“F.A.C.”), hereby requests an informal administrative proceeding to challenge the scoring of its Application for 2006 tax credit funding by Respondent, the FLORIDA HOUSING FINANCE CORPORATION (“FHFC”), and states:

1. The name and address of the agency affected by this action are:

Florida Housing Finance Corporation
City Center Building, Suite 5000
227 N. Bronough Street
Tallahassee, Florida 32301-1329

2. The address and telephone number of the Petitioner are:

Winter Haven Lucerne Park, Ltd., LLLP
247 N. Westmonte Drive
Altamonte Springs, Florida 32792
Telephone No.: (407) 772-0200

3. The name, address, telephone number, and fax number of the Petitioner's representative, which shall be the Petitioner's address for service purposes during the course of this proceeding, are:

Warren H. Husband
Metz, Hauser, Husband & Daughton, P.A.
P.O. Box 10909
Tallahassee, Florida 32302-2909
Telephone No. (850) 205-9000
Fax No. (850) 205-9001

The Low-Income Housing Tax Credit Program

4. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code ("IRC"), by which federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder's federal tax liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

5. The tax credits allocated annually to each state are awarded by state "housing credit agencies" to single-purpose applicant entities created by real estate developers to construct and operate specific multi-family housing projects. The applicant entity then sells this ten-year stream of tax credits, typically to a "syndicator," with the

sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants.

6. Pursuant to section 420.5099, Florida Statutes, FHFC is the designated “housing credit agency” for the State of Florida and administers Florida’s low-income housing tax credit program. Through this program, FHFC allocates Florida’s annual fixed pool of federal tax credits to developers of affordable housing.¹

The 2006 Universal Application Cycle

7. Because FHFC’s available pool of federal tax credits each year is limited, qualified projects must compete for this funding. To assess the relative merits of proposed projects, FHFC has established a competitive application process pursuant to Chapter 67-48, F.A.C. As set forth in Rules 67-48.002-.005, F.A.C., FHFC’s application process for 2006 consisted of the following:

- a. the publication and adoption by rule of a “Universal Application Package,” which applicants use to apply for a variety of FHFC-administered funding programs, including federal tax credits;
- b. the completion and submission of applications by developers;
- c. FHFC’s preliminary scoring of applications;

¹ FHFC is a public corporation created by law in section 420.504, Florida Statutes, to provide and promote the financing of affordable housing and related facilities in Florida. FHFC is an “agency” as defined in section 120.52(1), Florida Statutes, and is therefore subject to the provisions of Chapter 120, Florida Statutes.

- d. an initial round of administrative challenges in which an applicant may take issue with FHFC's scoring of another application by filing a Notice of Possible Scoring Error ("NOPSE");
- e. FHFC's consideration of the NOPSE's submitted, with notice to applicants of any resulting change in their scores;
- f. an opportunity for the applicant to submit additional materials to FHFC to "cure" any items for which the applicant received less than the maximum score;
- g. a second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant's cure materials by filing a Notice of Alleged Deficiency ("NOAD");
- h. FHFC's consideration of the NOAD's submitted, with notice to applicants of any resulting change in their scores;
- i. an opportunity for an applicant to challenge, via informal or formal administrative proceedings, FHFC's evaluation of any item in their own application for which the applicant received less than the maximum score;
- j. final scores, ranking, and allocation of tax credit funding to applicants, adopted through final orders; and
- k. an opportunity for applicants to challenge, via informal or formal administrative proceedings, FHFC's final scoring and ranking of competing applications where such scoring and ranking resulted in a denial of FHFC funding to the challenger.

8. On or about February 1, 2006, numerous applications were submitted to FHFC seeking tax credit funding. Lucerne (FHFC Applic. #2006-050C) applied for \$1,500,405 in annual tax credits to help finance its project, a 102-unit garden-style apartment complex located in Winter Haven, Florida, being developed in cooperation with the Winter Haven Housing Authority. All units in this project are dedicated to housing families earning 60% or less of the area median income.

9. At the conclusion of the NOPSE and NOAD processes outlined above, Lucerne met all of FHFC's threshold application requirements, received the maximum possible application score of 66 points, and will compete for tax credits in the Large County Geographic Set-Aside.²

Issue Presented

10. At the same time, however, FHFC awarded the Lucerne Application only 6.25 tie-breaker points out of the 7.5 points available. Half of these available tie-breaker points (3.75 points) are awarded to an application based upon the proximity of the proposed Development to certain services defined in FHFC's Application Instructions – a bus or rail stop, grocery store, public school, medical facility, or pharmacy. In sum, the closer a proposed Development is to one of these services, the more tie-breaker points that application is entitled to receive.

11. When selecting land for a proposed Development, applicants seek to spend their resources only on sites that are located close enough to the designated services to qualify for maximum tie-breaker points. This is particularly true in the Large County Geographic Set-Aside in which the Lucerne Application is competing, as applications in this Set-Aside rarely obtain tax credit funding if they do not receive all of the 7.5 tie-breaker points available.

² Aside from applicants proposing projects targeted to specific tenant populations (e.g., the Homeless) or located in specific areas (e.g., the Florida Keys), applicants generally compete against each other for funding within Geographic Set-Asides (Large, Medium, and Small) based upon the population of the county in which their project is located.

12. In Lucerne's case, FHFC denied Lucerne the 1.25 tie-breaker points available for the proximity of its proposed Development to a "public school."

13. FHFC has defined the term "public school" by rule on page 14 of its Application Instructions as follows:

Public School - For purposes of proximity tie-breaker points, a Public School means a public elementary, middle, junior and/or high school, where the principle [sic] admission criterion is the geographic proximity to the school, including a charter school, except for a charter school that is not generally available to appropriately aged children in the radius area.

14. In Lucerne's original Application, the "Jewett Magnet School" in Winter Haven was identified on the surveyor certification form in Exhibit 25 as the public school for which Lucerne was seeking tie-breaker points. FHFC rejected this public school, however, and denied Lucerne any tie-breaker points for this service. In doing so, FHFC stated its specific grounds for the rejection, in relevant part, as follows:

The Public School listed on the Surveyor Certification Form does not meet the FHFC definition of a Public School because the principle [sic] admission criterion is not the geographic proximity to the school.

FHFC Scoring Summary for Lucerne, p. 2 (Item #2P).³

15. On April 10, 2006, Lucerne submitted in its cure materials a revised surveyor certification form, correcting the referenced name of the public school to the "Jewett Middle Academy." Lucerne also submitted in its cure materials a new sketch of the public school's location and information from the Polk County School Board

³ Lucerne received notice of FHFC's initial scoring of the Application on March 3, 2006.

demonstrating that the Jewett Middle Academy is indeed a public middle school – a magnet school operated by the Polk County School Board – the principal admission criterion of which is proximity to the school. *See Exhibit A.*

16. While no NOPSE's or NOAD's were ever filed by competitors to challenge the qualification of the Jewett Middle Academy for tie-breaker points, FHFC again rejected this public school and the cure documentation supplied by Lucerne. FHFC stated its reasons for this rejection as follows:

The Applicant attempted to cure Item 2P by submitting a revised Surveyor Certification Form and sketch, as well as additional information about the admissions criteria of Jewett Middle Academy. This Cure is deficient because there are additional principal criteria in addition to geographic proximity to the school.

*FHFC Scoring Summary for Lucerne, pp. 2-3 (Item #1C).*⁴

17. FHFC's denial of the 1.25 tie-breaker points available for the proximity of Lucerne's project to the Jewett Middle Academy has significantly diminished or eliminated Lucerne's chance to obtain 2006 tax credit funding. As such, Lucerne's substantial interests have been adversely affected.

Jewett Middle Academy Is a "Public School"

18. FHFC's rejection of the Jewett Middle Academy is incorrect and must be reversed, because the Jewett Middle Academy satisfies all of FHFC's express requirements to qualify as a "public school."

⁴ Lucerne received notice of FHFC's "final" scoring of the Application on May 5, 2006.

19. As noted above, FHFC defines a “public school” in relevant part as “a public . . . middle . . . school, where the principle [sic] admission criterion is the geographic proximity to the school.” *FHFC Application Instructions*, p. 14. There is no dispute that Jewett Middle Academy is a “public middle school” – a magnet school operated by the Polk County School Board. *See Exhibits A & B* (Materials from Polk County School Board website). In fact, the Jewett Middle Academy is an “A” rated public middle school, which seeks to attract students using the school’s special emphasis on math, science, and technology. *See Exhibit B*.

20. Although focusing on these special learning themes, Jewett Middle Academy provides “the standard required curriculum of general education” taught at all Polk County public schools. *See Exhibit C* (Polk County School Board Policy 4.017 (p. 1)). Jewett Middle Academy, like Polk County’s other public magnet schools, is a “choice” school that serves as a tool to voluntarily desegregate and achieve racial balance in targeted communities. *See Exhibit C* (Polk County School Board Policy 4.017.I. (p. 1)).

21. Jewett Middle Academy regularly serves only those students residing in the communities of Winter Haven and Auburndale. *See Exhibit B; Exhibit C* (Polk County School Board Policy 4.017.II.D.3 (p. 2)). As stated by the Polk County School Board:

All magnet schools [like Jewett Middle Academy] are “zoned” to serve targeted communities. Attendance or enrollment in a magnet school is based upon designated attendance areas or neighborhood areas. Applicants must be able to provide proof of residence within the zone of applications.

See Exhibit C (Polk County School Board Policy 4.017.II.D (p. 2)). Aside from the student residing in the magnet school’s zoning area, there are no other “admission requirements” for enrollment at Polk County’s magnet schools. See Exhibit C (Polk County School Board Policy 4.017.II.I (p. 3)).

22. FHFC argues, however, that Jewett Middle Academy does not qualify as a public school, “because there are additional principal criteria in addition to geographic proximity to the school.” *FHFC Scoring Summary for Lucerne*, pp. 2-3 (Item #1C). FHFC’s determination in this case is incorrect, both as a matter of fact and of law, and is contrary to the plain language of its Application Instructions adopted by rule – rules by which FHFC is bound and on which Lucerne and other applicants are entitled to rely.

23. First, in accord with the express requirements of FHFC’s Application Instructions, Jewett Middle Academy is “a public . . . middle . . . school, where the principle [sic] admission criterion is the geographic proximity to the school.” Jewett Middle Academy regularly serves only those students residing in the communities of Winter Haven (the location of Lucerne’s proposed Development) and Auburndale. If a student does not live in those communities located in proximity to Jewett Middle Academy, that student cannot attend the school regardless of the student’s other qualifications. See Exhibit C (Polk County School Board Policy 4.017.II.D (p. 2)).

24. Thus, geographic proximity to Jewett Middle Academy is the “principal” admission criterion to that school. A “principal” criterion is that criterion which is “most important, consequential, or influential.” See Exhibit D (Excerpt from Merriam-Webster

OnLine Dictionary). Stated otherwise, the “principal” admission criterion is that criterion which is paramount and without which a student may not gain admission to the school. Geographic proximity to Jewett Middle Academy is thus the “principal” admission criteria to the school, because a student cannot attend Jewett Middle Academy unless that student resides in the Winter Haven and Auburndale communities located in proximity to the school. *See Exhibit C* (Polk County School Board Policy 4.017.II.D (p. 2)).

25. In fact, as the Polk County School Board makes clear, there are no other “admission requirements” into its magnet schools, like Jewett Middle Academy, beyond residence in the geographic areas served by the school. *See Exhibit C* (Polk County School Board Policy 4.017.II.I (p. 3)).

26. Second, the other steps in the enrollment of a student at Jewett Middle Academy are: (a) completion of a rudimentary application (*attached as Exhibit E*), similar to that required for registration of a student at any public school; and (b) the possibility that the student may end up on a waiting list because space in the school is limited – again, just like any other public school. *See Exhibit C* (Polk County School Board Policy 4.017.II. (pp. 1-3)). These steps in the enrollment process, however, are not separate “principal admission criteria,” as apparently seized upon by FHFC, and do not differ in any meaningful way from the enrollment process at any other public school.

27. FHFC’s Application Instructions state that a public school’s “principle [sic] admission criterion [must be] . . . the geographic proximity to the school.” *FHFC Application Instructions*, p. 14. On its face, this language does not exclude any school

where a parent must fill out an application or registration form, nor does it exclude any school where the number of students seeking enrollment in any given year may exceed the school's capacity. Public schools may always fill up and exceed their physical capacity, forcing some children in that school zone to go to other schools that are somewhat farther away, but FHFC has never used this fact to declare that a particular school is not a "public school."

28. Like any public school, any student residing in the area served by Jewett Middle Academy may seek admission to the school – making geographic proximity the principal admission criterion for that school. Moreover, like any public school, a student may actually enroll in Jewett Middle Academy only if the school has the physical capacity to accommodate that student. This situation is entirely unlike some others FHFC may have been presented with in the past where enrollment at a particular school was contingent upon a student's test scores or an audition or was limited to students with specific behavioral or learning problems.

29. Further, even if the application and possible waiting list are considered "admission criteria," FHFC's Application Instructions state only that a public school's "principle [sic] admission criterion [must be] . . . the geographic proximity to the school." This language does **not** state that geographic proximity must be the **only** admission criterion to the school. *FHFC Application Instructions*, p. 14. FHFC's Application Instructions, on their face, do not exclude a school where a parent must fill out an enrollment or registration form, nor do they exclude a school where the number of

students seeking enrollment in any given year may exceed the school's capacity. Indeed, in identifying geographic proximity as the "principal" admission criterion, FHFC's Application Instructions make clear that a student's admission to a "public school" may be conditioned upon the satisfaction of other criteria, especially administrative or ministerial ones such as those at issue here.

30. While FHFC has sometimes tried to "interpret" its Application Instructions to create new requirements that are not actually expressed in those Instructions, such an effort is contrary to law. If FHFC wished to award tie-breaker points exclusively for those schools where geographic proximity is the "only admission criterion" or where the school has a demonstrated capacity to accept new students, then FHFC is required to expressly state those requirement in its Application Instructions. FHFC "is responsible for its own chosen and adopted definition" of a public school, and FHFC may not "enlarge, modify, or change that definition to the detriment of applicants who relied upon the definition provided." *The Landings on Millennia Blvd. v. FHFC*, Case No. 2002-0057, Rec. Order at pp. 7-8 (FHFC Oct. 10, 2002) (FHFC bound by its adopted definition of "grocery store").⁵ Similarly, Lucerne relied upon, and was entitled to rely upon, FHFC's adopted definition of "public school" in securing its Development site and

⁵ See also *Newport Sound Partners, Ltd. v. FHFC*, Case No. 2002-0058, Rec. Order at 5-9 (FHFC Oct. 10, 2002) (FHFC bound by its adopted definition of "grocery store"); *Pines Cypress, Ltd. v. FHFC*, Case No. 2002-0072, Rec. Order at 10-12 (FHFC Oct. 24, 2002) (applicants are entitled to rely upon adopted FHFC rules and FHFC cannot enlarge upon the express requirements of those rules post-application); *City View Apt's at Hughes Sq. v. FHFC*, Case No. 2004-028-UC, Rec. Order at 12-14 (FHFC Oct. 14, 2004) (FHFC must explicitly state its requirements in its adopted application and rules).

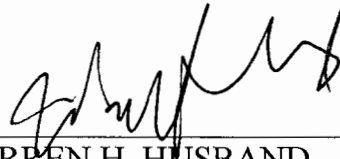
submitting its Application and cure materials, and FHFC may not now engraft new requirements onto that definition to deny Lucerne its tie-breaker points.

31. Thus, contrary to FHFC's scoring determination, Jewett Middle Academy satisfies all of FHFC's express requirements for consideration as a "public school." As such, Lucerne is entitled to the full 1.25 tie-breaker points available for the proximity of its proposed Development to Jewett Middle Academy, and FHFC's contrary scoring decision must be reversed.

WHEREFORE, Petitioner, Winter Haven Lucerne Park, Ltd., LLLP, requests that:

- a. FHFC revise its scoring and award Lucerne the full 1.25 tie-breaker points available to it for the proximity of its proposed Development to a “public school”;
- b. FHFC conduct an informal hearing on the matters presented in this Petition if there are no disputed issues of material fact to be resolved;
- c. FHFC forward this Petition to DOAH for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes, if there are disputed issues of material to be resolved, or if non-rule policy forms the basis of any FHFC actions complained of herein;
- d. FHFC’s designated hearing officer or an Administrative Law Judge, as appropriate, enter a Recommended Order directing FHFC to award Lucerne the full 1.25 tie-breaker points available to it for the proximity of its proposed Development to a “public school”;
- e. FHFC enter a Final Order revising its scoring to award Lucerne the full 1.25 tie-breaker points available to it for the proximity of its proposed Development to a “public school”; and
- f. Lucerne be granted such other and further relief as may be deemed just and proper.

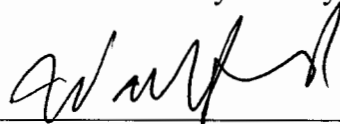
Respectfully submitted on this 26th day of May, 2006.



WARREN H. HUSBAND
FL BAR No. 0979899
Metz, Husband & Daughton, P.A.
P.O. Box 10909
Tallahassee, Florida 32302-2909
850/205-9000
850/205-9001 (Fax)
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a true and correct copy of the foregoing document were served via hand delivery to the **CORPORATION CLERK**, Florida Housing Finance Corporation, 227 N. Bronough Street, City Center Building, Suite 5000, Tallahassee, Florida, 32301-1329, on this 26th day of May, 2006.



Attorney

2006 CURE FORM

(Submit a SEPARATE form for EACH reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2006-050C** and pertains to:

Part III Section A Subsection 10.a. Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2006 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2006 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Proximity Points Not Maxed	Item No. <u>2P</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).

EXHIBIT A

Brief Statement of Explanation regarding
Application 2006 – 050C

Provide a separate brief statement for each Cure

**Applicant submits as a cure an updated/corrected Surveyor Certification form in
which the proper name of the school is listed and updated/corrected sketches.**

SURVEYOR CERTIFICATION

Name of Development: Lucerne Park Apartments

Development Location *: N. Side of Avenue Y NE, at the intersection with 6th Street NE, Winter Haven, FL 33881
 (At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

* If the Development consists of Scattered Sites, the Development Location stated above must reflect the site where the Tie-Breaker Measurement Point is located.

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

State the Tie-Breaker Measurement Point. Tie-Breaker Measurement 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 one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.	Latitude			Longitude		
	N28 Degrees	02 Minutes	58.3 Seconds (truncated after 1 decimal place)	W81 Degrees	43 Minutes	14.1 Seconds (truncated after 1 decimal place)

If the Development consists of Scattered Sites, is a part of the boundary of each parcel located within 1/2 mile of the Tie-Breaker Measurement Point? Yes No (check one)
 Scattered Sites for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development.

Location of closest Public Bus Stop or Metro-Rail Stop	N28 Degrees	02 Minutes	58.3 Seconds (truncated after 1 decimal place)	W81 Degrees	43 Minutes	10.8 Seconds (truncated after 1 decimal place)

State the name, Address and latitude and longitude coordinates of the closest service(s) on the chart below. The latitude and longitude coordinates for each service must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service.

	Latitude			Longitude		
Grocery Store: Name - <u>Start Foods</u> Address - <u>1420 1st Street N, Winter Haven, FL 33881</u>	N28 Degrees	02 Minutes	09.7 Seconds (truncated after 1 decimal place)	W81 Degrees	43 Minutes	35.4 Seconds (truncated after 1 decimal place)
Public School: Name - <u>Jewett Middle Academy</u> Address - <u>601 Avenue T NE Winter Haven, FL 33881</u>	N28 Degrees	02 Minutes	46.9 Seconds (truncated after 1 decimal place)	W81 Degrees	42 Minutes	59.4 Seconds (truncated after 1 decimal place)
Medical Facility: Name - _____ Address - _____	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
Pharmacy: Name - _____ Address - _____	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION: Under penalties of perjury, I declare that the foregoing statement is true and correct.

[Signature] 04/04/06 _____
 Signature Date (mm/dd/yyyy) Name of Surveyor
L. Clay Gates, III _____
 Print or Type Name of Signatory 18501 Murdock Circle, Suite 404
 Address

 Port Charlotte, Florida 33948
 Print or Type Title of Signatory

 PSM5710 _____
 Florida License Number Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will not receive proximity tie-breaker points and will fail to meet threshold and will be rejected. The certification may be photocopied.



NOT TO SCALE

AVENUE O NW

AVENUE O NE

NW 1ST STREET

STARR FOOD GROCERY
1420 NW 1ST STREET
WINTER HAVEN, FL 33881

PUBLIC ENTRANCE
LATITUDE: N28°02'09.7"
LONGITUDE: W81°43'35.4"

NOTES

1. LATITUDE AND LOGITUDE LOCATIONS WERE DETERMINED AT FRONT ENTRY OF THE SPECIFIC LOCATIONS.
2. LATITUDE AND LOGITUDE LOCATION FOR PROJECT WERE DETERMINED AT THE APPROXIMATE CENTER OF PROPERTY.
3. DISTANCES SHOWN ARE IN FEET.

GROCERY SKETCH

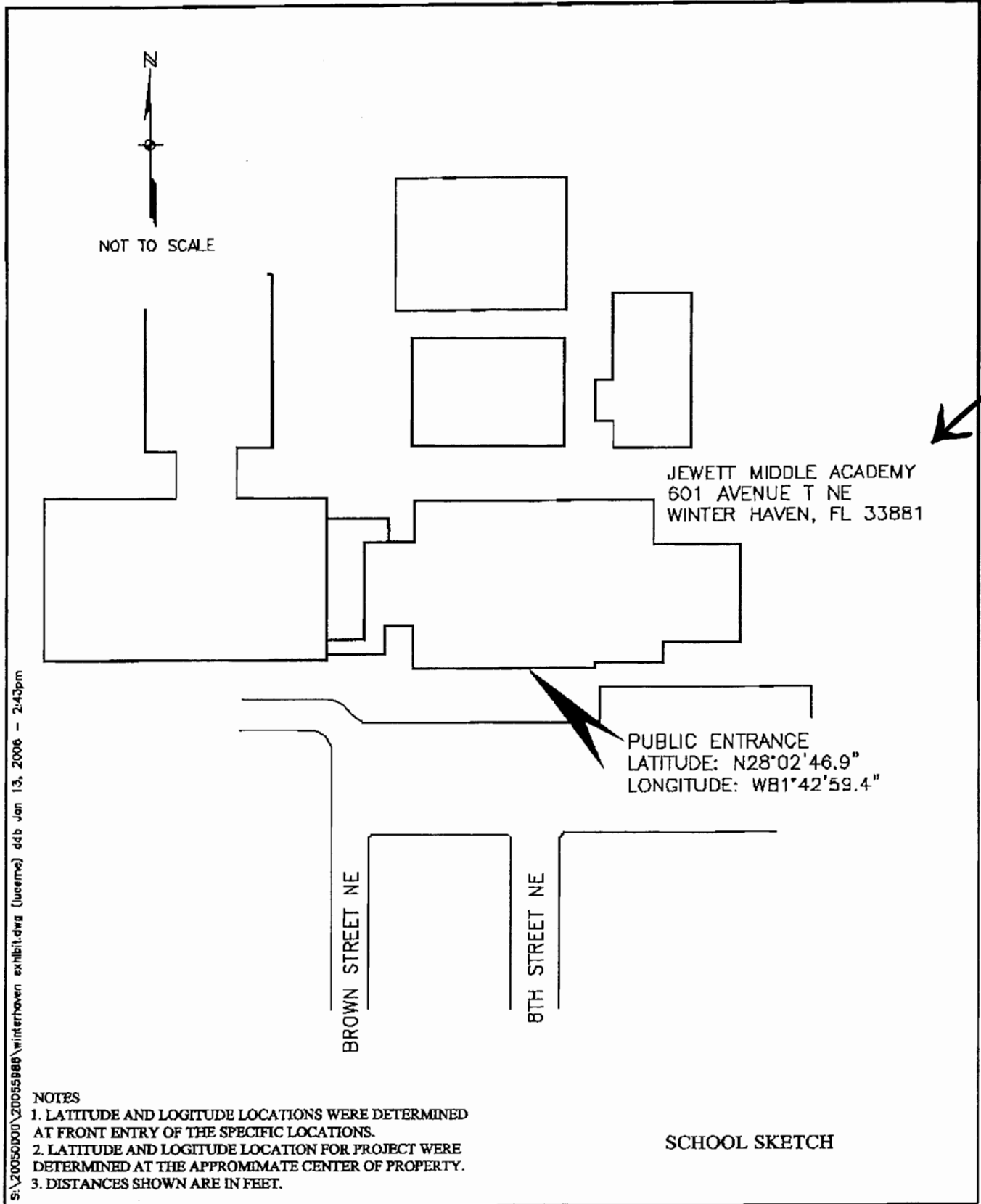
S:\20050000\20055985\winterhaven exhibit.dwg (userme) ddb Jan 13, 2006 - 2:43pm



18501 MURDOCK DRGLE,
SUITE 404
PORT CHARLOTTE, FLORIDA 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B. #842 & L.B. #542

WINTER HAVEN HOUSING AUTHORITY
LUCERNE PARK LOCATION EXHIBIT


DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01/04/06	20055985	10-28-28	NTS	1 OF 3



S:\20050201\20059889\winterhaven exhibit.dwg (lucerne) ddb Jan 13, 2006 - 2:43pm

- NOTES**
1. LATITUDE AND LOGITUDE LOCATIONS WERE DETERMINED AT FRONT ENTRY OF THE SPECIFIC LOCATIONS.
 2. LATITUDE AND LOGITUDE LOCATION FOR PROJECT WERE DETERMINED AT THE APPROXIMATE CENTER OF PROPERTY.
 3. DISTANCES SHOWN ARE IN FEET.

SCHOOL SKETCH

	18501 MURDOCK CIRCLE, SUITE 404 PORT CHARLOTTE, FLORIDA 33948 PHONE (841) 625-9919 FAX (841) 625-3259 E.B. #642 & L.B. #542	WINTER HAVEN HOUSING AUTHORITY LUCERNE PARK LOCATION EXHIBIT										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="font-size: small;">DATE</th> <th style="font-size: small;">PROJECT NO.</th> <th style="font-size: small;">FILE NO.</th> <th style="font-size: small;">SCALE</th> <th style="font-size: small;">SHEET</th> </tr> <tr> <td style="text-align: center;">01/04/08</td> <td style="text-align: center;">2005985</td> <td style="text-align: center;">16-26-28</td> <td style="text-align: center;">NTS</td> <td style="text-align: center;">2 OF 3</td> </tr> </table>	DATE	PROJECT NO.	FILE NO.	SCALE	SHEET	01/04/08	2005985	16-26-28	NTS	2 OF 3	
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET								
01/04/08	2005985	16-26-28	NTS	2 OF 3								

2006 CURE FORM

(Submit a SEPARATE form for EACH reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2006-050C** and pertains to:

Part III Section A Subsection 10.a Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2006 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2006 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Proximity Points Not Maxed	Item No. <u>2P</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).

Brief Statement of Explanation regarding
Application 2006 – 050C

Provide a separate brief statement for each Cure

Applicant is providing, as a cure, evidence that the school listed on the Surveyor

Certification form does meet the FHFC definition of a Public School.

Response to Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points item
2P – Admission Criterion

Lucerne Park Apartments 2006-050C

Taken directly from...
The School Board of Polk County, Florida

The School Board of Polk County, Florida
Policy 4.017

6Gx53-4.017 MAGNET SCHOOLS:

→ All magnet schools are "zoned" to serve targeted communities. Attendance or enrollment in a magnet school is based upon designated attendance areas or neighborhood areas. Applicants must be able to provide proof of residence within the zone of applications. Magnet schools are zoned to serve communities as follows:

1. Lawton Chiles Middle Academy (6-8), Lincoln Academy (K-5) and Rochelle School of the Arts (K-8) will serve the areas bound by the four Lakeland high schools: Kathleen, Lake Gibson, Lakeland High, and George Jenkins.

2. Bartow Elementary Academy (K-5) and Union Academy (6-8) will serve the communities feeding into the secondary schools of Bartow, Lake Wales, Frostproof, Fort Meade and Mulberry.

→ 3. Brigham Academy (K-5) and Jewett Middle Academy (6-8) will serve the communities feeding into the secondary schools of Auburndale and Winter Haven. Jewett Middle Academy may serve the students from the Haines City attendance area on a "space available" basis.

4. Bethune Academy (K-5) will serve the communities feeding into the secondary schools of Ridge Community and Haines City.

The above listed criterion is taken directly from the School Board of Polk County ...therefore this school meets the definition of a Public School because it is not only listed as a Public School but the principal admission criterion is the geographic proximity to the school.

Statutory Authority: Florida Statutes 1002.32, 1001.41, 1001.42, and 1001.43

Laws Implemented: Florida Statue 1002.31; and Mills, et al. vs. The School Board of Polk County, Florida



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Polk County Schools, Florida

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**School Codes listed at the bottom of this page.*

Elementary Middle High Adult Technical ESE Alternative Ed Charter
Choice
Pre-Kindergarten & Elementary

- | | |
|---|--|
| Alta Vista Elementary | Alturas Elementary |
| Auburndale Central Elementary | Bartow Elementary Academy (MG) |
| Ben Hill Griffin Jr Elementary | Bethune Academy (MG) |
| Boswell Elementary | <u>Brigham Academy (MG)</u> |
| Caldwell Elementary | Carlton Palmore Elementary |
| Chain of Lakes Elementary | Churchwell Elementary |
| Cleveland Court Elementary | Combee Elementary (YR) |
| Crystal Lake Elementary | Dixieland Elementary |
| Dr. N.E. Roberts Elementary | Dundee Elementary |
| Eagle Lake Elementary | Eastside Elementary (YR) |
| Elbert Elementary | Floral Avenue Elementary |
| Frostproof Elementary | Garden Grove Elementary |
| Garner Elementary | Gause Riverside Academy (M, AE) |
| Gibbons Street Elementary | Griffin Elementary |
| Highland City Elementary | Inwood Elementary |
| Jesse Keen Elementary (YR) | Kathleen Elementary |
| Kingsford Elementary | Lake Alfred Elementary |
| Lake Marion Creek Elementary -
Opening Fall 2006 | Lake Shipp Elementary |
| Lena Vista Elementary | Lewis Anna Woodbury Elementary - Anna
Woodbury Campus |
| Lewis Anna Woodbury Elementary -
Lewis Campus | Lime Street Elementary |
| Lincoln Avenue Academy Magnet (MG) | Loughman Oaks Elementary |
| Medulla Elementary | North Lakeland Elementary (CO) |
| Oscar J Pope Elementary (ESE) | Padgett Elementary |
| Pinewood Elementary | Polk City Elementary |
| Purcell Elementary | R. Bruce Wagner Elementary |
| Rochelle School of the Arts (M, CO, MG) | Sandhill Elementary |
| Scott Lake Elementary | Sikes Elementary |

Middle Schools 

Bartow Middle
 Crystal Lake Middle
 Dundee Ridge Middle
 Kathleen Middle
 Lakeland Highlands Middle
 McLaughlin Middle
 Sleepy Hill Middle
 Stambaugh Middle
 Westwood Middle

Boone Middle
 Denison Middle 
Jewett Middle Academy (MG)
 Lake Gibson Middle
 Lawton Chiles Middle Academy (MG)
 Mulberry Middle
 Southwest Middle
 Union Academy Magnet (MG)

Middle - Senior High Schools

Fort Meade Middle-Senior
 Gause Academy

Frostproof Middle-Senior
 Homer K Addair Career Academy (E)

High Schools

Auburndale Senior
 George Jenkins Senior
 Harrison School for the Arts (CO)
 Kathleen Senior
 Lake Region Senior
 Mulberry Senior
 Winter Haven Senior

Bartow Senior
 Haines City Senior
 International Baccalaureate (CO)
 Lake Gibson Senior
 Lakeland Senior
 Ridge Community Senior

Vocational Technical

Ridge Career Center (H, AD)

Traviss Career Center (H, AD)

Alternative Education

ACS - Bill Duncan Opportunity Center
 Best Program - Lake Alfred
 Mark Wilcox Center (M, H)
 South County Center
 Teen Parent - Ridge Career Center

ACS - Donald E. Woods Opportunity Center
 Best Program - Lakeland
 New Horizons
 Teen Parent - Dwight Smith Center

Adult Schools

East Area Adult School (AE)

West Area Adult School (AE)

Exceptional Student Education

Doris A Sanders Learning Center (E, M, H, YR)
 Polk Life and Learning Center (E, M, H)

Karen M. Siegel Academy (E, M, H)
 Roosevelt Academy (PK, M, H)

Charter

A.C.E. Charter School (PK, YR)
 Achievement Academy - Lakeland (PK)
 Apple School (E, M)
 Berkley Accelerated Middle (M)
 Central Florida Speech and Hearing (PK, YR)
 Discovery Academy (M)

Achievement Academy - Bartow (PK, YR)
 Achievement Academy - Winter Haven (PK)
 Babson Park Elementary (PK, E)
 Berkley Elementary (E)
 Compass Middle Charter
 Foundation Charter School (M, H)

Haines City Literacy Learning Academy (H)
 Hillcrest Elementary (PK, E)
 Lake Wales Senior (H)
 Life Skills Center (H)
 McKeel Elementary (E)
 Polk Avenue Elementary (PK, E)
 STAR Charter School - Winter Haven (H)

Hartridge Academy (E)
 Janie Howard Wilson Elementary (PK, E)
 Lakeland Montessori Schoolhouse (PK, E)
 McKeel Academy (M, H)
 PCC Collegiate High School (H)
 Ridgeview Global Studies Academy (E)

Choice

Blake Academy (E, M)
 Daniel Jenkins Academy Middle (M)
 Jewett School of the Arts (PK, E, M)

Daniel Jenkins Academy High (H)
 Davenport School of the Arts (PK, E, M)
 Polk Virtual School (H)

Key for School Codes		
E = Elementary	AE = Alternative Education	M = Middle
YR = Year Round	H = High	T = Technical/Vocational
AD = Adult	CA = Charter	CO = Choice
MG = Magnet	ESE = Exceptional Student Education	



Jewett Middle Academy

Principal: Gary McDaniel

School Number: 0711

Grades: 6-8

Address:

601 Avenue T NE
Winter Haven 33881



Phone: (863) 291-5320,

Fax: (863) 297-3049

Bell Schedule: 8:10 a.m. and 3:10 p.m.

2004-2005 School Grade: A

2003-2004 School Grade: A

Website: <http://www.polk-fl.net/jewettacademy>

School Zone Map

NCLB-SPAR Report - School Public Accountability Report

Paper copies available at school site and district office.

SFR - School Financial Report Addendum

SIP - School Improvement Plan

Curriculum:

Enrollment Count:

<u>Grade:</u>	<u>06</u>	<u>07</u>	<u>08</u>	<u>Total</u>
Total:	186	187	188	561

The enrollment information listed is intended to give a general idea of individual school size. Enrollment data does not reflect student mobility since posting.

Principal



GARY MCDANIEL

Asst Prin



ABRAHAM HARDEE JR

[Return to Polk County School List](#)

EXHIBIT B



Magnet Schools

The Mission of Polk County Public Schools is to ensure rigorous, relevant learning experiences for our students that result in high achievement.

The Office of Magnet, Choice, and Charter Schools is within the [School Based Operations Department](#).

[School Choice Home](#)
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[Choice](#)
[Charter](#)
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Definition of a Magnet School: A distinctive theme and/or other program feature characterize Magnet schools. Magnet schools are schools of choice that provide the standard required curriculum of general education to students while using special learning themes, such as science and technology. These themes serve to attract students to the magnet schools.

Purpose of a Magnet School: The magnet schools in Polk County serve as a tool to voluntarily desegregate schools in targeted communities. Through controlled admission procedures, pre-determined racial balance is maintained as a part of a community-wide desegregation plan. The result is a site-specific educational program that enhances the educational experiences of children while providing a multicultural environment and a special focus.



Magnet Schools at a Glance [Click Here](#)

Frequently Asked Questions From Parents Regarding Magnet Schools [Click Here](#)

List of Magnet Schools in Polk County, Florida <i>All numbers are within the 863 area code.</i>
Lakeland
<u>Lincoln Avenue Academy</u> 1330 N. Lincoln Avenue 499-2955 Fax: 499-2959 Kg through 5th Principal: Evelyn Hollen *Emphasis in Math and Science with Traditional Academics Approach
<u>Rochelle School of the Arts</u> 1501 Martin Luther King, Jr. Avenue 499-2810 Fax: 499-2797 Kg through 8th Principal: Jacquelyn Moore *Emphasis in the Arts
<u>Lawton Chiles Middle Academy</u> 400 N. Florida Avenue 499-2742 Fax: 499-2774 6th through 8th Principal: Sharon Neuman *Emphasis in Math, Science, and Technology
Winter Haven
<u>Brigham Academy</u> 601 Avenue C, SE

291-5300
Fax: 298-7913
Kg through 5th
Principal: Bill Londeree
*Emphasis in Science and Technology

**Jewett Academy**

601 Avenue T, NE
291-5320
Fax: 297-3049
6th through 8th
Principal: Gary McDaniel
*Emphasis in Math, Science, and Technology

Haines City**Bethune Academy**

900 Avenue F
421-3334
Fax: 421-3243
Kg through 5th
Principal: Sharon Knowles
*Emphasis in Math, Science, and Technology

Bartow**Bartow Academy**

590 S. Wilson Avenue
534-7410
Fax: 534-7218
Kg through 5th
Principal: Carol Borders
*Traditional Academics with Enrichment in Science, Technology, and the Arts

Union Academy

1795 E. Wabash Street
534-7435
Fax: 534-7487
6th through 8th
Principal: Steve Petrie
*Emphasis in Math, Science, and Technology

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[Back to Magnet, Choice, and Charter Schools Home Page](#)

6Gx53-4.017 MAGNET SCHOOLS:

→ A distinctive theme and/or other program feature characterize Magnet schools. Magnet schools are schools of choice that provide the standard required curriculum of general education to students while using special learning themes, such as science and technology. These themes serve to attract students from other schools.

→ I. Purpose: The magnet schools in Polk County serve as a tool to voluntarily desegregate schools in targeted communities. Through controlled admission procedures, pre-determined racial balance is maintained as a part of a community-wide desegregation plan. The result is a site-specific educational program that enhances the educational experiences of children while providing a multicultural environment and a special focus.

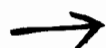
II. Admission Procedures: The admission procedures for magnet schools are governed by the Order entered by the United States District Court for the Middle District of Florida, Tampa Division, on July 8, 1992 in the case of Herman Henry Mills, et al. vs. The School Board of Polk County, Florida, et al., Case Number 63-150 CIV-T-H, which incorporated a proposed order (commonly called "the consent decree" or "consent order") dated June 5, 1992, and shall include the following directives:

A. Applications will be accepted during three prescribed application periods each year. These periods will run for the duration of four weeks each. The first application period of each year shall be called the open enrollment period. All applications received during the first week of this application period with a postmark inclusive of said week are considered to be the same date for the purposes of establishing priority. If more students apply during this period than seats are available, a computer will assign a number for each student by grade and race to execute a random sort. This week is referred to as the lottery week and will occur once annually. Students who apply after the first week of the open enrollment period will be assigned a number based on postmark of application. The second application period shall be considered the summer application period and the third application period considered the fall application period. These application periods will be executed in the same manner as the open enrollment period with the exception of the lottery week. No hand deliveries will be accepted since each application must reflect a postmark.

B. A waiting list for each school will be maintained through the Office of Magnet, Choice and Charter Schools. Students will be notified when a vacancy occurs at their grade and race in the order of the waiting list number assigned to them. If a student is not selected for entry into a magnet program in the year for which he/she has applied, his or her

priority status may be maintained for the following year. Applicants may request to have their name removed from the waiting list.

C. Students applying for more than one school will be placed into the school of first opportunity and the status on a waiting list for any other magnet and/or choice school will be canceled. Applicants should be prepared to accept placement into any school for which they have applied; however, they will have the opportunity to make a decision at the same time of the opening. Failure to accept at the time of the opening will result in removal from the waiting list.



D. All magnet schools are "zoned" to serve targeted communities. Attendance or enrollment in a magnet school is based upon designated attendance areas or neighborhood areas. Applicants must be able to provide proof of residence within the zone of applications. Magnet schools are zoned to serve communities as follows:

1. Lawton Chiles Middle Academy (6-8), Lincoln Academy (K-5) and Rochelle School of the Arts (K-8) will serve the areas bound by the four Lakeland high schools; Kathleen, Lake Gibson, Lakeland High, and George Jenkins.

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4. Bethune Academy (K-5) will serve the communities feeding into the secondary schools of Ridge Community and Haines City.

Students enrolled in a magnet school, who move outside of the zoned area for the magnet after October 1, may continue in that school for the balance of the school year; however, transportation will be the responsibility of the parent. Magnet students who move from one zone to another must reapply for the appropriate magnet school in the new zone. Priority from one zone does not carry into the new magnet zone.

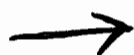
E. Students who are enrolled in the elementary magnet schools and are eligible for promotion will move automatically into the related zoned middle school magnet as listed below. For the purposes of desegregation and student enrollment, these schools are treated as a single site.

1. Lincoln Academy into Lawton Chiles Middle Academy.
2. Bartow Elementary Academy into Union Academy Middle.
3. Brigham Academy into Jewett Middle Academy.
4. Bethune Academy into Jenkins Academy of Technology.

F. All students who make application for a magnet school are given a priority number for the grade, race, and school of application. This number only applies for that grade, race, and school. If a student is retained in a grade, there is no status for that child other than that which was established during the application process. Each student is offered a seat in a specific grade of application and not to the school in general. Therefore, students who are retained do not have access in the grade of retention and must reapply to be eligible in that grade.

G. Kindergarten applicants with siblings already in the magnet school of application will receive guaranteed admission within the same school to permit families to remain together in the same school facility.

H. Children of employees at a magnet school shall be considered for admission into that magnet school with only the racial balance being the limiting factor.



I. While there are no admission requirements into the magnet school, individual school sites may require parents and/or students to sign contracts of commitment and expectation.

III. Annual Review: The Office of Magnet, Choice and Charter Schools shall review the Operating Guidelines and Admission Procedures on an annual basis and propose revisions as necessary for approval by the School Board.

IV. Staff Selection: Selection of magnet school administrators and staff shall be in accordance with School Board policy.

V. Student Transportation: Transportation shall be provided for magnet school students on the same basis as that provided for students in non-magnet schools in the District.

VI. Zone Modification: The School Board reserves the right to make adjustments or modifications in the magnet school zones if such is necessary in order to maintain acceptable racial balance in accordance with Court-ordered desegregation requirements.

The School Board of Polk County, Florida
Policy 4.017

Statutory Authority: Florida Statutes 1002.32, 1001.41, 1001.42, and 1001.43


Laws Implemented: Florida Statue 1002.31; and Mills, et al. vs. The School Board of Polk County, Florida

Adopted: September 12, 1995

Amended:

April 22, 2003

September 27, 2005



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principal

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principal



Main Entry: **¹prin-ci-pal** ◀

Pronunciation: 'prin(t)-s(&-)p&l, -s&-b&l

Function: *adjective*

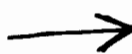
Etymology: Middle English, from Old French, from Latin *principalis*, from *princip-*, *princeps*

1 : most important, consequential, or influential : **CHIEF**

2 : of, relating to, or constituting principal or a principal

usage see PRINCIPLE

- **prin-ci-pal-ly** ◀ /-s&-p(&-)lE, -s&-b&-lE, -sp1E/
adverb



For **More Information** on "principal" go to [Britannica.com](http://www.britannica.com)
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Ads by Google

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Magnet and Choice School Enrollment

Student Information

Student ID 5300

(This is also the student's current lunch identification number. Incoming Kindergarten students and students new to Polk County schools may leave this field blank.)

Legal Last Name **First** **Middle**

Student's Residence Address

Number/Street

The address entered on the line above must exactly match the Polk County Schools' records of street names and numbers. If you type this information incorrectly, a list of suggestions will appear on the next screen.

Apt./ Suite/ Unit

City

Alturas

State

FL ZIP -

Student's Mailing Address

Number/Street

Apt./ Suite/ Unit

City

State

ZIP -

Sex Male Female

Possible retention ? Yes No

- Racial / Ethnic**
- African-American
 - Asian/ Pacific Islander
 - American Indian, Alaskan Native
 - Hispanic
 - Multiracial - Black
 - Multiracial - Non-black
 - White, Non-Hispanic

Date of Birth - - (month/day/year)
example: 09-08-1994

Does this student have a twin, triplet, etc.? Yes No

What grade level is the student applying for? (K-12)

Kindergarten ▾

Parent or Guardian Information

Parent/ Guardian Last Name First

Daytime Telephone Number --

Evening Telephone Number --

Parent works at a magnet or choice school to which the student is applying? Yes No

Magnet and Choice School Enrollment

Magnet and Choice School Information

To which school(s) is the student applying? (check one or more)...

- Jewett Academy
- Jewett School of the Arts

Sibling Information

Are siblings (brothers or sisters) currently enrolled or applying at any of the chosen magnet or choice schools? (If yes, please list each of those siblings separately using the form provided below...) Yes No

Siblings you have listed appear below (if you have made an error or duplicated a sibling, click the Delete button next to the appropriate sibling):

NO SIBLINGS LISTED

You may add a sibling to the listing above by entering the appropriate information in the boxes below and clicking 'Add Sibling'

Sibling's Last Name	First Name
Sibling's Date of Birth	(month/day/year)
This student is currently <input type="radio"/> Enrolled at school <input checked="" type="radio"/> Applying or on Waiting List	
Sibling's current grade level Kindergarten ▼	
<input type="button" value="Add Sibling"/>	