

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

**AMARYLLIS PARK PLACE III, LLC**

Petitioner,

VS.

**FLORIDA HOUSING  
FINANCE CORPORATION.**

Respondent.

**FHFC Case No. 2023-050BP**

**RFA No. 2023-304**

**App. No. 2023-211R**

**RECEIVED**

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

**FLORIDA HOUSING  
FINANCE CORPORATION**

Petitioner, Amaryllis Park Place III, LLC (“Petitioner” or “Amaryllis”), pursuant to sections 120.57(1) and (3), Florida Statutes and rules 28-110.004 and 67-60, Florida Administrative Code (“F.A.C.”) files this *Amended Formal Written Protest and Petition for Administrative Hearing*<sup>1</sup> (the “Petition”) regarding the scoring and eligibility decisions of the Respondent, Florida Housing Finance Corporation (“Florida Housing”) in awarding funding to Applicants pursuant to *RFA 2023-304 RRLP Financing to be used for Rental Developments in Hurricane Ian and Hurricane Nicole Impacted Counties*. (Hereinafter the “RFA”)

**Introduction**

1. This Petition is filed pursuant to sections 120.57(1) and (3), Florida Statutes, Rules 28-110 and 67-60, F.A.C.

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<sup>1</sup> The Amendment of the Petition is merely to correct a statement in Footnote 4.

### **Parties**

2. Petitioner is a Florida limited liability company in the business of providing affordable housing. The Petitioner's address is 1100 NW 4<sup>th</sup> Ave, Delray Beach, Florida 33444, (561)-859-8520, dsmith@smithhenzy.com. Petitioner's address, telephone number and email address are those of its undersigned counsel for purposes of this proceeding.

3. The affected agency is Florida Housing Finance Corporation. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

### **Notice**

4. On April 12, 2023, Florida Housing issued the RFA.

5. On April 25, 2023, the RFA was modified by Florida Housing and a corresponding Notice of Modification of RFA 2023-304 was issued.<sup>2</sup>

6. Applications in response to the RFA were due on or before May 3, 2023.

7. Florida Housing received thirty-six (36) applications in response to the RFA. Petitioner, in response to the RFA, requested an allocation of \$11,059,100.00 in RRLP funds plus \$1,961,634.00 in Housing Tax Credit funding for its proposed 108-unit affordable housing development in Sarasota County, Florida.

8. Petitioner received notice of the preliminary RFA scoring and rankings through electronic posting on Friday, June 9, 2023, at 11:36 am. A copy of the notices posted on the Corporations website are attached hereto as Exhibit "A". Petitioner was deemed eligible for funding.

9. On Wednesday, June 14, at 8:02 am., Petitioner timely submitted their Notice of Intent to Protest Florida Housing's intended decision. A copy of that Notice of Intent is attached hereto as Exhibit "B".

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<sup>2</sup> The Notice of Modification of RFA 2023-304 was posted on the Corporations website and sent via electronic mail to persons registered on the Corporation's Multifamily Programs Registry.

10. This Petition is timely filed in accordance with the provisions of section 120.57(3) (b), Florida Statutes and rules 28-110.004 and 67-60.009, F.A.C.

### **Background**

11. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of financing or refinancing affordable housing and related facilities in Florida. Florida Housing's statutory authority and mandates are set forth in Part V of Chapter 420, Florida Statutes. Florida Housing is designated as the Housing Credit agency for the State of Florida within the meaning of 42(h)(7)(A) of the IRC, and Chapters 67-48 and 67-60, Fla. Admin. Code.

12. Florida Housing administers a competitive solicitation process to implement the provisions by which developers apply for funding. See Chapter 67-60, F.A.C. The funding for this RFA was appropriated by the 2022 Florida Legislature. (RFA at 2)

### **RFA 2023-304**

13. This RFA was open to Applicants proposing to construct much needed affordable housing utilizing Rental Recovery Loan Program (RRLP) funding for Developments in the following Hurricane impacted counties:

Tier 1 Counties: Charlotte, Lee, Orange, Sarasota, and Volusia

Tier 2 Counties: Collier, DeSoto, Hillsborough, Osceola, Polk, and Seminole

Tier 3 Counties: Brevard, Flagler, Glades, Hardee, Hendry, Highlands, Lake, Manatee, Monroe, Okeechobee, Palm Beach, Pasco, Pinellas, Putnam, and St. Johns.

(RFA at 2)

14. Appointed Review Committee members independently evaluated and scored their assigned portions of the submitted applications based on various eligibility and scored items. (RFA at 61-

62) The maximum point total that an applicant can receive is 10 points. (RFA at 64) Failure to meet all eligibility items results in an application being deemed ineligible. (RFA at 64).

15. The RFA provides that within each Tier, the highest scoring Applications will be determined by first sorting together all eligible Applications from highest score to lowest score, with any scores that are tied separated in the following order:

- a. First, by the Application's Leveraging Classification, applying the multipliers outlined in Item 3 of Exhibit C of the RFA (with Applications having the Classification of A listed above Applications having the Classification of B);
- b. Next, by the Application's eligibility for the Proximity Funding Preference which is outlined in Section Four A.5.e of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- c. Next preference will be given to Applications that qualify for the Florida Job Creation Funding Preference which is outlined in Item 4 of Exhibit C (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- d. Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

(RFA at 65)

16. The RFA has two funding goals,

There is a goal to fund one Priority I, Tier 1 Application that qualifies for the PHA Goal.<sup>3</sup>

There is a goal to fund three Applications in Lee County, with a preference that they be Priority I Applications.

(RFA at 65)

17. Selection is also governed by the County Award Tally, which provides in relevant part,

As each Application is selected for tentative funding in the selection process below, the County where the proposed Development will be located will have one Application credited toward the County Award Tally.

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<sup>3</sup> PHA stands for Public Housing Authority.

Within each Tier, the Corporation will prioritize eligible unfunded Priority I Applications that meet the Funding Test and are located in counties that have the lowest County Award Tally above other eligible unfunded Priority I Applications in counties with a higher County Award that also meets the Funding Test, even if the Priority I Applications with a higher County Award Tally are higher ranked. If there are multiple eligible unfunded Priority I Applications within a Tier that meet the Funding Test and have the lowest County Award Tally, the Corporation will select the highest-ranking Application among them for tentative funding.

(RFA at p. 65)

18. The RFA mandates the Funding Selection Process (hereinafter “Selection Process”), as follows,

a. Review of RFA 2022-206 Applications

First, the list of Applications that were invited to enter credit underwriting in RFA 2022-206 HOME Financing to be used for rental Developments in certain Hurricane Ian impacted counties will be reviewed.

If any of the Applications invited to enter credit underwriting in RFA 2022-206 were for Developments located in counties eligible for funding in this RFA, the affected county will be considered to have one Application applied toward the county in this RFA.

If multiple Applications are invited to enter credit underwriting in RFA 2022-206 were for Developments located in the same county, the affected county will still only be considered to have one Application applied towards the County Award Tally in this RFA.

b. Selection of an Application to meet the PHA Goal

The Corporation will first select the highest-ranking eligible unfunded Priority I, Tier 1 Application to meet the PHA Goal.

c. Selection of three Applications to meet the Lee County Goal

The Corporation will then select the three highest-ranking eligible unfunded Priority I Applications to meet the Lee County Goal. If the goal cannot be met because there were not enough eligible Priority I Applications that meets the goal, the Corporation will then select the highest-ranking eligible unfunded Priority II Applications that meet the Lee County Goal until this goal is met.

d. Selection of the Remaining Tier 1 and Tier 2 Applications

(1) Priority I, Tier 1 Applications

After the selection of Applications to meet the goals, the Corporation will select eligible unfunded Priority 1, Tier 1 Applications. The selection of Priority 1, Tier 1 Applications will be subject to the County Award Tally and Funding Test.

(2) Priority 1, Tier 2 Applications

If any funding remains after selection all eligible Priority 1, Tier 1 Applications that can be fully funded, then eligible unfunded Priority 1, Tier 2 Applications will be selected for funding. The selection of Priority 1, Tier 2 Applications will be subject to the County Award Tally and Funding Test.

(3) Priority II, Tier 1 Applications

If any funding remains after selecting all eligible Priority 1 that can be fully Tier 2 Applications that can be fully funded, then eligible unfunded Priority II, Tier 1 Applications will be selected for funding. The selection of Priority II, Tier 1 Applications will be subject to the County Award Tally and Funding Test.

(4) Priority II, Tier 2 Applications

If any funding remains after selecting all eligible Priority II, Tier 1 Applications that can be fully funded, then eligible unfunded Priority II, Tier 2 Applications will be selected for funding. The selection of Priority II, Tier 2 Applications will be subject to the County Award Tally and Funding Test.

d. Selection of Applications within the Tier 3 Counties (sic)

If funding remains after selecting all Tier 1 and Tier 2 Applications that can be fully funded, eligible unfunded Priority I, Tier 3 Applications will be selected for funding. The selection of Priority I, Tier 3 Applications will be subject to the County Award Tally and Funding Test.

If funding remains after selecting all eligible Priority I, Tier 3 Applications can be fully funded, then eligible unfunded Priority II, Tier 3 Applications will be selected for funding. The selection of Priority II, Tier 3 Applications will be subject to the County Award Tally and Funding Test.

e. Remaining Funding

If funding remains and no eligible unfunded Applications can be fully funded, no further Applications will be considered for funding and any remaining funding will be distributed as approved by the Board.



RFA at p. 66 and 67

19. On May 25, 2023, members of the Review Committee met at a public meeting to announce their scores into the record and to recommend Applicants for funding. Those recommended for funding are,

- 2023-201R -Lofts on Lemon Phase II (Priority I, Tier I, PHA Goal- Sarasota County)
- 2023-212BR- Hermosa North Fort Myers II (highest ranking applicant meeting Lee County Goal)
- 2023-216BR- Palms Landing (next highest-ranking applicant meeting Lee County Goal)
- 2023-220BR-Legacy Park II (next highest-ranking applicant meeting Lee County Goal)
- 2023-226BR-New York Avenue Apartments (Tier 1 Applicant- Volusia County)
- 2023-208BR-Cardinal Pointe (Tier 1 Applicant- Orange County)
- 2023-223BR-EKOS on Pine (Tier 1 Applicant-Sarasota County)
- 2023-196BR-Town Oaks Apartments (Tier 1 Applicant-Orange County)
- 2023-206BR-Lakewood Senior Housing (Tier 1 Applicant-Volusia County)

At the conclusion of the Review Committee meeting the members of the Committee voted to forward the scores and their recommendations for funding to the Florida Housing Board for approval. The Florida Housing Board approved the funding recommendations at the June 8th meeting.

20. Applicant, Amaryllis Park Place III, Application No. 2023-211R, with a proposed development in Sarasota County, was deemed eligible but unfunded. The scoring Committee

erroneously found the Applicant, MHP Sarasota I, Ltd. (“MHP Sarasota”), Application Number 2023-223BR- (Proposed development name *EKOS on Pine*) eligible for the Proximity Funding Preference. Additionally, Applicant Blue Ian, LLC, (“Blue Ian”) Application Number 2023-226BR (Proposed development name-*New York Avenue Apartments*) was erroneously deemed eligible for funding. Had MHP Sarasota been deemed ineligible for the Proximity Funding Preference and Blue Ian been deemed ineligible for funding then Amaryllis Park Place III, would have been selected for funding.<sup>4</sup>

**MHP Sarasota I, Ltd.**  
**Grocery Store**

21. The RFA provides that an Applicant may earn proximity points based on the “... distance between the Development Location Point <sup>5</sup> and the Bus or Rail Transit Service.... or the Community Services...” (RFA at 19) The closer that the Community Service is to the proposed development and the residents the greater number of points for the Applicant. Eligible Community Services include Grocery Store, Public School, Medical Facility and Pharmacy. (RFA at 21) The Required Total Proximity Points that a Medium County Applicant must achieve to receive the Proximity Funding Preference is 9.0 points. (RFA at 19)<sup>6</sup>

22. The RFA required Applicants provide the location information and distances for three of four Community Services on which to base their Community Services Score. RFA at 22. MHP Sarasota selected a Grocery Store as one its three (3) Community Services and estimated their

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<sup>4</sup> Under this scenario, after the PHA and Lee County selected applications the following applications would be selected for funding, Cardinal Pointe, Lakewood Senior Housing, Town Oaks Apartments followed by Amaryllis Park, with a lottery number of 28 and eligible for the Proximity Funding Preference, in the eight funded slot.

<sup>5</sup> 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 constructed as part of the proposed Development. Rule 67-48.002(34), Florida Administrative Code.

<sup>6</sup> This RFA did not require a minimum eligibility requirement for transit points or total proximity score (RFA at 19)



combined Required Total Proximity Points at 9, which would make them eligible for the Proximity Funding Preference. Of the estimated 9 points, 2.5 were attributed to their selected Grocery Store.<sup>7</sup>

23. Grocery Store is defined within the RFA as follows,

A retail food store consisting of 4,500 square feet or more of contiguous air-conditioned space available to the public, that has been issued a food permit, current and in force as of the dates outlined below, **issued by the Florida Department of Agriculture and Consumer Service (FDACS) which designates the store as a Grocery Store or Supermarket within the meaning of those terms for purposes of FDACS-issued food permits.**

Additionally, it must have (i) been in existence and available for use by the general public since a date that is 6 months prior to the Application Deadline; or (ii) been in existence and available for use by the general public as of the Application Deadline AND be one of the following: Albertson's, Aldi, Bravo Supermarkets, BJ's Wholesale Club, Costco Wholesale, Food Lion, Fresh Market, Harvey's, Milam's Markets, Piggly Wiggly, Presidente, Publix, Sam's Club, Sav – A – Lot, Sedano's, SuperTarget, Trader Joe's, Walmart Neighborhood Market, Walmart Supercenter, Whole Foods, Winn-Dixie; or (iii) been in existence and available for use by the general public as of September 25, 2022 but not available as of the Application Deadline because of temporary closures or service suspensions due to Hurricane Ian or other emergency suspension based on an official emergency declaration.

RFA at 87-88. (Emphasis Supplied)

24. The Florida Department of Agriculture and Consumer Services ("FDACS") is responsible for the administration and enforcement of Florida laws, "... in order to prevent fraud, harm, adulteration, misbranding, or false advertising in the preparation, manufacture, or sale of articles of food." Section 500.032, Florida Statutes.

25. A food permit from FDACS is required of any person who operates a food establishment or retail food store.<sup>8</sup> A food establishment

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<sup>7</sup> The relevant excerpt of MHP Sarasota's application to Florida Housing is attached hereto as Exhibit C.

<sup>8</sup> There are limited exceptions for the following,

1. Persons operating minor food outlets, including, but not limited to, video stores, that sell commercially prepackaged, nonpotentially hazardous candy, chewing gum, soda, or popcorn, provided the shelf space for those items does not exceed 12 linear feet and no other food is sold by the minor food outlet.

means any factory, food outlet, or any other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term does not include any business or activity that is regulated under chapter 509 or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

§500.03(1)(p), Florida statutes. A retail food store is defined as

any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

§ 500.03(1) (bb). Florida statutes.

26. An application for a food permit from FDACS must be accompanied by a fee in an amount determined by department rule, which may not exceed \$650 and shall be used solely for the recovery of costs for the services. Food permits must be renewed annually on or before January 1. Section 500.12(1)(b), Florida statutes.

27. Pursuant to rule 5K-4.020(1), F.A.C, the following definitions shall apply in determining food permit fees,

- (i) Grocery Store. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains four or fewer check out registers and less than 15,000 total square footage, and storage areas.
- (aa) Salvage store. A retail food store specializing in salvage foods.
- (ff) Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or

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2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within the state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of product, and a statement that reads "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

greater total square footage, including display, preparation, and storage areas.

28. The fee for each of the respective types of permits is as set forth below,

Grocery store- \$540.00

Salvage store-\$470.00

Supermarket-\$650.00

Rule 5K-4.020(4)(b), F.A.C.

29. MHP Sarasota selected Sunflower Market Discount Grocery (“Sunflower Market”), located at 431 S. Indiana Ave, Englewood, FL 34223. According to the records of FDACS, Sunflower Market is permitted as a Salvage store.<sup>9</sup> A Salvage store, sometimes referred to as a grocery liquidator sells items that may be limited, partially damaged or near expiration dates.

30. Florida Housing’s definition of Grocery Store is quite specific, requiring a permit issued by FDACS “which designates the store as a *Grocery Store* or *Supermarket* within the meaning of those terms for purposes of FDACS- issued food permits.” The Sunflower Market does not meet the definition of Grocery Store in the RFA.

31. Considering the foregoing, MHP Sarasota is not entitled to the 2.5 points claimed in its Application. As a result of this reduction, MHP Sarasota has 6.5 total proximity points and is not eligible for the Proximity Funding Preference.

**Blue Ian**  
**Readiness to Proceed**

32. Applicants are required to demonstrate that their proposed development, if selected, is “ready to proceed” by the execution of various documents which are included within the application.

Ability to Proceed

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<sup>9</sup> The Permit issued on November 8, 2022, is attached hereto as Exhibit D.

Applications will be required to demonstrate the following Ability to Proceed elements as of Application Deadline, for the entire proposed Development site, including all Scattered Sites, if applicable, as outlined below.

The Florida Housing Ability to Proceed Verification forms are provided on the RFA Webpage. Note: The Applicant may include the Florida Housing Ability to Proceed Verification forms that were included in a previous RFA submission for the same Complete RFA as modified 4-25-23 Page 34 of 148 RFA 2023-304 proposed Development, provided (i) the form(s) used for this RFA are labeled Form Rev. 07-2022, (ii) the forms are dated within 12 months of the Application Deadline, (iii) none of the information entered on the form and certified to by the signatory has changed in any way, and (iv) the requirements outlined in this RFA are met. If the Applicant provides any prior version of the Florida Housing Ability to Proceed Verification form(s), the form(s) will not be considered.

(1) Appropriate Zoning. Demonstrate that as of the Application Deadline the entire proposed Development site is **appropriately zoned and consistent with local land use regulations regarding density and intended use** or that the proposed Development site is legally non-conforming by providing, as Attachment 7 to Exhibit A, the applicable properly completed and executed verification form:

(a) The Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form (Form Rev. 07-2022); or

(b) The Florida Housing Finance Corporation Local Government Verification that Permits are Not Required for this Development form (Form Rev. 07-2022).

Note: With regard to the terms “Rate of Growth Ordinance (ROGO)” and “Building Permit Allocation System (BPAS),” as used by different jurisdictions within the Florida Keys Area of Critical State Concern, for purposes of the verification forms outlined in (a) and (b) above, all references on these forms to “Rate of Growth Ordinance (ROGO)” shall be considered by the Corporation to have the same meaning as “Building Permit Allocation System (BPAS).”

RFA at p.33-34.

33. The *Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations Zoning Form* (hereinafter described as “Zoning Form”) submitted by Blue Ian is attached hereto as Exhibit E.

34. On the face of the form is the following statement,

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from elected local government officials are not acceptable, nor are other signatories. **If there are alterations made to this form that change the meaning of the form, the form will not be accepted.**

(See Exhibit F, unexecuted Zoning Form attached hereto)

35. The Zoning Form submitted by Blue Ian was altered in the following manner,

Number of Units in the Development: 84\* (See Below)

This number must be equal to or greater than the number of units stated by the applicant in Exhibit A of the RFA.

*\*In order to receive approval to construct up to 84 units on this site, discretionary approvals would be required from the City Commission for parking reductions. There may be other discretionary approvals required for other elements of the project due to the limited size of the site.*

*The site is within a designated historical district and must meet all applicable design requirements and receive a certificate of appropriateness from the City's Historic Preservation Board.*

See Exhibit E (Emphasis Supplied)

36. While the Applicant chose the Zoning Form indicating that the proposed development is consistent with Zoning and Land Use Regulations, the asterisk added by the Planning Director clearly indicates that it is not, by the statement that to build the *minimum required* units (84) would require an approval from the City Commission for parking reductions. Considering this added statement, the meaning of the Zoning Form has been modified from what its execution was originally meant to convey.

### **Substantial Interests Affected**

37. If MHP Sarasota had been deemed ineligible for the Proximity Funding Preference and Blue Ian deemed ineligible for its failure to demonstrate Appropriate Zoning under the RFA terms then Amaryllis would have been selected for funding.

38. Petitioner is substantially affected by the evaluation and scoring of the responses to the RFA. The results of the scoring have affected Petitioners ability to obtain funding through the RFA. Consequently, Petitioners have standing to initiate and participate in this and related proceedings.

39. The Petitioner is entitled to a Formal Administrative Hearing pursuant to Sections 120.57(1) and 120.57(3), Florida statutes, to resolve the issues set forth in this Petition.

**Disputed Issues of Material Fact and Law**

40. Disputed issues of material fact and law exist and entitle Petitioners to a Formal Administrative Hearing pursuant to Section 120.57(1), Florida Statutes. The disputed issues of material fact and law include, but are not limited to, the following:

- a. Whether the RFA's criteria for determining eligibility were properly followed;
- b. Whether the proposed awards are based on a correct determination of eligibility of the applicants;
- c. Whether the Sunflower Market is a Grocery Store as defined in the RFA.
- d. Whether MHP Sarasota was entitled to 2.5 Community Service points for Sunflower Market.
- e. Whether MHP Sarasota has achieved the Required Proximity Points to receive the Proximity Funding Preference.
- f. Whether the Zoning Form submitted by Blue Ian meets the requirements of the RFA as set forth on the face of the Zoning Form.
- g. Whether the comments added to the Zoning Form change the meaning of the form.
- h. Whether Blue Ian is eligible for funding.



- i. Such other issues as may be revealed during the protest process.

**Statutes and Rules Entitling Relief**

41. Petitioner is entitled to relief pursuant to Section 120.569 and 120.57, Florida Statutes, Chapters 28-106, 28-110, and 67-60, Florida Administrative Code.

**Concise Statement of Ultimate Fact and Law, Including the  
Specific Facts Warranting Reversal of the Agency's Intended Award**

42. Petitioner participated in the RFA process to compete for an award of funds based upon the delineated scoring and ranking criteria in the RFA. MHP Sarasota is not entitled to the Proximity Funding Preference for failing to meet the Required Minimum Total of proximity points for medium counties. Blue Ian is ineligible for funding due to its deficient Zoning Form.

43. Unless the scoring determination is corrected, and the preliminary allocation revised, Petitioner will be excluded from funding contrary to the provisions of the RFA and Florida Housing's governing statutes and rules.

44. A correct application of the eligibility, scoring and ranking criteria will result in funding for the Petitioner.

**Right to Amend the Petition**

45. Petitioner reserves the right to amend this Amended Petition if additional disputed issues of material fact are identified during the discovery process in this case.

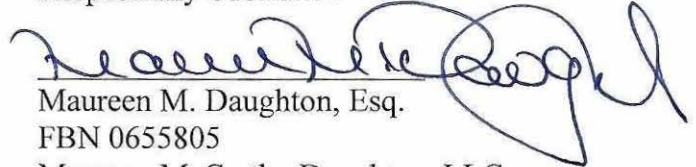
**WHEREFORE**, pursuant to section 120.57(3), Florida Statutes, and rule 28-110.004, Florida Administrative Code, Petitioner's request the following relief:

- a) An opportunity to resolve this protest by mutual agreement within seven days of the filing of this Petition as provided by Section 120.57(3)(d)(1), Florida Statutes.

- b) If this protest cannot be resolved within seven days, that the matter be referred to the Division of Administrative Hearings for a formal hearing to be conducted before an Administrative Law Judge ("ALJ") pursuant to Section 120.57(1) and (3), Florida Statutes.
- c) The ALJ enter a Recommended Order determining that the application of MHP Sarasota is not entitled to the Proximity Funding Preference and a determination that Blue Ian is ineligible for funding.
- d) That the Corporation adopt the Recommended Order of the ALJ as a Final Order.

FILED AND SERVED this 29th day of June 2023.

Respectfully Submitted



Maureen M. Daughton, Esq.

FBN 0655805

Maureen McCarthy Daughton, LLC

1400 Village Square Blvd.

Ste 3-231

Tallahassee, Florida 32312

**Counsel for Amaryllis Park Place III, LLC**

**CERTIFICATE OF SERVICE**

I CERTIFY that the original of this Amended Formal Written Protest and Petition for Administrative Hearing was filed by electronic mail with the Corporation Clerk ([CorporationClerk@floridahousing.org](mailto:CorporationClerk@floridahousing.org)), Betty Zachem, General Counsel and Ethan Katz, Deputy General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301 and Michael P. Donaldson, Esq., Carlton Fields, P.A., Post Office Drawer 190, Tallahassee, Florida 32302, [mdonaldson@carltonfields.com](mailto:mdonaldson@carltonfields.com) this 29th day of June 2023.



Maureen M. Daughton, Esq.

**EXHIBIT A**

## RFA 2023-304 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EU)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation	Preference	Lottery Number
2023-195BR	Legacy Park I	Lee	M	1	Matthew A Rieger	HTG Legacy I Developer, LLC	NC	MR 5/6	F	95	10,721,300	16,000,000	1,426,657	Y	1	10	N	88,175.64	A	Y	Y		24
2023-196BR	Town Oaks Apartments	Orange	L	1	C. Hunter Nelson	ECG Town Oaks Developer, LLC	NC	G	F	60	5,340,600	13,000,000	1,050,972	Y	1	10	N	83,582.00	A	Y	Y		16
2023-197BR	Princeton Oaks	Orange	L	1	Brett Green	Archway Princeton Oaks Developer, LLC	NC	G	F	90	9,227,900	14,500,000	1,325,042	Y	1	10	N	86,420.97	A	Y	Y		23
2023-198BR	Azalea Bloom	Osceola	M	2	Michael Ruane	CORE Azalea Bloom Developer LLC	NC	MR 5/6	F	95	9,345,400	15,500,000	1,397,998	Y	1	10	N	75,374.51	A	Y	Y		11
2023-199BR	The Nautilus	Lee	M	1	Matthew A Rieger	HTG Nautilus Developer, LLC	NC	MR 5/6	F	86	9,661,900	14,300,000	1,242,690	Y	1	10	N	88,206.87	A	Y	Y		35
2023-200BR	Fern Grove Phase Two	Orange	L	1	Scott Zimmerman	BDG Fern Grove Phase Two Developer, LLC	NC	MR 5/6	E, Non-ALF	133	10,600,000	27,000,000	2,347,564	Y	1	10	N	73,496.24	A	Y	Y		36
2023-201R	Lofts on Lemon Phase II	Sarasota	M	1	Darren Smith	Lofts II Fortis Developer, LLC; SHA Affordable Development, LLC	NC	HR	F	93	10,657,100		1,595,157	Y	1	10	Y	69,663.51	A	Y	Y		28
2023-202BR	Oak Park	Lee	M	1	Michael Ruane	CORE Oak Park Developer LLC	NC	MR 4	E, Non-ALF	144	10,721,600	17,000,000	1,490,984	Y	1	10	N	64,657.55	A	Y	Y		13
2023-203R	3611/3621 Cleveland Avenue	Lee	M	1	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	G	F	92	9,846,500		1,900,528	Y	1	10	Y	92,822.29	B	Y	Y		19
2023-204BR	Enclave at Endeavor	Lee	M	1	Joseph F Chapman, IV	Royal American Properties, LLC	NC	G	F	112	11,113,600	16,000,000	1,434,330	Y	1	10	N	93,982.52	B	Y	Y		15
2023-205BR	Southward Village CNI Phase 2	Lee	M	1	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	G	F	151	11,427,000	35,000,000	2,614,878	Y	1	10	N	72,172.02	A	Y	Y		29
2023-206BR	Lakewood Senior Housing	Volusia	M	1	Terri Murray	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	56	5,394,400	8,000,000	668,977	Y	1	5	N	77,145.70	A	Y	Y		17
2023-207BR	Arbors at The Ridge	Lee	M	1	Terri Murray	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	120	9,199,300	16,000,000	1,427,959	Y	1	5	N	58,466.72	A	Y	Y		21
2023-208BR	Cardinal Pointe	Orange	L	1	Deion R. Lowery	DDER Development, LLC	NC	G	E, Non-ALF	120	11,058,400	15,000,000	1,435,767	Y	1	10	N	76,705.00	A	Y	Y		5

# RFA 2023-304 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EU)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-209BR	Casa San Juan Diego	Collier	M	2	Eric C. Miller	NDA Developer, LLC; CSJD Developer, Inc.; CCHA Developer, LLC	NC	G	F	80	8,029,600	13,200,000	1,308,737	Y	1	10	N	74,367.42	A	Y	Y	6
2023-210BR	St. Peter Claver Place II	Lee	M	1	Eric C. Miller	LCHA Developer, LLC; St. Peter Claver Developer, Inc.; NDA Developer, LLC	NC	G	F	72	6,574,400	11,500,000	1,143,426	Y	1	10	N	74,122.60	A	Y	Y	31
2023-211R	Amaryllis Park Place III	Sarasota	M	1	Darren Smith	Amaryllis III Fortis Developer, LLC; SHA Affordable Development, LLC	NC	G	F	108	11,059,100		1,961,634	Y	1	10	Y	79,261.83	A	Y	Y	34
2023-212BR	Hermosa North Fort Myers II	Lee	M	1	Michael R. Allan	DDER Development, LLC; Revital Development Group, LLC; LCHA Developer, LLC	NC	MR 4	E, Non-ALF	88	9,981,900	14,250,000	1,324,288	Y	1	10	N	83,044.00	A	Y	Y	9
2023-213BR	Emerson Place	Hillsborough	L	2	Paula McDonald Rhodes	ADC Communities II, LLC; Invictus Development, LLC; UAD Emerson Place, LLC	NC	G	F	64	6,650,700	9,700,000	930,551	Y	1	10	N	99,187.50	B	N	Y	8
2023-214BR	Avid @ Coral Shores	Lee	M	1	Michael Ruane	CORE FL Developer VII LLC; 3rd Wave Affordable Developer LLC	NC	MR 4	E, Non-ALF	144	10,921,600	17,500,000	1,490,516	Y	1	10	N	66,015.19	A	Y	Y	33
2023-215BR	Twin Lakes Estates Phase III	Polk	M	2	Matthew A. Rieger	HTG Twin Lakes III Developer, LLC; Polk County Housing Developers, Inc.	NC	MR 4	F	86	9,553,200	12,000,000	957,138	Y	2	5	N	83,002.50	A	Y	Y	20
2023-216BR	Palmis Landing	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	88	8,096,200	14,000,000	1,220,000	Y	1	10	N	87,044.55	A	Y	Y	10
2023-217R	Oakhurst Trace	Pinellas	L	3	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	224	4,000,000		2,500,000	Y	1	10	N	8,025.97	A	Y	Y	30

## RFA 2023-304 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus ELI)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation	Preference Lottery Number
2023-218BR	Ellen Estates	Hillsborough	L	2	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	97	10,992,000	18,000,000	1,090,000	Y	2	10	N	87,628.87	A	Y	Y	27
2023-219BR	Flats on 4th	Pinellas	L	3	Brett Green	Flats on 4th Developer, LLC	NC	G	F	64	7,331,300	11,500,000	966,608	Y	1	10	N	111,090.00	B	Y	Y	1
2023-220BR	Legacy Park II	Lee	M	1	Matthew A Rieger	HTG Legacy II Developer, LLC	NC	MR 5/6	E, Non-ALF	80	8,950,600	13,000,000	1,235,458	Y	1	10	N	88,231.59	A	Y	Y	12
2023-221BR	The Enclave at Canopy Park	Orange	L	1	Brett Green	The Enclave at Canopy Park Developer, LLC	NC	G	F	104	8,952,300	17,000,000	1,453,186	Y	1	10	N	70,804.62	A	Y	Y	32



## RFA 2023-304 - Board Approved Scoring Results

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Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EI)	MMRB Request Amount	Non Competitive HC request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-222BR	Renaissance Hall Senior Living	Collier	M	2	Steven Kirk	Rural Neighborhoods, Incorporated	NC	MR 5/6	E, Non-ALF	100	8,000,000	21,000,000	1,310,304	Y	1	10	N	50,871.68	A	Y	Y	7
2023-223BR	EKOS on Pine	Sarasota	M	1	Christopher L. Shear	MHP Sarasota I Developer, LLC	NC	G	E, Non-ALF	100	10,837,000	16,750,000	1,062,947	Y	1	10	N	80,040.00	A	Y	Y	4
2023-224BR	Ekos on Vine	Volusia	M	1	Christopher L. Shear	MHP Volusia I Developer, LLC	NC	G	E, Non-ALF	96	10,524,000	15,000,000	901,282	Y	2	10	N	83,375.00	A	Y	Y	26
2023-225BR	Orange Grove	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	60	6,582,300	14,000,000	865,000	Y	1	10	N	92,046.00	B	Y	Y	18
2023-226BR	New York Avenue Apartments	Volusia	M	1	Shawn Wilson	Blue Ian Developer, LLC	NC	MR 4	F	84	9,353,500	14,000,000	1,216,219	Y	1	10	N	89,294.63	A	Y	Y	2
2023-227BR	Residences at Barnett Park	Orange	L	1	Robert Hoskins	NuRock Development Partners, Inc.; R Howell Development, LLC; R Block Development, LLC	NC	MR 5/6	F	140	8,812,000	32,000,000	2,002,090	Y	1	10	N	45,558.48	A	Y	Y	25
2023-228R	Vesta Esperanza Village	Charlotte	M	1	Kory Geans	Middleburg Development, LLC; Newstar Development, LLC	NC	G	F	96	10,614,600		944,352	Y	1	10	N	95,833.33	B	Y	Y	3
2023-229BR	Ekos on Evans	Lee	M	1	Christopher L. Shear	MHP Lee I Developer, LLC	NC	G	F	120	11,002,500	19,500,000	1,587,787	Y	1	10	N	76,705.00	A	Y	Y	22
2023-230BR	Ekos Del Prado	Lee	M	1	Christopher L. Shear	MHP Lee II Developer, LLC	NC	G	F	96	9,606,600	15,500,000	1,225,496	Y	1	10	N	84,375.50	A	Y	Y	14

On June 9, 2023, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

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

# RFA 2023-304 – Board Approved Preliminary Awards

Total RRLP Funding	81,600,000
Total RRLP Allocated	79,669,700
Total RRLP Remaining	1,930,300

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus ELI)	Eligible For Funding?	Funding Test Met?	County Award Tally	Priority Level	Total Points	PHA Goal?	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
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goal to fund one Priority I, Tier 1 Application that qualifies for the PHA Goal

2023-201R	Lofts on Lemon Phase II	Sarasota	M	1	Darren Smith	Lofts II Fortis Developer, LLC; SHA Affordable Development, LLC	NC	HR	F	93	10,657,100	Y	Y	1	1	10	Y	A	Y	Y	28
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goal to fund three Applications in Lee County, with a preference that they be Priority I Applications

2023-212BR	Hermosa North Fort Myers II	Lee	M	1	Michael R. Allan	DDER Development, LLC; Revital Development Group, LLC; LCHA Developer, LLC	NC	MR 4	E, Non-ALF	88	9,981,900	Y	Y	1	1	10	N	A	Y	Y	9
2023-216BR	Palms Landing	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	88	8,096,200	Y	Y	2	1	10	N	A	Y	Y	10
2023-220BR	Legacy Park II	Lee	M	1	Matthew A Rieger	HTG Legacy II Developer, LLC	NC	MR 5/5	E, Non-ALF	80	8,950,600	Y	Y	3	1	10	N	A	Y	Y	12

# RFA 2023-304 – Board Approved Preliminary Awards

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Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EU)	Eligible For Funding?	Funding Test Met?	County Award Tally	Priority Level	Total Points	PHA Goal?	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
Remaining Funding																					
2023-2268R	New York Avenue Apartments	Volusia	M	1	Shawn Wilson	Blue Ian Developer, LLC	NC	MR 4	F	84	9,353,500	Y	Y	1	1	10	N	A	Y	Y	2
2023-2088R	Cardinal Pointe	Orange	L	1	Deion R. Lowery	DDER Development, LLC	NC	G	E, Non-ALF	120	11,058,400	Y	Y	1	1	10	N	A	Y	Y	5
2023-2238R	EKOS on Pine	Sarasota	M	1	Christopher L. Shea	MHP Sarasota I Developer, LLC	NC	G	E, Non-ALF	100	10,837,000	Y	Y	2	1	10	N	A	Y	Y	4
2023-1968R	Town Oaks Apartments	Orange	L	1	C. Hunter Nelson	ECG Town Oaks Developer, LLC	NC	G	F	60	5,340,600	Y	Y	2	1	10	N	A	Y	Y	16
2023-2068R	Lakewood Senior Housing	Volusia	M	1	Terri Murray	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	55	5,394,400	Y	Y	2	1	5	N	A	Y	Y	17

On June 9, 2023, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

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

## **EXHIBIT B**

RECEIVED

JUNE 14 2023 8:02 AM

# Maureen McCarthy Daughton, LLC

MMD LAW

FLORIDA HOUSING  
FINANCE CORPORATION

Maureen McCarthy Daughton, LLC  
1400 Village Square Blvd., Ste 3-231  
Tallahassee, Florida 32312

T: (850) 345-8251  
[Mdaughton@mmd-lawfirm.com](mailto:Mdaughton@mmd-lawfirm.com)  
[www.mmd-lawfirm.com](http://www.mmd-lawfirm.com)

Via Email  
June 14, 2023

Corporation Clerk ([CorporationClerk@floridahousing.org](mailto:CorporationClerk@floridahousing.org))  
Florida Housing Finance Corporation  
227 North Bronough, Suite 5000  
Tallahassee, Florida 32301

**RE: Notice of Intent to Protest Proposed Scoring, Ranking and Funding Selections  
in Request for Applications (RFA) 2023-304 RRLP Financing to be used for Rental  
Developments in Hurricane Ian and Hurricane Nicole Impacted Counties**

Dear Corporation Clerk:

On behalf of Applicant, Amaryllis Park Place III, LLC, Application No. 2023-211R, and pursuant to Section 120.57(3), Florida Statutes and rule 67-60.009, Florida Administrative Code, we hereby provide this Notice of Intent ("Notice") to protest the Award Notice, Scoring and Ranking of RFA 2023-304 posted by Florida Housing Finance Corporation on June 9, 2023, at 11:36 am concerning *RFA 2023-304 RRLP Financing to be used for Rental Developments in Hurricane Ian and Hurricane Nicole Impacted Counties*. (See Attached).

A formal written petition will be submitted within ten (10) days of this Notice as required by law.

Respectfully Submitted,

Maureen M. Daughton

Cc Betty Zachem, Interim General Counsel

## RFA 2023-304 - Board Approved Scoring Results

Page 1 of 4

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EII)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-195BR	Legacy Park I	Lee	M	1	Matthew A Rieger	HTG Legacy I Developer, LLC	NC	MR 5/6	F	95	10,721,300	16,000,000	1,425,657	Y	1	10	N	88,175.64	A	Y	Y	24
2023-196BR	Town Oaks Apartments	Orange	L	1	C. Hunter Nelson	ECG Town Oaks Developer, LLC	NC	G	F	60	5,340,600	13,000,000	1,050,972	Y	1	10	N	83,582.00	A	Y	Y	16
2023-197BR	Princeton Oaks	Orange	L	1	Brett Green	Archway Princeton Oaks Developer, LLC	NC	G	F	90	9,227,900	14,500,000	1,325,042	Y	1	10	N	86,420.97	A	Y	Y	23
2023-198BR	Azalea Bloom	Osceola	M	2	Michael Ruane	CORE Azalea Bloom Developer LLC	NC	MR 5/6	F	95	9,345,400	15,500,000	1,397,998	Y	1	10	N	75,374.51	A	Y	Y	11
2023-199BR	The Nautilus	Lee	M	1	Matthew A Rieger	HTG Nautilus Developer, LLC	NC	MR 5/5	F	86	9,661,900	14,300,000	1,242,690	Y	1	10	N	88,206.87	A	Y	Y	35
2023-200BR	Fern Grove Phase Two	Orange	L	1	Scott Zimmerman	BDG Fern Grove Phase Two Developer, LLC	NC	MR 5/5	E, Non-ALF	133	10,600,000	27,000,000	2,347,564	Y	1	10	N	73,496.24	A	Y	Y	36
2023-201R	Lofts on Lemon Phase II	Sarasota	M	1	Darren Smith	Lofts II Fortis Developer, LLC; SHA Affordable Development, LLC	NC	HR	F	93	10,657,100		1,595,157	Y	1	10	Y	69,663.51	A	Y	Y	28
2023-202BR	Oak Park	Lee	M	1	Michael Ruane	CORE Oak Park Developer LLC	NC	MR 4	E, Non-ALF	144	10,721,600	17,000,000	1,490,984	Y	1	10	N	64,657.55	A	Y	Y	13
2023-203R	3611/3621 Cleveland Avenue	Lee	M	1	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	G	F	92	9,846,500		1,900,628	Y	1	10	Y	92,822.29	B	Y	Y	19
2023-204BR	Enclave at Endeavor	Lee	M	1	Joseph F Chapman, IV	Royal American Properties, LLC	NC	G	F	112	11,113,600	16,000,000	1,434,330	Y	1	10	N	93,982.52	B	Y	Y	15
2023-205BR	Southward Village CNI Phase 2	Lee	M	1	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	G	F	151	11,427,000	35,000,000	2,614,878	Y	1	10	N	72,172.02	A	Y	Y	29
2023-206BR	Lakewood Senior Housing	Volusia	M	1	Terri Murray	ACRUA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	56	5,394,400	8,000,000	668,977	Y	1	5	N	77,145.70	A	Y	Y	17
2023-207BR	Arbors at The Ridge	Lee	M	1	Terri Murray	ACRUA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	120	9,199,300	16,000,000	1,427,959	Y	1	5	N	58,466.72	A	Y	Y	21



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2023-208BR	Cardinal Pointe	Orange	L	1	Deion R. Lowery	DDER Development, LLC	NC	G	E, Non-ALF	120	11,058,400	15,000,000	1,435,767	Y	1	10	N	76,705.00	A	Y	Y	5
2023-209BR	Casa San Juan Diego	Collier	M	2	Eric C. Miller	NDA Developer, LLC; CSID Developer, Inc.; CCHA Developer, LLC	NC	G	F	80	8,079,600	13,200,000	1,308,737	Y	1	10	N	74,357.42	A	Y	Y	6
2023-210BR	St. Peter Claver Place II	Lee	M	1	Eric C. Miller	LCHA Developer, LLC; St. Peter Claver Developer, Inc.; NDA Developer, LLC	NC	G	F	72	6,574,400	11,500,000	1,143,426	Y	1	10	N	74,122.60	A	Y	Y	31
2023-211R	Amaryllis Park Place III	Sarasota	M	1	Darren Smith	Amaryllis III Fortis Developer, LLC; SHIA Affordable Development, LLC	NC	G	F	108	11,059,100		1,961,634	Y	1	10	Y	79,261.83	A	Y	Y	34
2023-212BR	Hermosa North Fort Myers II	Lee	M	1	Michael R. Allan	DDER Development, LLC; Revital Development Group, LLC; LCHA Developer, LLC	NC	MR 4	E, Non-ALF	88	9,981,900	14,256,000	1,324,788	Y	1	10	N	83,044.00	A	Y	Y	9
2023-213BR	Emerson Place	Hillsborough	L	2	Paula McDonald Rhodes	ADC Communities II, LLC; Invictus Development, LLC; UAD Emerson Place, LLC	NC	G	F	64	6,650,700	9,700,000	930,551	Y	1	10	N	99,187.50	B	N	Y	8
2023-214BR	Avid @ Coral Shores	Lee	M	1	Michael Ruane	CORE FL Developer VII LLC; 3rd Wave Affordable Developer LLC	NC	MR 4	E, Non-ALF	144	10,921,600	17,500,000	1,450,616	Y	1	10	N	66,015.19	A	Y	Y	33
2023-215BR	Twin Lakes Estates - Phase III	Polk	M	2	Matthew A. Rieger	HTG Twin Lakes III Developer, LLC; Polk County Housing Developers, Inc.	NC	MR 4	F	86	9,553,200	12,000,000	957,138	Y	2	5	N	83,002.50	A	Y	Y	20
2023-216BR	Palms Landing	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	88	8,096,200	14,000,000	1,220,000	Y	1	10	N	87,044.55	A	Y	Y	10

## RFA 2023-304 - Board Approved Scoring Results

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Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EU)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-217R	Oakhurst Trace	Pinellas	L	3	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	224	4,000,000		2,500,000	Y	1	10	N	8,025.97	A	Y	Y	30
2023-218R	Ellen Estates	Hillsborough	L	2	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	97	10,992,000	18,000,000	1,090,000	Y	2	10	N	87,628.87	A	Y	Y	27
2023-219R	Flats on 4th	Pinellas	L	3	Brett Green	Flats on 4th Developer, LLC	NC	G	F	64	7,331,300	11,500,000	956,608	Y	1	10	N	111,090.00	B	Y	Y	1
2023-220R	Legacy Park II	Lee	M	1	Matthew A. Rieger	HIG Legacy II Developer, LLC	NC	MR 5/6	E, Non-ALF	80	8,950,600	13,000,000	1,235,458	Y	1	10	N	88,231.59	A	Y	Y	12
2023-221R	The Enclave at Canopy Park	Orange	L	1	Brett Green	The Enclave at Canopy Park Developer, LLC	NC	G	F	104	8,952,300	17,000,000	1,453,186	Y	1	10	N	70,804.62	A	Y	Y	32

## RFA 2023-304 - Board Approved Scoring Results

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Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EII)	M/MB Request Amount	Non-Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation	Preference Lottery Number
2023-226R	Renaissance Hall Senior Living	Collier	M	2	Steven Kirk	Rural Neighborhoods, Incorporated	NC	MR 5/6	E, Non-ALF	100	8,000,000	21,000,000	1,310,304	Y	1	10	N	50,871.68	A	Y	Y	7
2023-223BR	EKOS on Pine	Sarasota	M	1	Christopher L. Shear	MHP Sarasota I Developer, LLC	NC	G	E, Non-ALF	100	10,837,000	16,750,000	1,062,947	Y	1	10	N	80,040.00	A	Y	Y	4
2023-224BR	EKOS on Vine	Volusia	M	1	Christopher L. Shear	MHP Volusia I Developer, LLC	NC	G	E, Non-ALF	96	10,524,000	15,000,000	901,282	Y	2	10	N	83,375.00	A	Y	Y	25
2023-225BR	Orange Grove	Lee	M	1	David Page	Southport Development, Inc., a WA corporation doing business in Ft. as Southport Development Services, Inc.	NC	G	F	60	6,582,300	14,000,000	865,000	Y	1	10	N	92,046.00	B	Y	Y	18
2023-226BR	New York Avenue Apartments	Volusia	M	1	Shawn Wilson	Blue Ian Developer, LLC	NC	MR 4	F	84	9,353,500	14,000,000	1,216,219	Y	1	10	N	89,294.63	A	Y	Y	2
2023-227BR	Residences at Barnett Park	Orange	L	1	Robert Hoskins	NuRock Development Partners, Inc., R Howell Development, LLC; R Block Development, LLC	NC	MR 5/6	F	140	8,812,000	32,000,000	2,002,090	Y	1	10	N	45,558.48	A	Y	Y	25
2023-228R	Vesta Esperanza Village	Charlotte	M	1	Kory Geans	Middleburg Development, LLC; Newstar Development, LLC	NC	G	F	96	10,614,600		944,357	Y	1	10	N	95,833.33	B	Y	Y	3
2023-229BR	EKOS on Evans	Lee	M	1	Christopher L. Shear	MHP Lee I Developer, LLC	NC	G	F	120	11,002,500	19,500,000	1,587,787	Y	1	10	N	76,705.00	A	Y	Y	22
2023-230BR	EKOS Del Prado	Lee	M	1	Christopher L. Shear	MHP Lee II Developer, LLC	NC	G	F	96	9,606,600	15,500,000	1,225,496	Y	1	10	N	84,375.50	A	Y	Y	14

On June 9, 2023, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

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

## RFA 2023-304 – Board Approved Preliminary Awards

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Total RRLP Funding	81,600,000
Total RRLP Allocated	79,669,700
Total RRLP Remaining	1,930,300

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EU)	Eligible For Funding?	Funding Test Met?	County Award Tally	Priority Level	Total Points	PHA Goal?	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
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goal to fund one Priority I, Tier 1 Application that qualifies for the PHA Goal

2023-201R	Lofts on Lemon Phase II	Sarasota	M	1	Darren Smith	Lofts II Fortis Developer, LLC; SHA Affordable Development, LLC	NC	HR	F	93	10,657,100	Y	Y	1	1	10	Y	A	Y	Y	28
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goal to fund three Applications in Lee County, with a preference that they be Priority I Applications

2023-2128R	Hermosa North Fort Myers II	Lee	M	1	Michael R. Allan	DDER Development, LLC; Revital Development Group, LLC; LCHA Developer, LLC	NC	MR 4	E, Non-ALF	88	9,981,900	Y	Y	1	1	10	N	A	Y	Y	9
2023-2168R	Palmis Landing	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	88	8,096,200	Y	Y	2	1	10	N	A	Y	Y	10
2023-2208R	Legacy Park II	Lee	M	1	Matthew A Rieger	HTG Legacy II Developer, LLC	NC	MR 5/6	E, Non-ALF	80	8,950,600	Y	Y	3	1	10	N	A	Y	Y	12

# RFA 2023-304 – Board Approved Preliminary Awards

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Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EU)	Eligible For Funding?	Funding Test Met?	County Award Tally	Priority Level	Total Points	PHA Goal?	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
Remaining Funding																					
2023-226BR	New York Avenue Apartments	Volusia	M	1	Shawn Wilson	Blue Ian Developer, LLC	NC	MR 4	F	84	9,353,500	Y	Y	1	1	10	N	A	Y	Y	2
2023-208BR	Cardinal Pointe	Orange	L	1	Deion R. Lowery	DDR Development, LLC	NC	G	E, Non-ALF	120	11,058,400	Y	Y	1	1	10	N	A	Y	Y	5
2023-223BR	EKOS on Pine	Sarasota	M	1	Christopher L. She	MHP Sarasota 1 Developer, LLC	NC	G	E, Non-ALF	100	10,837,000	Y	Y	2	1	10	N	A	Y	Y	4
2023-196BR	Town Oaks Apartments	Orange	L	1	C. Hunter Nelson	ECG Town Oaks Developer, LLC	NC	G	F	60	5,340,600	Y	Y	2	1	10	N	A	Y	Y	16
2023-206BR	Lakewood Senior Housing	Volusia	M	1	Terri Murray	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	56	5,394,400	Y	Y	2	1	5	N	A	Y	Y	17

On June 9, 2023, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

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

**EXHIBIT C**



**Exhibit A to RFA 2023-304 RRLP Financing to be Used for Rental Developments in Hurricane Ian and Hurricane Nicole Impacted Counties**

**Section 4.A.5  
Proximity, Mandatory Distance, and RECAP**

**e. Proximity****(1) PHA or RD 515 Proximity Point Boost****(a)** Does the proposed Development qualify for the PHA Proximity Point Boost?

No

**(b)** Does the proposed Development qualify for the RD 515 Proximity Point Boost?

No

**(2) Transit Services**

Applicants may select Private Transportation or provide the location information and distance for one of the remaining four Transit Services on which to base the Application's Transit Score.

**(a)** If the proposed Development will serve the Elderly Demographic Commitment, does the Applicant commit to provide Private Transportation?

No

*(The proposed Development's Demographic Commitment is Elderly Non-ALF, which qualifies to select this option for 2 transit points.)*

**(b) Other Transit Services**

Service	Latitude Coordinates	Longitude Coordinates	Distance*	Points awarded for Transit Type
Public Bus Stop 1				
Public Bus Stop 2				
Public Bus Stop 3				
Public Bus Transfer Stop				
Public Bus Rapid Transit Stop				
Public Rail Station				

*This area intentionally left blank.*

**Community Services**

Up to three Community Services may be selected, for a maximum 4 points for each service.

Service	Service Name	Service Address	Distance*	Points awarded for Community Services
Grocery Store	Sunflower Market Discount Grocery	431 S Indiana Ave Englewood, FL 34223	0.82	2.5
Medical Facility	HCA Florida Englewood Hospital	700 Medical Blvd Englewood, FL 34223	0.70	3.0

**Exhibit A to RFA 2023-304 RRLP Financing to be Used for Rental Developments in Hurricane Ian and Hurricane Nicole Impacted Counties**

Pharmacy				
Public School	Englewood Sky Academy- a Public Charter Middle	871 S River Rd Englewood, FL 34223	0.69	3.5

\*Rounded up to the nearest hundredth of a mile. Distance between the coordinates of the Development Location Point and the coordinates of the service. The method used to determine the latitude and longitude coordinates must conform to Rule 5J-17, F.A.C., formerly 61G17-6, F.A.C. All calculations shall be based on "WGS 84" and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used).

Transit Service Points calculated based on the information entered above:

0

Community Service Points calculated based on the information entered above:

9

PHA or RD Proximity Boost points achieved?

0

**Total Proximity Points calculated based on information entered above:**

9

Using the information entered above, does the Application meet the Proximity Funding Preference?

Yes

Total Proximity Points calculated based on information entered above, without the benefit of either a PHA or RD Boost:

9

## **EXHIBIT D**



WILTON SIMPSON  
COMMISSIONER

Florida Department of Agriculture and Consumer Services  
Division of Food Safety

**ANNUAL FOOD PERMIT**

Chapter 500, Florida Statutes  
Rule Chapter 5K-4.020 Florida Administrative Code  
(850) 245-5520 | [www.FDACS.gov](http://www.FDACS.gov)

June 12, 2023



SUNFLOWER DISCOUNT SURPLUS MARKET LLC  
1001 Palm Ave  
N Fort Myers, FL 33903 - 4369

PERMIT TYPE: 134  
PERMIT NUMBER: 2023-R-2014452  
FOOD ENTITY NUMBER: 395703

PERMITTED LOCATION ADDRESS:  
Sunflower Discount Surplus Market LLC  
431 S Indiana Ave  
Englewood, FL 34223 - 3701

The Annual Food Permit issued on November 8, 2022 is attached below.  
The attached permit will expire on December 31, 2023.

This annual food permit must be detached and shall be displayed in a conspicuous location at the permitted location. Failure to conspicuously display the permit may result in administrative action for violation of 5K-4.020, F.A.C.

The renewal fee for all food permits shall be the same as the food permit fee required by subsection 5K-4.020(4), F.A.C., and shall be due annually on or before January 1. A late fee off \$100 will be imposed in accordance with Chapter 500, F.S., if the renewal fee for this food establishment is received by the Department after January 30. This fee is in addition to the food permit fee required by subsection 5K-4.020(4), F.A.C. It is the business owner's responsibility to ensure the accuracy of their account. Rule 5K-4.020(7), F.A.C., requires food establishments to notify the department within 30 days of closing. Updates to the owner contact information, email, and mailing addresses can be made at <https://foodpermit.fdacs.gov> or at (850) 245-5520.

FDACS-14414 Rev. 02/23



WILTON SIMPSON  
COMMISSIONER

Florida Department of Agriculture and Consumer Services  
Division of Food Safety

**ANNUAL FOOD PERMIT**

Chapter 500, Florida Statutes  
Rule Chapter 5K-4.020 Florida Administrative Code  
(850) 245-5520 | [www.FDACS.gov](http://www.FDACS.gov)

**2023**

PERMIT TYPE: 134  
FOOD ENTITY NUMBER: 395703

LOCATION:  
Sunflower Discount Surplus Market LLC  
431 S Indiana Ave  
Englewood, FL 34223 - 3701

DATE ISSUED: November 8, 2022  
EXPIRATION DATE: December 31, 2023

OWNER:  
SUNFLOWER DISCOUNT SURPLUS MARKET LLC  
1001 Palm Ave  
N Fort Myers, FL 33903 - 4369

This permit must be conspicuously displayed at the permitted location. Rule 5K-4.020(7), F.A.C., requires food establishments to notify the department within 30 days of closing.

**THIS FOOD PERMIT IS NOT TRANSFERABLE**

FDACS-14414 Rev. 02/23

**EXHIBIT E**

Date Submitted: 2023-05-01

**FLORIDA HOUSING FINANCE CORPORATION  
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS  
CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

Name of Development: New York Avenue Apartments

Development Location: 225 W New York Ave, DeLand

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

Number of Units in the Development: 84 (see below)

This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development's proposed number of units, density, and intended use are consistent with current land use regulations and zoning designation, or was approved pursuant to sections 125.01055(6) and 166.04151(6), Florida Statutes, or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use.

**CERTIFICATION**

I certify that the City/County of DeLand has vested in me the authority to verify  
(Name of City/County)

consistency with local land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Carol Kuhn  
Signature

Carol Kuhn, AICP

Print or Type Name

Planning Director

Print or Type Title

May 3, 2023  
Date Signed

120 South Florida Avenue

Address (street address, city, state)

DeLand, FL 32720

Address (street address, city, state)

(386) 626-7025

Telephone Number (including area code)

\* In order to receive approval to construct up to 84 units on this site, discretionary approvals would be required from the City Commission for parking reductions. There may be other discretionary approvals required for other elements of the project due to the limited size of the site.

The site is within a designated historic district and must meet all applicable design requirements and receive a certificate of appropriateness from the City's Historic Preservation Board.

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from elected local government officials are not acceptable, nor are other signatories. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.

**EXHIBIT F**



**FLORIDA HOUSING FINANCE CORPORATION  
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS  
CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

Name of Development: \_\_\_\_\_

Development Location: \_\_\_\_\_

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included)

Number of Units in the Development: \_\_\_\_\_

This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development's proposed number of units, density, and intended use are consistent with current land use regulations and zoning designation, or was approved pursuant to sections 125.01055(6) and 166.04151(6), Florida Statutes, or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use.

**CERTIFICATION**

I certify that the City/County of \_\_\_\_\_ has vested in me the authority to verify  
(Name of City/County)

consistency with local land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address (street address, city, state)

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Address (street address, city, state)

\_\_\_\_\_  
Print or Type Title

\_\_\_\_\_  
Telephone Number (including area code)

\_\_\_\_\_  
Date Signed

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from elected local government officials are not acceptable, nor are other signatories. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.