

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: CASA SAN JUAN BOSCO, INC.

FHFC Case No.: 2006-029VW  
RFP No.: 2004-11

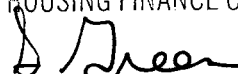
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**ORDER GRANTING WAIVER OF RULE 67-48.004(14)(m),  
FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came for consideration and final action before the Board of Directors of Florida Housing Finance Corporation on July 28, 2006, pursuant to a Petition for Waiver of Rule 67-004(14)(m), Fla. Admin. Code (the "Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on June 20, 2006, from Casa San Juan Bosco, Inc., ("Petitioner"). On June 30, 2006, Florida Housing published the Notice of the Petition in Volume 32, Number 26, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised in the premises, the Board of Directors (the "Board") of Florida Housing hereby finds:

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.
2. Pursuant to "The Development and Rehabilitation of Farmworker Housing" Request for Proposal #2004-11 ("RFP"), Florida Housing awarded an allocation of \$2,000,000 in State Apartment Incentive Loan Program (SAIL) funding to Petitioner to construct a 44-unit farmworker housing project in DeSoto County, Florida ("Development"). Petitioner did not obtain funding from the 2005 Universal Cycle for the San Juan Bosco Development.
3. Petitioner requests a waiver of Rule 67-004(14)(m) to permit a change in the funding request. Specifically, Petitioner wishes to change the current funding request of

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION



/DATE. 7-31-06

\$2,000,000.00 to request an additional \$2,000,000.00 for a total funding request of \$4,000,000.00.

4. Rule 67-48.004(14)(b), Florida Administrative Code (2004), states in pertinent part:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline....those items are as follows:

(m) Funding request;

5. Page 93 of the 2006 Universal Application Instructions states in pertinent part:

A proposed Development that was successful in receiving SAIL funding for the first time in the 2005 Universal Application cycle may receive additional SAIL funding for the same Development. The combined total of the 2005 request amount and the 2006 End-of-the-Line SAIL request amount cannot exceed the maximum request amount for the county group/designation stated on the SAIL request amount chart at Part V.A.2. of the 2006 Universal Application Instructions.

6. Section 120.542(2), Florida Statutes provides in pertinent part:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

7. In 2006, The Universal Cycle Application Instructions allowed End-of-the-Line SAIL funding for developers to obtain additional SAIL funding, provided that the initial allocation of SAIL funds occurred through the 2005 Universal Cycle. Developments located in DeSoto County, Florida could obtain SAIL funding in an amount not to exceed four million dollars (\$4,000,000.00).

8. The Board finds that a waiver of the above Rules is necessary and that denial thereof would create a substantial hardship for Petitioner or violates principles of fairness, in that

Petitioner will be precluded from obtaining additional financing that Petitioner would be otherwise eligible to obtain had Petitioner participated in the 2005 Universal Cycle.

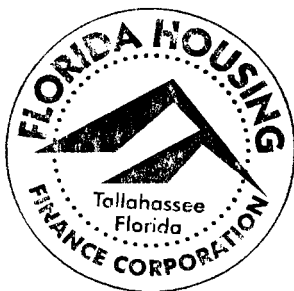
9. The granting of a waiver of the aforementioned rules would serve the purpose of the underlying statute, Chapter 420, Part V, Fla. Stat., in that it would further the goal of facilitating the availability of decent, safe and sanitary housing in the State of Florida to farmworker households.

10. Strict application of Rule 67-48.004(14)(m), will create a substantial hardship for Petitioner, as Petitioner demonstrated that it will pay over two million dollars in unanticipated costs associated with supplying water and waste water to the Development. Without the waiver, this unanticipated expense will make it impossible to complete the Development on time and within budget.

**IT IS THEREFORE ORDERED:**

The Petition for Waiver of Rule 67-48.004(14)(m), Florida Administrative Code, is hereby **GRANTED** specifically to permit a change in the funding request. Petitioner shall be eligible for the requested additional SAIL funds if any SAIL funds remain after all of the eligible SAIL applications (including end-of-the-line applications) have been funded in the 2006 Universal Application. All other relief requested in the Petition, if any, is hereby denied.

DONE and ORDERED this 28th day of July, 2006.



Florida Housing Finance Corporation  
By: Terry Santino  
Chairperson

**Copies furnished to:**

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Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
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Tallahassee, Florida 32399-1300

**NOTICE OF RIGHTS**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIL L. KING, JR., BOULEVARD, TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.**