

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

Marika Tolz

Petitioner,

FHFC Case No. 2018-083HHF

v.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

ORDER DISMISSING PETITION WITH LEAVE TO AMEND

On December 11, 2018, Marika Tolz (“Petitioner”) filed a “Petition for reconsideration and approval of Applicants eligibility to the State of Florida Elmore Program” (the “Petition”) with the Corporation Clerk for Florida Housing Finance Corporation (“Florida Housing” or “Respondent”).

1. Section 120.569(2)(c), Florida Statutes, requires petitions or requests for hearing to include items required by the uniform rules of procedure.
2. Florida Administrative Code (Fla. Admin. Code) Chapter 28-106 was adopted to apply to proceedings in which the substantial interests of a party are determined by the agency. Rule 28-106.301, Fla. Admin. Code, applies to the Initiation of Proceedings.
3. The Petition fails to substantially comply with Rule 28-106.301 Fla. Admin. Code., for the following reasons:

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Thomas Blamoy /DATE: 12/21/2018

a. The Petition fails to include the name and address of the affected agency as required by Rule 28-106.301(2)(a), F.A.C. The Petition states that Petitioner “files her appeal to the decision of the Florida Housing Coalition and the National Foundation for Debt Management...” If Petitioner intends to challenge the December 5, 2018 letter from Florida Housing regarding an ineligibility determination in the Hardest Hit Fund (“HHF”) Program, then the Petition must include a specific statement that Petitioner is challenging Florida Housing’s decision.

b. The Petition fails to include a statement of when and how the Petitioner received notice of the agency’s decision as required by Rule 28-106.301(2)(c), Fla. Admin. Code. If Petitioner is challenging the action in the December 5, 2018 letter, then the Petition must state when and how the Petitioner received notification of the agency’s decision.

c. The Petition fails to include a statement of specific rules or statutes that the Petitioner contends warrant reversal or modification of the agency’s proposed action as required by Rule 28-106.301(2)(f), F.A.C.

4. Section 120.569(2)(c), Florida Statutes, states in relevant part:

A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner’s filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured. The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not

granted, and shall state the deadline for filing an amended petition if applicable.

5. Because Petitioner failed to comply with the requirements of Section 120.569(2)(c), Florida Statutes, and Rule 28-106.301, Fla. Admin. Code, the Petition is dismissed. Petitioner may file an amended petition that cures the defects no later than 5:00 pm E.S.T. on January 10, 2019. Failure to file a response by this deadline shall be considered a waiver of Petitioner's intent to file any administrative challenge in this matter.

Done this 21st day of December, 2018, in Tallahassee, Florida.



Florida Housing Finance Corporation

A handwritten signature in blue ink, appearing to read "H. R. Brown", is written over a horizontal line.

By: Hugh R. Brown
General Counsel

Copies furnished to:
Marika Tolz, Petitioner
Betty Zachem, Assistant General Counsel, Florida Housing