

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

SP FIELD LLC,

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

FHFC Case No. 2023-017BP

RFA 2022-205

App No. 2023-120SN

RECEIVED

FEB 13, 2023 4:23 PM

FLORIDA HOUSING
FINANCE CORPORATION

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

Petitioner, SP Field LLC (“Petitioner”), by and through undersigned counsel, files this Formal Written Protest and Petition for Formal Administrative Hearing (“Petition”) pursuant to section 120.57(3), Florida Statutes, Rules 28-110.004 and 67-60.009, Florida Administrative Code, and Section Six of Request for Applications 2022-205, SAIL Financing of Affordable Multifamily Housing Developments to Be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits (the “RFA”). This Petition challenges the intended decision of Respondent, Florida Housing Finance Corporation (“Florida Housing”), to award State Apartment Incentive Loan (“SAIL”) funding in response to the RFA. In support, Petitioner states as follows:

Parties

1. Petitioner is a Florida limited liability company. It is named in and submitted the application for the Calusa Pointe II development (Application No. 2023-120SN) (“Calusa Pointe” or “Petitioner’s Application”). For purposes of this proceeding, Petitioner’s address and telephone number are those of its undersigned counsel.

2. Florida Housing is the agency affected by this Petition. Florida Housing's address is 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301.

Statement of Ultimate Facts

3. The Florida Legislature has provided Florida Housing with the power to underwrite state apartment incentive loans or loan guarantees to provide housing affordable to very-low-income persons. § 420.5087, Fla. Stat.

4. On November 14, 2022, Florida Housing issued the RFA seeking Applications from Applicants proposing the development of affordable multifamily housing using SAIL funding in conjunction with tax-exempt bond financing and non-competitive housing credits. [RFA Section One, p. 2].

5. The RFA states that Florida Housing expected to award \$60,240,702 of SAIL funding with \$22,686,720 distributed for Elderly Demographic Developments and \$37,553,982 distributed for Family Demographic Developments. [RFA Section One, p. 2]. The RFA further provides that the SAIL funding will be distributed across large, medium, and small geographic categories as follows: large counties—\$31,505,887; medium counties—\$22,710,745; and small counties—\$6,024,070. [RFA Section One, p. 2].

6. Pursuant to the RFA, each Application is assigned a lottery number, which may be relevant to funding determinations as described in more detail below. [RFA Section Three, p. 7].

7. Moreover, each Application is designated as either a Priority I or Priority II Application. [RFA Section Four, p. 16]. This distinction is generally based on whether and how many Applications were submitted by a principal that received a funding commitment through the 2022 Construction Housing Inflation Response program. [*Id.*]. If no designation is made in the Application's Exhibit A, the Application will be considered a Priority II application. There is no

limit to the number of Priority II Applications that can be submitted, but there is a limit for Priority I Applications. [RFA Section Four, p. 17].

8. Section Five of the RFA describes the process by which Applications will be evaluated and points awarded by a Review Committee. Each Application can receive a maximum of 21 points. [RFA Section Five, p. 97].

9. Section Five of the RFA also sets forth the Funding Selection process. Developments eligible for funding are limited to those that meet certain eligibility requirements described throughout the RFA. [See RFA Section Five, p. 92]. Those Applications eligible for funding are then sorted and ranked in order from highest score to lowest score, with any tie scores separated as follows:

- (1) First, by the Application's eligibility for the Per Unit Construction Funding Preference (which is outlined in Section Four A.10.d. of the RFA) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- (2) Next, by the Application's Leveraging Classification (which is outlined in Item 3 of Exhibit C) with Applications having the Classification of A listed above Applications having the Classification of B;
- (3) 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;
- (4) Next, by the Application's eligibility 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; and
- (5) Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

[RFA Section Five, p. 100].

10. Funding Tests and a County Test are also applied. Generally, under the Funding Tests, Applications will only be selected for funding if there is enough funding available in both the geographic category and demographic category to fund the Applicant's SAIL request amount. [RFA Section Five, p. 98]. Under the County Test, each Application selected for funding will count toward the County Award Tally for the county where the proposed development is located. [RFA Section Five, p. 99]. Throughout the selection process, Florida Housing would prioritize eligible unfunded Priority I Applications that meet the Funding Test and are located within counties that have the lowest County Award Tally above other eligible unfunded Priority I Applications with a higher County Award Tally that also meet the Funding Test, even if the Priority I Applications with a higher County Award Tally are higher ranked, and above all Priority II Applications. Similarly, Florida Housing would prioritize eligible unfunded Priority II Applications that meet the Funding Test and are located within counties that have the lowest County Award Tally above other eligible unfunded Priority II Applications with a higher County Award Tally that also meet the Funding Test, even if the Priority I Applications with a higher County Award Tally are higher ranked. [RFA Section Five, p. 99].

11. The RFA's Funding Selection Order states that Florida Housing had general goals to fund the following: (1) two Elderly, New Construction Applications located in a Large County, with a preference for at least one Application that qualifies for the Veterans Preference; (2) three Family, New Construction Applications located in a Large County, with a preference that at least two Applications are from Self-Sourced Applicants; (3) one Elderly, New Construction Application located in a Medium County, with a preference for Applications that qualify for the Veterans Preference; and (4) two Family, New Construction Applications located in a Medium County, with a preference that at least one Application is from a Self-Sourced Applicant. [See

RFA Section Five, pp. 99]. After meeting those goals, Florida Housing would fund Family or Elderly Small County, Medium County, and Large County Applications, as described in further detail in the RFA’s Funding Selection process. [See RFA Section Five, pp. 105-08].

12. The deadline for receipt of applications was December 29, 2022.

13. Florida Housing received 46 applications in response to the RFA, including Petitioner’s Application for Calusa Pointe.

14. Florida Housing’s Review Committee for the RFA met on January 18, 2023. The Florida Housing staff and/or Review Committee scored Petitioner’s Application and included it among those recommended for funding. Specifically, Petitioner’s Application was the last selected for funding under the general Large County Application funding goal.

15. Application No. 2023-134SN for St. Joseph Manor II (“St. Joseph Manor”) was also selected for funding under the general Large County Application funding goal, but St. Joseph Manor was erroneously scored as a Priority II Application, even though it was designated as a Priority I in Exhibit A to the Application and should have been scored as a Priority I Application.

16. At the Florida Housing Board of Directors’ (“Board”) January 27, 2023 meeting, the Review Committee and Staff Recommendations were presented to the Board. That same day, the Board approved the Review Committee and Staff Recommendations.

17. At 10:54 a.m. on January 27, 2023, Florida Housing posted on its website its Notice of Intended Decision (“Intended Decision”), consisting of two documents: (1) the RFA 2022-205 — Board Approved Scoring Results; and (2) the RFA 2022-205 — Board Approved Preliminary Awards. A copy of the Intended Decision (consisting of both documents) is attached as **Exhibit A**.

18. On February 1, 2023, Petitioner timely filed a notice of their intent to protest Florida Housing's Intended Decision, attached as **Exhibit B**.

19. In accordance with section 120.57(3)(b), Florida Statutes, Chapters 28-110 and 67-60, Florida Administrative Code, and Section Six of the RFA, this Petition is being filed within 10 days of the date on which Petitioner's notice of intent to protest was filed.

20. Florida Housing erred by evaluating Petitioner's Application and the Application of St. Joseph Manor in a manner contrary to the express terms of the RFA. Specifically, had Florida Housing correctly scored the St. Joseph Manor Application as a Priority I Application, Petitioner's own Application would have been selected sooner for funding in the funding selection order and not last. Thus, Florida Housing should re-evaluate and re-order the Applications after assigning the correct Priority I and Priority II designations.

21. Further, numerous Applicants have filed their own notices of intent to protest the Intended Decision. If such Applicants succeed in their challenges to the Intended Decision, their success may result in Petitioner losing its own funding under the RFA.

Issues of Fact

22. The issues of fact in this proceeding of which Petitioner is aware at this time include, but are not limited to:

(a) Whether Florida Housing's designation of the St. Joseph Manor Application as a Priority II Application is contrary to the RFA;

(b) Whether Florida Housing's funding selection order is contrary to the RFA;

(c) Whether the Applications submitted by other Applicants were responsive to the RFA;

(d) Whether the Applications submitted by other Applicants are eligible for funding;
and

(e) Such other disputed issues as are raised in this proceeding or identified during discovery.

Notice of Florida Housing's Proposed Action

23. The Notice of Intended Decision was posted on Florida Housing's website at 10:54 a.m. on January 27, 2023.

Substantial Interests Affected

24. Petitioner is substantially affected by Florida Housing's Intended Decision. Petitioner's Application complies with all material requirements of the RFA, and Petitioner's Application was eligible to and is preliminarily slated to receive funding under the Funding Selection order of the RFA. However, due to the error in scoring the St. Joseph Manor Application, Petitioner's own Application was ranked last in funding selection, and if any of the protests filed under the RFA succeed, Petitioner's own funding selection is in greater jeopardy given Florida Housing's scoring error. Additionally, an ineligible or lower-ranked protesting Applicant may argue that the preliminary award made to Petitioner should be rescinded. As such, Petitioner's substantial interests are and will be affected by Florida Housing's Intended Decision and the outcome of any of the anticipated protests to be filed under the RFA. This Petition is intended to preserve Petitioner's ability to challenge the eligibility and ranking of any Application which, as a consequence of the complicated funding selection processes outlined in the RFA and the cascading effects which may result from a successful protest, may disturb Petitioner's preliminary award.

Statutes and Rules that Entitle Petitioners to Relief

25. Petitioner is entitled to relief pursuant to sections 120.569 and 120.57, Florida Statutes, Chapters 28-106, 28-110, 67-48, and 67-60, Florida Administrative Code, and the established decisional law of Florida courts, the Division of Administrative Hearings, and Florida administrative agencies.

Demand for Relief

WHEREFORE, Petitioner respectfully requests that Florida Housing:

- a. Provide an opportunity to resolve this Petition by mutual agreement within seven business days, as provided in section 120.57(3), Florida Statutes;
- b. Transfer this Petition to the Division of Administrative Hearings for a formal hearing conducted before an Administrative Law Judge pursuant to sections 120.569 and 120.57, Florida Statutes, if this Petition cannot be resolved within seven business days; and
- c. Ultimately issue a Final Order determining that Petitioner's Application should be funded.

Respectfully submitted on February 13, 2023.



Tiffany A. Roddenberry
Florida Bar No. 92524
Lawrence E. Sellers, Jr.
Florida Bar No. 300241
HOLLAND & KNIGHT LLP
315 S. Calhoun St., Suite 600
Tallahassee, Florida 32301
(850) 224-7000
(850) 224-8832 (facsimile)
larry.sellers@hklaw.com
tiffany.roddenberry@hklaw.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Formal Written Protest and Petition for Formal Administrative Hearing was filed by email with Ana McGlamory, Agency Clerk, at corporationclerk@floridahousing.org, and Hugh Brown, General Counsel, at hugh.brown@floridahousing.org, both of whom work at the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, on February 13, 2023.


Tiffany Roddenberry

EXHIBIT A

RFA 2022-205 – Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	Total Number of Units	Priority Level?	Total Points	Per Unit Construction Funding Preference	Corporation SAIL Funding Per Set-Aside	Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
--------------------	---------------------	--------	-------------	------------------------------	--------------------	--------------	------------------	--------------	-------------	---------------------------------	-----------------------	----------------------	-------------------------	-----------------------	-----------------	--------------	--	--	------------------	------------------------------	---------------------------------	----------------

Eligible Applications

2023-116BSN	New Trail Plaza	Sarasota	M	Shawn Wilson	Blue NT Developer, LLC; CASL Developer, LLC	NC	F	\$7,200,000	\$750,000	7,950,000	Y	N/A	N	96	1	15	Y	\$79,350.00	B	Y	Y	5
2023-117BSN	Cedar Cove	Manatee	M	Shawn Wilson	Blue CC Developer, LLC	NC	E, Non-ALF	\$7,056,000	\$750,000	7,806,000	Y	Y	N	84	1	15	Y	\$77,318.64	B	Y	Y	40
2023-118SN	Skyway Lofts II	Pinellas	L	Shawn Wilson	Blue SWL2 Developer, LLC	NC	F	\$750,000	\$0	750,000	Y	N/A	N	66	1	10	Y	\$11,107.95	A	Y	Y	27
2023-119SN	Pinnacle 441, Phase 2	Broward	L	David O. Deutch	Pinnacle Communities, LLC	NC	F	\$4,000,000	\$750,000	4,750,000	Y	N/A	N	100	1	15	Y	\$28,878.43	A	Y	Y	34
2023-120SN	Calusa Pointe II	Palm Beach	L	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	\$7,000,000	\$750,000	7,750,000	Y	N/A	N	168	1	15	Y	\$44,083.33	A	Y	Y	4
2023-121SN	Avery Place Apartments	Escambia	M	Renee Sandell	Paces Preservation Partners, LLC	NC	F	\$6,850,000	\$750,000	7,600,000	Y	N/A	N	112	1	15	Y	\$52,012.60	A	Y	Y	41
2023-122BSN	Valencia at Twin Lakes	Polk	M	Michael Ruane	CORE FL Developer I LLC	NC	E, Non-ALF	\$7,200,000	\$444,000	7,644,000	Y	Y	N	86	1	15	Y	\$81,837.21	B	Y	Y	14
2023-123BSN	The Apex	Hernando	M	Chris Dischinger	LDG Multifamily, LLC	NC	F	\$7,200,000	\$750,000	7,950,000	Y	N/A	Y	216	1	19	Y	\$35,266.67	B	Y	Y	33
2023-124BS	Palm Springs Villa	Miami-Dade	L	Matthew D. Rule	National Church Residences	A/R	E, Non-ALF	\$3,000,000	\$670,800	3,670,800	Y	N	N	52	1	15	Y	\$66,346.15	A	Y	Y	28
2023-125SN	Burlington Post II	Pinellas	L	Oscar Sol	Burlington Post 2 Dev, LLC	NC	E, Non-ALF	\$2,500,000	\$636,000	3,136,000	Y	Y	N	75	1	15	Y	\$28,347.50	A	Y	Y	26
2023-127SN	Old Cutler Village Phase 2	Miami-Dade	L	David O. Deutch	Pinnacle Communities, LLC	NC	F	\$7,000,000	\$750,000	7,750,000	Y	N/A	N	130	1	15	Y	\$45,792.12	A	Y	Y	11
2023-129BSN	The Residences at Martin Manor	Palm Beach	L	Kenneth Naylor	DM Redevelopment Developer, LLC	NC	F	\$4,940,000	\$750,000	5,690,000	Y	N/A	N	95	1	15	Y	\$44,513.45	A	Y	Y	18
2023-130BSN	Autumn Palms at Bayshore	Lee	M	Michael R. Allan	Revital Development Group, LLC; LCHA Developer, LLC	NC	E, Non-ALF	\$6,000,000	\$677,200	6,677,200	Y	Y	N	72	1	15	Y	\$71,335.65	A	Y	Y	22
2023-131BSN	Tallman Pines - Phase I	Broward	L	Matthew A. Rieger	HTG Tallman Villas Developer, LLC; Building Better Communities, Inc.	NC	F	\$2,900,000	\$750,000	3,650,000	Y	N/A	N	80	2	15	Y	\$27,307.29	A	Y	Y	46
2023-132SN	Magnolia Trail	Escambia	M	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	\$6,888,000	\$671,800	7,559,800	Y	Y	N	82	2	15	Y	\$82,110.00	A	Y	Y	19
2023-133BSN	Ellen Estates	Hillsborough	L	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	\$7,000,000	\$750,000	7,750,000	Y	N/A	N	97	1	15	Y	\$70,541.24	A	Y	Y	29

RFA 2022-205 – Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	Total Number of Units	Priority Level?	Total Points	Per Unit Construction Funding Preference	Corporation SAIL Funding Per Set-Aside	Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-134SN	St. Joseph Manor II	Broward	L	Darren Smith	SHAG St. Joseph Developer, LLC; CHS St. Joseph Manor II Development, LLC	NC	E, Non-ALF	\$2,000,000	\$750,000	2,750,000	Y	Y	N	150	2	15	Y	\$9,978.32	A	Y	Y	15
2023-136SN	Perrine Village II	Miami-Dade	L	Kenneth Naylor	APC Perrine Development II, LLC	NC	E, Non-ALF	\$8,400,000	\$750,000	9,150,000	Y	Y	N	150	1	15	Y	\$44,290.13	A	Y	Y	3
2023-137BSN	Freedom Pointe (f.k.a. Little Havana Senior)	Miami-Dade	L	Kimberly Black King	Volunteers of America National Services	NC	E, Non-ALF	\$6,300,000	\$750,000	7,050,000	Y	Y	N	75	1	15	Y	\$68,914.44	A	Y	Y	36
2023-139BSN	Arbours at Merrillwood Family	Alachua	M	Sam Johnston	Arbour Valley Development, LLC; Alachua Housing Developer, LLC	NC	F	\$5,200,000	\$648,200	5,848,200	Y	N/A	N	70	1	15	Y	\$73,092.69	B	Y	Y	21
2023-140SN	Flats on 4th	Pinellas	L	Brett Green	Flats on 4th Developer, LLC	NC	F	\$5,376,000	\$611,300	5,987,300	Y	N/A	N	64	1	15	Y	\$77,318.64	B	Y	Y	37
2023-141BSN	Ekos on Evans	Lee	M	Christopher L. Shear	MHP FL XI Developer, LLC	NC	F	\$7,200,000	\$750,000	7,950,000	Y	N/A	N	120	1	15	Y	\$63,480.00	A	Y	Y	42
2023-142BS	Southpointe Vista (Phase II)	Miami-Dade	L	Christopher L. Shear	MHP FL IX Developer, LLC	NC	F	\$7,488,000	\$750,000	8,238,000	Y	N/A	Y	208	1	19	Y	\$29,534.76	A	Y	Y	45
2023-143SN	Heritage Village South	Miami-Dade	L	Kenneth Naylor	Heritage Village South Development, LLC	NC	F	\$6,228,000	\$750,000	6,978,000	Y	N/A	N	116	1	15	Y	\$45,959.84	A	Y	Y	1
2023-144BSN	St. Peter Claver Place Phase II	Lee	M	Eric C. Miller	NDA Developer, LLC; St. Peter Claver Developer, Inc.; LCHA Developer, LLC	NC	F	\$5,500,000	\$750,000	6,250,000	Y	N/A	N	72	1	15	Y	\$65,391.01	A	Y	Y	7
2023-145SN	Serenity Grove	Miami-Dade	L	Oliver L. Gross	Serenity Grove Developers, LLC	NC	E, Non-ALF	\$7,250,000	\$750,000	8,000,000	Y	N	N	150	1	15	Y	\$35,742.50	A	Y	Y	31
2023-146SN	Clearwater Gardens	Pinellas	L	Brett Green	Archway Clearwater Gardens Developer, LLC	NC	F	\$4,657,500	\$750,000	5,407,500	Y	N/A	N	81	1	15	Y	\$48,899.44	A	Y	Y	25
2023-147SN	Oakhurst Trace	Pinellas	L	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	\$8,400,000	\$750,000	9,150,000	Y	N/A	N	224	1	15	Y	\$36,656.25	A	Y	Y	12
2023-148BSN	Caribbean Isles	Miami-Dade	L	David O. Deutch	Pinnacle Communities, LLC; South Miami Heights Community Development Corporation	NC	E, Non-ALF	\$5,625,000	\$750,000	6,375,000	Y	N	N	104	1	15	Y	\$45,996.54	A	Y	Y	23
2023-150SN	Corry Family Housing	Escambia	M	Scott L. Barkan	NHPF Florida Developer, LLC; AHC Development, LLC	NC	F	\$6,300,000	\$679,800	6,979,800	Y	N/A	N	75	1	15	Y	\$82,650.96	B	Y	Y	44
2023-151BSN	Bayside Breeze	Okaloosa	M	Carol Gardner	TEDC Affordable Communities, Inc.; Bayside Development of Fort Walton, LLC; 42 Partners, LLC	NC	E, Non-ALF	\$6,850,000	\$750,000	7,600,000	Y	Y	N	100	1	15	Y	\$67,399.89	A	Y	Y	13
2023-152BSN	Lucy Landing	Miami-Dade	L	Lewis V Swezy	RS Development Corp	NC	E, Non-ALF	\$8,400,000	\$750,000	9,150,000	Y	Y	N	110	1	15	Y	\$64,941.55	A	Y	Y	30

RFA 2022-205 – Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	Total Number of Units	Priority Level?	Total Points	Per Unit Construction Funding Preference	Corporation SAIL Funding Per Set-Aside	Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-153BSN	Bayside Gardens	Okaloosa	M	Carol Gardner	TEDC Affordable Communities, Inc.; Bayside Development of Fort Walton, LLC; 42 Partners, LLC	NC	F	\$6,250,000	\$750,000	7,000,000	Y	N/A	N	96	1	15	Y	\$64,058.59	A	Y	Y	2
2023-154SN	Edison Towers II	Miami-Dade	L	Carol Gardner	TEDC Affordable Communities, Inc.	NC	E, Non-ALF	\$7,700,000	\$750,000	8,450,000	Y	Y	N	96	1	15	Y	\$65,803.72	A	Y	Y	8
2023-155BSN	Casa San Juan Diego	Collier	M	Eric C. Miller	NDA Developer, LLC; CSJD Developer, Inc.; CCHA Developer, LLC	NC	F	\$5,700,000	\$750,000	6,450,000	Y	N/A	N	80	1	15	Y	\$60,991.98	A	Y	Y	10
2023-156SN	Homestead Gardens Phase 1	Miami-Dade	L	Mario Procida	DBC Procida LLC	NC	F	\$8,400,000	\$750,000	9,150,000	Y	N/A	N	162	1	15	Y	\$41,905.81	A	Y	Y	6
2023-157BS	Garden House	Miami-Dade	L	Christopher L. Shear	MHP FL South Parcel Developer, LLC; MJHS South Parcel Developer, LLC	NC	F	\$6,912,000	\$750,000	7,662,000	Y	N/A	Y	192	1	17	Y	\$29,534.76	A	Y	Y	32
2023-158BS	Dominium Poinciana Family	Osceola	M	Devon Quist	Kissimmee Leased Housing Development III, LLC	NC	F	\$7,200,000	\$0	7,200,000	Y	N/A	Y	300	1	21	Y	\$25,392.00	A	Y	Y	9
2023-159BSN	Twin Lakes Estates - Phase III	Polk	M	Matthew A. Rieger	HTG Twin Lakes III Developer, LLC; Polk County Housing Developers, Inc.	NC	F	\$7,000,000	\$523,200	7,523,200	Y	N/A	N	86	2	15	Y	\$73,994.48	A	Y	Y	20
2023-160BSN	The Enclave at Canopy Park	Orange	L	Brett Green	The Enclave at Canopy Park Developer, LLC	NC	F	\$7,900,000	\$750,000	8,650,000	Y	N/A	N	104	1	15	Y	\$69,919.56	A	Y	Y	43
2023-161SN	WRDG T4 Phase Two	Hillsborough	L	Leroy Moore	WRDG T4 Phase Two Developer, LLC	NC	F	\$2,000,000	\$750,000	2,750,000	Y	N/A	N	181	1	15	Y	\$8,858.46	A	Y	Y	16

RFA 2022-205 – Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	Total Number of Units	Priority Level?	Total Points	Per Unit Construction Funding Preference	Corporation SAIL Funding Per Set-Aside	Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
--------------------	---------------------	--------	-------------	------------------------------	--------------------	--------------	------------------	--------------	-------------	---------------------------------	-----------------------	----------------------	-------------------------	-----------------------	-----------------	--------------	--	--	------------------	------------------------------	---------------------------------	----------------

Ineligible Applications

2023-126BS	Ambar Station	Miami-Dade	L	Elena M. Adames	Ambar3, LLC	NC	F	\$8,208,000	\$0	8,208,000	N	N/A	Y	228	1	17	Y	\$30,615.30	A	Y	Y	38
2023-128SN	Hermosa North Fort Myers II	Lee	M	Michael R. Allan	Revital Development Group, LLC; LCHA Developer, LLC	NC	E, Non-ALF	\$6,675,000	\$663,900	7,338,900	N	Y	N	80	1	15	Y	\$71,424.82	A	Y	Y	17
2023-135BSN	Southward Village CNI Phase 2	Lee	M	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	F	\$6,700,000	\$750,000	7,450,000	N	N/A	N	151	1	15	Y	\$48,355.25	A	Y	Y	39
2023-138BSN*	Arbours at Emerald Springs	Walton	S	Sam Johnston	Arbour Valley Development, LLC	NC	F	\$5,454,670	\$569,400	6,024,070	N	N/A	N	70	1	15	Y	\$82,443.44	B	Y	Y	24
2023-149BS	Magnolia Gardens	Volusia	M	Mark J. Kemp	Mansermar Development, LLC; Rebuild America, Inc.; Collaborative Housing Solutions, Inc.	A/R	E, Non-ALF	\$6,000,000	\$471,600	6,471,600	N	Y	N	88	1	15	Y	\$78,409.09	A	Y	Y	35

*The SAIL Request Amount was reduced during scoring which also affected the Corporation Funding Per Set-Aside Amount

On January, 27, 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 2022-205 Board Approved Preliminary Awards

SAIL Funding Balance Available	666,702
Family Demographic Funding Balance Available	615,982
Elderly Demographic Funding Balance Available	50,720
Self-Sourced Applicant Funding Balance	MERGED
Non-Self-Sourced Applicant Funding Balance	MERGED

Small County Funding Balance Available	-
Medium County Funding Balance Available	-
Large County Funding Balance Available	666,702

NHTF Funding will be 100% allocated in accordance with Exhibit H

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	Priority Level?	Total Points Per Unit	Construction Funding Preference Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
--------------------	---------------------	--------	-------------	------------------------------	--------------------	--------------	------------------	--------------	-------------	---------------------------------	-----------------------	----------------------	-------------------------	-----------------	-----------------------	--	------------------------------	---------------------------------	----------------

Two Elderly Large County New Construction Applications

2023-125SN	Burlington Post II	Pinellas	L	Oscar Sol	Burlington Post 2 Dev, LLC	NC	E, Non-ALF	\$2,500,000	\$636,000	3,136,000	Y	Y	N	1	15	Y	A	Y	Y	26
2023-136SN	Perrine Village II	Miami-Dade	L	Kenneth Naylor	APC Perrine Development II, LLC	NC	E, Non-ALF	\$8,400,000	\$750,000	9,150,000	Y	Y	N	1	15	Y	A	Y	Y	3

Three Family Large County New Construction Applications

2023-142BS	Southpointe Vista (Phase II)	Miami-Dade	L	Christopher L Shear	MHP FL IX Developer, LLC	NC	F	\$7,488,000	\$750,000	8,238,000	Y	N/A	Y	1	19	Y	A	Y	Y	45
2023-119SN	Pinnacle 441, Phase 2	Broward	L	David O. Deutch	Pinnacle Communities, LLC	NC	F	\$4,000,000	\$750,000	4,750,000	Y	N/A	N	1	15	Y	A	Y	Y	34
2023-161SN	WRDG T4 Phase Two	Hillsborough	L	Leroy Moore	WRDG T4 Phase Two Developer, LLC	NC	F	\$2,000,000	\$750,000	2,750,000	Y	N/A	N	1	15	Y	A	Y	Y	16

One Elderly Medium County New Construction Application

2023-151BSN	Bayside Breeze	Okaloosa	M	Carol Gardner	TEDC Affordable Communities, Inc.; Bayside Development of Fort Walton, LLC; 42 Partners, LLC	NC	E, Non-ALF	\$6,850,000	\$750,000	7,600,000	Y	Y	N	1	15	Y	A	Y	Y	13
-------------	----------------	----------	---	---------------	--	----	------------	-------------	-----------	-----------	---	---	---	---	----	---	---	---	---	----

Two Family Medium County New Construction Applications

2023-158BS	Dominium Poinciana Family	Osceola	M	Devon Quist	Kissimmee Leased Housing Development III, LLC	NC	F	\$7,200,000	\$0	7,200,000	Y	N/A	Y	1	21	Y	A	Y	Y	9
2023-144BSN	St. Peter Claver Place Phase II	Lee	M	Eric C. Miller	NDA Developer, LLC; St. Peter Claver Developer, Inc.; LCHA Developer, LLC	NC	F	\$5,500,000	\$750,000	6,250,000	Y	N/A	N	1	15	Y	A	Y	Y	7

RFA 2022-205 Board Approved Preliminary Awards

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	Priority Level?	Total Points Per Unit	Construction Funding Preference Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
--------------------	---------------------	--------	-------------	------------------------------	--------------------	--------------	------------------	--------------	-------------	---------------------------------	-----------------------	----------------------	-------------------------	-----------------	-----------------------	--	------------------------------	---------------------------------	----------------

Small County Application(s)

none

Medium County Application(s)

none

Large County Application(s)

2023-134SN	St. Joseph Manor II	Broward	L	Darren Smith	SHAG St. Joseph Developer, LLC; CHS St. Joseph Manor II Development, LLC	NC	E, Non-ALF	\$2,000,000	\$750,000	2,750,000	Y	Y	N	2	15	Y	A	Y	Y	15
2023-120SN	Calusa Pointe II	Palm Beach	L	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	\$7,000,000	\$750,000	7,750,000	Y	N/A	N	1	15	Y	A	Y	Y	4

On January 27, 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

Holland & Knight

315 South Calhoun Street, Suite 600 | Tallahassee, FL 32301 | T 850.224.7000 | F 850.224.8832
Holland & Knight LLP | www.hklaw.com

Lawrence E. Sellers
(850) 425-5670
larry.sellers@hklaw.com

RECEIVED

FEB 1 2023 8:30 AM

FLORIDA HOUSING
FINANCE CORPORATION

February 1, 2023

Via Electronic Mail: ana.mcglamory@floridahousing.org
corporationclerk@floridahousing.org

Ana McGlamory
Agency Clerk
Florida Finance Housing Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Re: Notice of Protest - Request for Applications 2022-205, SAIL Financing Of
Affordable Multifamily Housing Developments To Be Used In Conjunction With
Tax-Exempt Bonds And Non-Competitive Housing Credits (the "RFA").

Dear Ms. McGlamory:

On behalf of SP Field LLC and Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc., (application number 2023-120SN for Calusa Pointe II), this letter constitutes the notice of intent to protest the intended decision of the Florida Housing Finance Corporation relating to the referenced RFA. This notice is filed pursuant to Section 120.57(3), Florida Statutes, Rules 28-110.003 and 67-60.009, Florida Administrative Code, and Section Six of the referenced RFA.

This notice of intent to protest is being filed within 72 hours (not including weekends) of the posting of the intended decision on the Corporation's website on Friday, January 27th, 2023.

Please acknowledge receipt of this filing by stamping the date and time on a copy of this letter and returning it to us. Thank you very much.

Very truly yours,

HOLLAND & KNIGHT LLP

Lawrence E. Sellers, Jr.

Lawrence E. Sellers, Jr.
Tiffany Roddenberry

cc: Hugh Brown, General Counsel