STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

FLORIDA LOW INCOME
HOUSING ASSOCIATES, INC.,

Petitioner,

v.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

FHFC CASE NO. 2004-025-UC
APPLICATION NO. 2004-099H

PETITION

Florida Low Income Housing Associates, Inc., by counsel, submits this Petition pursuant to Rule 28-106.301 and Rule 67-48.005 Florida Administrative Code and requests an evidentiary proceeding.

1. Agency: The name and address of the Agency affected and the Agency’s file or identification number are as follows:

   Florida Housing Finance Corporation
   227 N. Bronough Street, Ste. 5000
   Tallahassee, FL 32301-1329
   Agency’s Application Number is 2004-099H

2. Petitioner, Petitioner’s Representative and Substantial Interest: The names, addresses and telephone numbers of Petitioner and Petitioner’s Representative

   -1-
and an explanation of how the Petitioner’s substantial interest will be affected by the Agency determination is as follows:

a) **Petitioner:**

    Florida Low Income Housing Associates, Inc.
    701 White Boulevard
    Inverness, FL 34453
    Phone: (352) 726-1113
    Fax: (352) 726-1130

b) **Petitioner’s Representative:**

    Bryce W. Ackerman
    Gray, Ackerman & Haines, P.A.
    125 NE 1 Avenue, Ste. 1
    Ocala, FL 34470
    Phone: (352) 732-8121
    Fax: (352) 368-2183

c) Florida Low Income Housing Associates, Inc., is an applicant for funding with FHFC for the 2004 application cycle. Florida Low Income Housing Associates, Inc. is substantially affected by the decision of FHFC that it’s application does not meet threshold requirements because the determination results in funding being denied.

3. **Notification to Petitioner:**

   The Petitioner received notification of the Agency’s decision by receipt of the Agency’s memorandum dated July 9, 2004, which included final scores and
notice of rights.

4. **Statement of Disputed Facts:**

   The Agency’s position is that the following Exhibits:
   
   Certification of availability of electricity;
   Certification of availability of water;
   Certification of availability of sewer;
   Certification of availability of road;
   Certification of zoning;
   Certification of environmental safety

   were submitted on forms or pages contained in the application package that were “scanned, imaged, re-typed or otherwise altered”. Petitioner obtained these exhibit forms as “early release forms”, by downloading them from the Agency’s website. Petitioner denies that they were “scanned, imaged, re-typed or otherwise altered”. Petitioner submitted the forms in the form that they were received. When attempting to cure this issue Petitioner received the forms from the Agency by fax.

5. **Ultimate Facts:**

   Petitioner in conjunction with the filing of Application 2004-099H, submitted all of the Exhibits listed in Paragraph 4 above. These Exhibits were prepared by the Agency for use during the application process. The original Exhibits submitted by the Petitioner contain the exact verbiage and certifications required by the Agency. Petitioner obtained the Exhibit forms by downloading early release forms from the Agency web site. Attached hereto as Composite Exhibit “1” are copies of the

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forms as originally downloaded by the Petitioner.

Petitioner obtained the necessary certifications from the appropriate entities and governmental agencies and submitted them with Application 2004-099H. A copy of the Exhibits as originally submitted to the Agency are attached hereto as Composite Exhibit “2”. The Agency determined that the Exhibits attached as Composite Exhibit “2” failed to meet threshold because they were “scanned, imaged, altered or retyped”. Petitioner denies that the documents were scanned, imaged, altered or retyped and asserts that they were submitted with their application in the exact form as downloaded from the Agency web site.

These documents were downloaded as “early release forms” from the www.floridahousing.org website in Microsoft Word document format. Microsoft Word document format is not a persistent format. This means that a Microsoft Word document is not guaranteed to preserve formatting from computer to computer. Because of the use of Microsoft Word format there could have been no expectation that the formatting of the document would be preserved when downloaded. Additionally, there was no way for the Petitioner to know that the format as downloaded was different from that intended by the Agency. See attached Exhibit “4”.

Petitioner attempted to cure the Agency’s concern related to these exhibits.
Petitioner re-submitted these exhibits after having received the forms by fax on identical forms which were merely formatted differently than those downloaded from the Agency web site. A copy of the re-submitted exhibits are attached hereto as Composite Exhibit "3". The re-submitted exhibits were determined not to meet threshold because they were inadvertently dated on the dates they were re-executed which were subsequent to the date of the application. It is Petitioner’s position that the dates of the re-submitted certification were scrivener’s errors as shown by the earlier certifications dated prior to the application date. Since the Petitioner submitted all of the certifications on the forms and in the format requested by the Agency and the application reflects that these certifications were completed prior to the application date, it should not be a reason to refuse to accept the certifications and satisfy threshold requirements.

6. **Rules and Statutes:**

   The Rules and Statutes which require reversal or modification of the Agency’s proposed action are Part V of §420 *Florida Statutes*, Rule 67-48, *Florida Administrative Code*, the 2004 Application and Instructions.

7. **Relief Requested:**

   Petitioner requests that its Application be treated as meeting threshold and that the Applicant be eligible to participate in the Agency’s 2004 Universal
Application Cycle. Petitioner requests an evidentiary hearing in connection with the disputed facts.

Respectfully submitted:

GRAY, ACKERMAN & HAINES, P.A.

[Signature]

Bryce W. Ackerman
Fla. Bar No. 263117
125 NE 1 Avenue, Ste. 1
Ocala, FL 34470
(352) 732-8121
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE ELECTRICITY

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider confirms that on or before ____________________________:

1. Electricity is available to the proposed Development.
2. There are no impediments to the proposed Development for obtaining electric service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.
3. To the best of our knowledge, no variance or local hearing is required to make electricity available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to electric service which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

_________________________  __________________________  ____________________
Signature                      Date                      Name of Entity Providing Service

Print or Type Name Address

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold. If this certification contains corrections or "white-out", or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit

[Image: EXHIBIT 4/6]
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE WATER

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider confirms that on or before (Month/day/year):

1. Potable water is available to the proposed Development.
2. There are no impediments to the proposed Development for obtaining potable water service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.
3. To the best of our knowledge, no variance or local hearing is required to make potable water available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to potable water, which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature

Date

Name of Entity Providing Service

Print or Type Name Address

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or ‘white-out’, or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE
SEWER CAPACITY, PACKAGE TREATMENT, OR SEPTIC TANK

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider or permitting authority confirms that on or before ________:

(Month/day/year)

1. Sewer Capacity, Package Treatment, or Septic Tank is available to the proposed Development.
2. There are no impediments to the proposed Development for obtaining the specified waste treatment service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.
3. To the best of our knowledge, no variance or local hearing is required to make this service available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to this service, which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

______________________________
Signature

______________________________
Date

______________________________
Name of Entity Providing Service

______________________________
Print or Type Name Address

______________________________
Print or Type Title

______________________________
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE
ROADS

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned local government representative confirms that on or before __________ (Month/day/year):

1. Existing paved roads provide access to the proposed Development or paved roads will be constructed as part of the proposed Development.

2. There are no impediments to the proposed Development using the roads other than payment of impact fees or providing curb cuts, turn lanes, or signalization.

3. To the best of our knowledge, no variance or local hearing is required for these roads to be available to the proposed Development.

4. To the best of our knowledge, there are no moratoriums pertaining to road usage which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature ____________________________ Date ____________ Name of Local Government ____________________________

Print or Type Name and Address

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit ________
LOCAL GOVERNMENT VERIFICATION OF STATUS OF
SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DRIVE, CRYSTAL RIVER, FL. 34429

Zoning Designation: 

Mark the applicable statement:

1. The above-referenced Development is new construction or rehabilitation with new
construction and the final site plan was approved by action of the (Legally Authorized Body*)
on _____________. (Legally Authorized Body*)
   (Date)

2. The above-referenced Development is new construction or rehabilitation with new
construction and this jurisdiction provides either preliminary site plan approval or
conceptual site plan approval. The preliminary or conceptual site plan was approved
by action of the (Legally Authorized Body*)
on _____________. (Legally Authorized Body*)
   (Date)

3. The above-referenced Development is new construction or rehabilitation with new
construction and requires site plan approval for the new construction work. However,
this jurisdiction provides neither preliminary site plan approval nor conceptual site plan
approval, nor is any other similar process provided prior to issuing final site plan
approval. Although there is no preliminary or conceptual site plan approval process
and the final site plan approval has not yet been issued, the site plan was reviewed by
on _____________.
   (Legally Authorized Body*) (Date)

4. The above-referenced Development is rehabilitation without any new construction and
does not require additional site plan approval or similar process.

* "Legally Authorized Body" is not an individual. Applicant must state the name of the City Council,
County Commission, Board, Department, Division, etc., with authority over such matters.

CERTIFICATION

I certify that the City/County of __________________________ has vested in me the authority
   (Name of City or County)
to verify status of site plan approval as specified above and I further certify that the
information stated above is true and correct.

Signature __________________________________________ Date ____________

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief
appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City
Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable,
nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed,
Application will fail threshold. If this certification contains corrections or 'white-out', or if it is scanned, imaged,
altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be
photocopied.

UA1016 (Rev. 3-04) Exhibit ______
VERIFICATION OF ENVIRONMENTAL SAFETY
PHASE I ENVIRONMENTAL SITE ASSESSMENT

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

As a representative of the firm that performed the Phase I Environmental Site Assessment (ESA), I certify that a Phase I ESA of the above referenced Development site was conducted by the undersigned environmental firm as of ____________________________ (Date of Phase I ESA) and such Phase I ESA meets the standards of ASTM Practice #E1527-00. Check all that apply in Items 1, 2 and 3 below:

1. If the Phase I ESA is over 12 months old from the Application Deadline for this Application has the site’s environmental condition changed since the date of the original Phase I ESA?
   Yes   No
   If “Yes”, answer question (1) or (2) below:
   (1) An YE update to the original Phase I ESA was prepared on ________________ (Date of update), or
   (2) A new Phase I ESA was prepared on ________________ (Date of new Phase I ESA).

2. If there are one or more existing buildings on the proposed site, the Phase I ESA:
   a. Addresses the presence or absence of asbestos or asbestos containing materials (ACM) and lead based paint (LBP); or
   b. Separate report(s) addressing the presence or absence of asbestos or asbestos containing materials and lead-based paint have been prepared and the undersigned has reviewed the separate report(s). Such separate report(s) may or may not be incorporated by reference in the Phase I ESA.

3. If the Phase I ESA discloses potential problems (including, but not limited to asbestos or asbestos containing materials, lead-based paint, radon gas, etc.) on the proposed site:
   a. Environmental safety conditions on the site require remediation and a plan that includes anticipated costs and estimated time needed to complete the remediation has been prepared, either as a part of the Phase I ESA or as a separate report.
   b. A Phase II ESA is required or recommended (the firm that performed the Phase II ESA, even if it is the same firm that prepared the Phase I ESA MUST complete and execute the Phase II Environmental Site Assessment Verification).
   c. Although environmental safety conditions exist on the site, no remediation or further study is required or recommended.

CERTIFICATION

I certify that the foregoing information is true and correct.

Authorized Signature ___________________________ Date ________________ Name of Firm that Performed the Phase I ESA

Print or Type Name of Signatory Address of Environmental Firm

Print or Type Title of Signatory Telephone Number Including Area Code

A representative of the firm that performed the Phase I ESA for the proposed Development site must sign this certification. If this certification contains corrections or ‘white-out’, or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit _________
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE ELEC

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider confirms that on or before 3-29-04:

1. Electricity is available to the proposed Development.
2. There are no impediments to the proposed Development for obtaining electric service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.
3. To the best of our knowledge, no variance or local hearing is required to make electricity available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to electric service which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct:  

Signature: DENNIS ROY 3-29-04  
Name of Entity Providing Service: INDEPENDENT UTIL

Print or Type Name Address: SERVICE CO

Print or Type Title: 352-563-4190  
Telephone Number (including area code):  

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. This certification may be photocopied.

[Date: 3-20-04] Exhibit: 2
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE WATER

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider confirms that on or before March 26, 2004:

1. Potable water is available to the proposed Development.
2. There are no impediments to the proposed Development for obtaining potable water service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.
3. To the best of our knowledge, no variance or local hearing is required to make potable water available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to potable water, which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

[Signature]
Lori Bonanno
Print or Type Name Address
Review/Permitting Specialist

[Date]
3:24 PM
Date
Citrus County Utilities
Name of Entity Providing Service
1300 South Lecanto Hwy
Lecanto, FL 34461
Print or Type Title
352-527-7650
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit 2.3
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE
SEWER CAPACITY, PACKAGE TREATMENT, OR SEPTIC TANK

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429
The undersigned service provider or permitting authority confirms that on or before
3/26/04_____
(Month/day/year)

1. Sewer Capacity, Package Treatment, or Septic Tank is available to the proposed Development.
2. There are no impediments to the proposed Development for obtaining the specified waste treatment service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.
3. To the best of our knowledge, no variance or local hearing is required to make this service available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to this service, which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Lori Bonanno 3-26-04
Citrus County Utilities

Signature Date Name of Entity Providing Service

Print or Type Name Address
Review/Permitting Specialist 1300 South Lecanto Hwy

Print or Type Title
Lecanto, FL 34461

Telephone Number (including area code):
352-527-7650

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit 30
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE ROADS

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned local government representative confirms that on or before 3/30/04:
(Month/day/year)

1. Existing paved roads provide access to the proposed Development or paved roads will be constructed as part of the proposed Development.

2. There are no impediments to the proposed Development using the roads other than payment of impact fees or providing curb cuts, turn lanes, or signalization.

3. To the best of our knowledge, no variance or local hearing is required for these roads to be available to the proposed Development.

4. To the best of our knowledge, there are no moratoriums pertaining to road usage which are applicable to the proposed Development.

CERTIFICATION
(Turkey Oak Drive Only)

I certify that the foregoing information is true and correct.

Signature 3/31/04 Citrus County Board of County Commissioners
3600 W. Sovereign Path, Ste. 241, Lecanto, FL 34461
Name of Local Government
Print or Type Name Address

County Engineer
Print or Type Title

(352)527-5446
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

Number of units (not buildings) permitted for this development site (if restricted): 62 units
and/or if a PUD, the number of units (not buildings) permitted per development site:

or if not a PUD and development site is subject to existing special use or similar permit, number of units permitted for this development site: __________ On or before __3/31/09__, the zoning designation for (Month/day/year)

the referenced Development site is LOR. The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is permitted as a legally nonconforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions, which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/County of CRYSTAL RIVER/CITRUS has vested in me the (Name of City/County) authority to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is permitted as a "legally nonconforming use" and I further certify that the information above is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 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: ____________________ Date: 3/31/09
Print or Type Name: Gary W. Maidhof
Print or Type Title: Director - Citrus Co Dept of Development Services

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit
VERIFICATION OF ENVIRONMENTAL SAFETY
PHASE I ENVIRONMENTAL SITE ASSESSMENT

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL., 34429

As a representative of the firm that performed the Phase I Environmental Site Assessment (ESA), I certify that a Phase I ESA of the above referenced Development site was conducted by the undersigned environmental firm as of February 27, 2004.  
(Date of Phase I ESA)

and such Phase I ESA meets the standards of ASTM Practice E1527-00. Check all that apply in Items 1, 2 and 3 below:

1. If the Phase I ESA is over 12 months old from the Application Deadline for this Application has the site’s environmental condition changed since the date of the original Phase I ESA?
   
   Yes  No  DOES NOT APPLY

   If “Yes”, answer question (1) or (2) below:
   
   (1) Any update to the original Phase I ESA was prepared on ___________ (Date of update), or
   
   (2) A new Phase I ESA was prepared on ___________ (Date of new Phase I ESA).

2. If there are one or more existing buildings on the proposed site, the Phase I ESA: DOES NOT APPLY
   
   a. Addresses the presence or absence of asbestos or asbestos containing materials (ACM) and lead based paint (LBP);
   or
   
   b. Separate report(s) addressing the presence or absence of asbestos or asbestos containing materials and lead-based paint have been prepared and the undersigned has reviewed the separate report(s). Such separate report(s) may or may not be incorporated by reference in the Phase I ESA.

3. If the Phase I ESA discloses potential problems (including, but not limited to asbestos or asbestos containing materials, lead-based paint, radon gas, etc.) on the proposed site: DOES NOT APPLY
   
   a. Environmental safety conditions on the site require remediation and a plan that includes anticipated costs and estimated time needed to complete the remediation has been prepared, either as a part of the Phase I ESA or as a separate report.
   
   b. A Phase II ESA is required or recommended (the firm that performed the Phase II ESA, even if it is the same firm that prepared the Phase I ESA MUST complete and execute the Phase II Environmental Site Assessment Verification).
   
   c. Although environmental safety conditions exist on the site, no remediation or further study is required or recommended.

CERTIFICATION

I certify that the foregoing information is true and correct.

William L. Young  March 17, 2004
Authorized Signature  Date

William L. Young, Ph D, CIH  9140 Golfside Drive Suite 3-South
Name of Signatory  Address of Environmental Firm

Enviro-Resources Corporation  Jacksonville, FL., 32256
Name of Firm that Performed the Phase I ESA

Print or Type Name of Signatory  Address of Environmental Firm
Principal/President
(904) 448-4066

Print or Type Title of Signatory  Telephone Number Including Area Code

A representative of the firm that performed the Phase I ESA for the proposed Development site must sign this certification. If this certification contains corrections or ‘white-out’, or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 3-04) Exhibit
2004 CURE FORM

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

This Cure Form is being submitted with regard to Application No. 2004-099H and pertains to:

Part III Section C Subsection 3.a. Exhibit No 28 (if applicable)

The attached information is submitted in response to the 2004 Universal Scoring Summary Report because:

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

<table>
<thead>
<tr>
<th>Reason Score Not Maxed</th>
<th>Item No. _S</th>
<th>Preliminary Scoring</th>
<th>NOPSE Scoring</th>
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<tbody>
<tr>
<td>Reason Failed Threshold</td>
<td>Item No. _T</td>
<td>[X]</td>
<td></td>
</tr>
<tr>
<td>Reason Proximity Points Not Maxed (MMRB/SAIL/HC Applications Only)</td>
<td>Item No. _P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OR

☐ II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a Cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).
Brief Statement of Explanation regarding
Application No. 2004 - 099H

Provide a separate brief statement for each Cure or NOAD

Revise verification of availability of

Infrastructure-electricity to correct improper exhibit

form that was originally submitted.
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE
ELECTRICITY

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider confirms that on or before 01-01-2004
(month/day/year)

1. Electricity is available to the proposed Development.

2. There are no impediments to the proposed Development for obtaining electric service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

3. To the best of our knowledge, no variance or local hearing is required to make electricity available to the proposed Development.

4. To the best of our knowledge, there are no moratoriums pertaining to electric service which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

David Van Valkenburg 01-01-2004 Progress Energy Florida
Signature Date Name of Entity Providing Service

DAVID VAN VALKENBURG Print or Type Name
Print or Type Title

515 Independence Hwy
Address

Inverness, FL 34453

800-700-8744 /352-563-4947
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.
2004 CURE FORM

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

This Cure Form is being submitted with regard to Application No. 2004-099H and pertains to:

Part III Section C Subsection 3.b Exhibit No 29 (if applicable)

The attached information is submitted in response to the 2004 Universal Scoring Summary Report because:

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

<table>
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<tr>
<th>Reason Score Not Maxed</th>
<th>Item No. _____ S</th>
<th>Preliminary Scoring</th>
<th>NOPSE Scoring</th>
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<td>☐ Reason Proximity Points Not Maxed (MMRB/SAIL/HC Applications Only)</td>
<td>Item No. _____ P</td>
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</tbody>
</table>

OR

☐ II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a Cure to Part _____ Section _____ Subsection _____ Exhibit _____ (if applicable).
Brief Statement of Explanation regarding
Application No. 2004 - 099H

Provide a separate brief statement for each Cure or NOAD

Revise verification of availability of

Infrastructure - water to correct improper exhibit that was

originally submitted.
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE
WATER

Name of Development:  NATURE WALK

Address of Development Site:  W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider confirms that on or before May 24, 2004

1. Potable water is available to the proposed Development.

2. There are no impediments to the proposed Development for obtaining potable water service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

3. To the best of our knowledge, no variance or local hearing is required to make potable water available to the proposed Development.

4. To the best of our knowledge, there are no moratoriums pertaining to potable water which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Lori Bonanno  5-24-04
Signature  Date

Print or Type Name

Review/Permitting Specialist
Print or Type Title

Citrus County Utilities
Name of Entity Providing Service

1300 South Lecanto Hwy
Address

Lecanto, FL 34461

352-527-7650
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.
2004 CURE FORM

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

This Cure Form is being submitted with regard to Application No. 2004-099H and pertains to:

Part III Section C Subsection 3.c. Exhibit No 30 (if applicable)

The attached information is submitted in response to the 2004 Universal Scoring Summary Report because:

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

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OR

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

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

VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE
SEWER CAPACITY, PACKAGE TREATMENT, OR SEPTIC TANK

Name of Development: NATURE WALK

Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

The undersigned service provider or permitting authority confirms that on or before May 24, 2004 (month/day/year)

1. Sewer Capacity, Package Treatment, or Septic Tank is available to the proposed Development.

2. There are no impediments to the proposed Development for obtaining the specified waste treatment service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

3. To the best of our knowledge, no variance or local hearing is required to make this service available to the proposed Development.

4. To the best of our knowledge, there are no moratoriums pertaining to this service, which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature
Lori Bonanno
Date
5-24-04

Citrus County Utilities
Name of Entity Providing Service
1300 South Lecanto Hwy
Address
Lecanto, FL 34461

Review/Permitting Specialist
Print or Type Name
Lori Bonanno

Print or Type Title
Print or Type Title

352-527-7650
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.
Brief Statement of Explanation regarding
Application No. 2004 - 099H

Provide a separate brief statement for each Cure or NOAD

Revise verification of availability of

Infrastructure - sewer capacity to correct improper exhibit

form that was originally submitted.
2004 CURE FORM

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

This Cure Form is being submitted with regard to Application No. 2004-099H and pertains to:

Part III  Section C  Subsection 3.d.  Exhibit No 31 (if applicable)

The attached information is submitted in response to the 2004 Universal Scoring Summary Report because:

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

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OR

☐ II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a Cure to Part ___ Section ___ Subsection ___ Exhibit ___ (if applicable).
Brief Statement of Explanation regarding
Application No. 2004 - 099H

Provide a separate brief statement for each Cure or NOAD

Revise verification of availability of

Infrastructure - roads to correct improper exhibit

form that was originally submitted.
2004 CURE FORM

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

This Cure Form is being submitted with regard to Application No. 2004-099H and pertains to:

Part III Section C Subsection 4 Exhibit No 32 (if applicable)

The attached information is submitted in response to the 2004 Universal Scoring Summary Report because:

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

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OR

☐ II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a Cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).
Brief Statement of Explanation regarding
Application No. 2004 - 099H

Provide a separate brief statement for each Cure or NOAD

To revise Local Government Verification that Development is consistent with zoning and land use regulations to correct improper exhibit form that was originally submitted.
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: Nature Walk
Address of Development Site: W Turkey Oak Dr. Crystal River, Fl 34429
Number of units (not buildings) permitted for this development site (if restricted): 62 units
and/or
if a PUD, the number of units (not buildings) permitted per development site: 

or
if not a PUD and development site is subject to existing special use or similar permit, number of units permitted for this development site: 

On or before 3/31/04, the zoning designation for the referenced Development site is LDR.

The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is permitted as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/City of Crystal River (Citrus) has vested in me the
(Statistic) authority to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is permitted as a "legally non-conforming use" and I further certify that the information above is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 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: __________________________ Date: 3/31/04

Print or Type Name: Gary W. Maidhof
Print or Type Title: Director - Citrus Co Dept of Development Services

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatures. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev 3-04)  Exhibit ______
2004 CURE FORM

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

This Cure Form is being submitted with regard to Application No. 2004-099H and pertains to:

Part III Section C Subsection 5 Exhibit No 33 (if applicable)

The attached information is submitted in response to the 2004 Universal Scoring Summary Report because:

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

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X Reason Failed Threshold

Item No. 6 T

X

□ Reason Proximity Points Not Maxed (MMRB/SAIL/HC Applications Only)

Item No. _____ P

□

□

OR

□ II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a Cure to Part _____ Section _____ Subsection _____ Exhibit _____ (if applicable).
Brief Statement of Explanation regarding
Application No. 2004 - 099H

Provide a separate brief statement for each Cure or NOAD
Revise verification of Environment Safety Phase I

Environmental Site Assessment Exhibit to correct improper exhibit form

that was originally submitted.
VERIFICATION OF ENVIRONMENTAL SAFETY
PHASE I ENVIRONMENTAL SITE ASSESSMENT

Name of Development: NATURE WALK
Address of Development Site: W. TURKEY OAK DR., CRYSTAL RIVER, FL 34429

As a representative of the firm that performed the Phase I Environmental Site Assessment (ESA), I certify that a Phase I ESA of the above referenced Development site was conducted by the undersigned environmental firm as of February 3-7, 2004 and such Phase I ESA meets the standards of ASTM Practice #E1527-00. Check all that apply in Items 1, 2 and 3 below:

1. If the Phase I ESA is over 12 months old from the Application Deadline for this Application has the site’s environmental condition changed since the date of the original Phase I ESA?
   □ Yes  □ No  Does Not Apply
   If “Yes”, answer question (1) or (2) below:
   □ (1) an update to the original Phase I ESA was prepared on ________________ (Date of update), or
   □ (2) a new Phase I ESA was prepared on ___________________________ (Date of new Phase I ESA).

2. If there are one or more existing buildings on the proposed site, the Phase I ESA: Does Not Apply
   □ a. addresses the presence or absence of asbestos or asbestos containing materials (ACM) and lead based paint (LBP), or
   □ b. separate report(s) addressing the presence or absence of asbestos or asbestos containing materials and lead-based paint have been prepared and the undersigned has reviewed the separate report(s). Such separate report(s) may or may not be incorporated by reference in the Phase I ESA.

3. If the Phase I ESA discloses potential problems (including, but not limited to asbestos or asbestos containing materials, lead-based paint, radon gas, etc.) on the proposed site: Does Not Apply
   □ a. environmental safety conditions on the site require remediation and a plan that includes anticipated costs and estimated time needed to complete the remediation has been prepared, either as a part of the Phase I ESA or as a separate report.
   □ b. a Phase II ESA is required or recommended (the firm that performed the Phase II ESA, even if it is the same firm that prepared the Phase I ESA MUST complete and execute the Phase II Environmental Site Assessment Verification).
   □ c. although environmental safety conditions exist on the site, no remediation or further study is required or recommended.

CERTIFICATION

I certify that the foregoing information is true and correct.

William L. Young, Ph.D., CIH
Authorized Signature
March 17, 2004
Date

Environmental Resources Corporation
Name of Firm that Performed the Phase I ESA
940 Golfside Drive, Suite 3-South
Address of Environmental Firm
Jacksonville, FL 32256

This certification must be signed by a representative of the firm that performed the Phase I ESA for the proposed Development site. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.
To Whom it may concern

My name is Stephen Palm. I am a computer consulting professional with a business in Hernando county. I have a degree in Computer Science from Clarkson University of Potsdam NY. I also have over 15 years of experience in the computer industry. From programming Head Mounted Display interface software for Forte Inc. to network management for Corning Inc. to currently owning a consulting business. I have developed professional websites and have also taught HTML in a university environment.

I have recently been requested to write this letter in support of Florida Low Income Housing Association regarding a document they downloaded from the Florida Housing website. This document in question is referred to as “Verification of the Availability of Infrastructure Water”. The document was downloaded from www.floridahousing.org in Microsoft Word™ document format. It is commonly known that the Microsoft Word™ document format is not a persistent format. In other words a Microsoft Word™ document is not guaranteed to preserve formatting from computer to computer. This is why it is not commonly used for applications requiring persistent formatting from computer to computer. This is clearly evidenced by the fact that the website which had the document in question now only has Adobe Acrobat™ PDF formatted documents.

So in my opinion by allowing the document to be placed on the website for download in Microsoft Word™ format, there was no expectation that the formatting of the document would be preserved once downloaded. In addition there was also no reference for Mr. Wilson to know that the formatting of the document was other than what was originally intended.

Sincerely

Stephen Palm
Owner:
Bird Ina Tree Consulting
Brooksville Florida