

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

CASE NO. 2008-0544C

BONITA COVE LLC.
a Florida limited liability company

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION

Respondent.

Petitioner Bonita Cove, LLC, a Florida limited liability company by and through its undersigned attorneys and pursuant to Section 120.57(2) Florida Statutes and Rule 28-106.301 (Florida Administrative Code) hereby files this Petition and asserts as follows:

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

Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301-1329
Agency's File or Identification Number: _____

2. Names, addresses and telephone numbers of Petitioner and Petitioner's representative and explanation of how interest will be affected:

a. Petitioner: Bonita Cove, LLC
150 S.E. 2nd Avenue, Suite 1202
Miami, Florida 33131
Telephone Number: (305) 372-5765
Fax Number: (305) 372-5797

b. Petitioner's Representative: Holland & Knight LLP
ATTN: Lynn C. Washington, Esq.
701 Brickell Avenue, Suite 3000
Miami, FL 33131
Telephone Number: (305)789-7798
Fax Number: (305)789-7799

c. The Petitioner applied for funding from the Florida Housing Finance Corporation (the "Agency") from the 2008 Universal Applicant Cycle. The Agency found that the Petitioner's application did not meet the threshold requirements and reject the Petitioner's application.

3. Notification to Petitioner

The Petitioner received notification of the Agency's decision by mail on July 17, 2008.

4. Statement of Disputed Facts

a. **The Agency's position is that the Petitioner failed to present evidence of the availability of water and sewer services to the site on or before the Application Deadline.**

The Application Instructions require that "Verification of the availability of each type of infrastructure on or before the application deadline must be provided."

The Instructions further provide that "Applicant may submit the properly completed and executed Verification of Infrastructure forms included within the Application Package or submit a letter from the entity providing the service ... verifying the availability of the infrastructure for the proposed Development."

Petitioner has presented evidence of the availability of water and sewer services to the site. Petitioner presented a properly completed Urban infill form, which form provides the site is ... "targeted for in-fill housing and the area is already


developed." The purpose of this form is to verify that the area is an "in-fill" area. An in-fill area by definition has existing infrastructure. The Petitioner also presented a letter dated June 4, 2008, from Miami-Dade Water and Sewer Department which established the availability of water and sewer services to the site. Petitioner asserts that documents and information presented in the documents verify that water and sewer service was available to the site on or before the application deadline.

5. The rules of the Florida Housing Finance Corporation require reversal of the Agency's position.

6. The Petitioner requests that the Petitioner's Application be treated as meeting threshold and that the Applicant be eligible to participate in the 2008 Universal Application Cycle. If this request is denied, the Petitioner requests a hearing.

Respectfully submitted:

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By 
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