

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

ST. ANDREW TOWERS I, LTD.,

Petitioner,

v.

FHFC Case No. 2017-038BP  
Application No. 2016-109C

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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**ORDER DISMISSING PETITION WITH LEAVE TO AMEND**

On May 22, 2017, Florida Housing Finance Corporation received a Petition, pursuant to Sections 120.569 and 120.57(3), from St. Andrew Towers I, Ltd (Petitioner). This petition purported to challenge Florida Housing's preliminary decision to award funding pursuant to Request for Applications (RFA) 2016-116 to St. Elizabeth Gardens Apartments, Ltd., and not to award funding to Petitioner. Petitioner's sole argument is that if St. Elizabeth Gardens Apartments, Ltd. withdraws its application, then St. Andrew Towers I, Ltd. should be recommended for funding instead.

Section 120.569(2)(c), Fla. Stat., sets forth the procedures that an agency must follow upon receipt of a petition. It provides:

(c) Unless otherwise provided by law, a petition or request for hearing shall include those items required by the uniform rules adopted

pursuant to s. 120.54(5)(b). Upon the receipt of a petition or request for hearing, the agency shall carefully review the petition to determine if it contains all of the required information. 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 Uniform Rules are codified in Rule 28-106.201, Fla. Admin. Code.

Among other things, the rules require:

(2) All petitioners filed under these rules shall contain:

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes.

The Petition filed in this case is not in substantial compliance with the requirements of Section 120.569, Fla. Stat. The petition fails to include any specific facts that warrant reversal of the agency's proposed action, and fails to cite to any rules or statutes that require reversal of the agency's proposed action. In fact, the petition does not even allege that any aspect of the agency's proposed action is incorrect or requires reversal or modification of the proposed action.

For these reasons, the petition is DISMISSED. Petitioner shall have ten days from the date of execution of this Order to file an amended petition meeting the requirements of Section 120.569(2)(c), Fla. Stat., and Rule 28-106.201, Fla. Admin.

Code. Failure of Petitioner to file an amended petition within this time shall be considered a waiver of its rights to file any administrative challenge in this matter.

Done this 31<sup>st</sup> day of May, 2017.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 31<sup>st</sup> day of May, 2017 by electronic mail to Donna Blanton, Radey Law Firm, 301 South Bronough St., Suite 200, Tallahassee, Florida 32301, [dblanton@radeylaw.com](mailto:dblanton@radeylaw.com).



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CHRIS MCGUIRE  
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Florida Housing Finance Corporation