

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In re: HTG Orchid Lake, Ltd.

FHFC Case No.: 2026-042VW

ORDER DENYING IN PART AND GRANTING IN PART
PETITION FOR WAIVER OF RULE 67-48.023(7), F.A.C. (2020),
AND SECTION 5(c) OF EXHIBIT C TO RFA 2021-103

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the “Board”) on August 14, 2026. On July 22, 2026, Florida Housing Finance Corporation (“Florida Housing”) received a Petition for Waiver of Rule 67-48.023(7), F.A.C. (2020), and section 5(c) of Exhibit C to RFA 2021-103, which requires use of the Final Cost Certification Application Package (“FCCAP”) (the “Petition”), from HTG Orchid Lake, Ltd. (the “Petitioner”). The Petition seeks a waiver to permit the Certified Public Accountant (“CPA”) auditing the General Contractor Cost Certification (“GCCC”) to verify the costs from ACM Development, LLC (“ACM”), the Development’s largest subcontractor by dollar volume, through review of pay applications and invoices in lieu of obtaining a direct cost confirmation from ACM. Notice of the Petition was published on July 23, 2026, in Volume 52, Number 142, of the Florida Administrative Register. Florida Housing received no comments regarding the Petition. After careful review of the record, the Board hereby finds:

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Amey Ramo / DATE 8/17/2026

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.

2. Petitioner successfully applied for funding under RFA 2021-103 (the “RFA”) to assist in the construction of Orchid Lake, a 90-unit development located in Brevard County, Florida (the “Development”).

3. Rule 67-48.023(7), F.A.C. (2020), provides in pertinent part:

(7) Final cost certification documentation shall be submitted by an Applicant to itemize all expenses incurred in association with construction or Rehabilitation of a Housing Credit Development, including Developer’s and General Contractor’s fees as described in Rule 67-48.0072, F.A.C., along with the executed Extended Use Agreement, IRS Tax Information Authorization Form 8821 for all Financial Beneficiaries if requested by the Corporation, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter, an unmodified audit report prepared by an independent certified public accountant, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in the competitive solicitation. The Final Housing Credit Allocation will not be issued until such time as all items required by a competitive solicitation are received and processed by the Corporation.

Although Petitioner requested a waiver of subsection (7), the specific subcontractor-confirmation procedures at issue are contained in the FCCAP rather than in the Rule.

4. Section 5.c. of Exhibit C to RFA 2021-103 provides the following terms and conditions applicable to the Final Cost Certification Application Package (“FCCAP”), in pertinent part:

In accordance with Rule 67-48.023, F.A.C., the Final Cost Certification Application Package (Form FCCAP), Rev. April 2020, shall be used by an Applicant to itemize all expenses incurred in association with construction or Rehabilitation of a Housing Credit Development, including Developer and General Contractor fees as described in Rule 67-48.0072, F.A.C., ... The FCCAP shall be completed, executed and submitted to the Corporation in both hard copy format and electronic files of the Microsoft Excel spreadsheets for the Housing Credit Development Final Cost Certification (DFCC) and the General Contractor Cost Certification (GCCC) included in the form package, along with ... the required certified public accountant opinion letter for both the DFCC and GCCC, an unmodified audit report prepared by an independent certified public accountant for both the DFCC and GCCC, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in the Form FCCAP instructions. The Final Housing Credit Allocation will not be issued until such time as all required items are received and processed by the Corporation. Form FCCAP, Rev. April 2020, is available on the RFA Webpage.

5. The General Contractor Cost Certification Instructions, Rev.

April 2020, provide in relevant part:

At a minimum, the CPA shall verify the amounts paid to the top three sub-contractors in terms of dollar amount as well as an additional five sub-contractors, selected randomly per the instructions below.

The Certified Public Accountant performing the audit of the General Contractor's cost certification must send the following confirmation requests to the three largest dollar sub-contractors:

In addition, the Certified Public Accountant must randomly select other sub-contractors sufficient in number (but in no event less than five other sub-contractors), when taken together with the three largest dollar sub-contractors, to account for at least 40% of the total contract construction cost, and verify the amounts paid to each sub-contractor by reviewing check copies, contract documents, change orders, and other supporting information to verify amounts included within the cost certification for each sub-contractor selected.

6. As justification for its request, the Petition states that the GC for the Development was Hennessy Construction Services Corp., with ACM serving as the largest subcontractor by dollar volume, and performing earthwork, site utilities, and roads and paving work, with total certified costs of \$2,106,838, constituting 11.64% of the total actual construction costs of \$18,107,677. According to the Petition, Petitioner's CPA was unable to obtain a direct cost confirmation from ACM because ACM ceased business operations before completion of the construction and is no longer in business. In lieu of a direct cost confirmation, the CPA reviewed pay applications and invoices on file to verify ACM's costs. In addition, Petitioner states the CPA obtained cost confirmations directly from the fourth and fifth largest subcontractors, representing a combined 14.62% of costs, exceeding the 11.64% share attributable to ACM. In total, the CPA directly confirmed or otherwise verified a combined total of \$9,458,509 in subcontractor costs, representing approximately 52% of Total Actual Construction Costs.

7. The Board finds that granting the requested waiver of section 5.c. of Exhibit C to the RFA would not adversely impact other participants in funding programs administered by Florida Housing, nor does it detrimentally impact Florida Housing.

8. The Board also finds that Petitioner has demonstrated that strict application of section 5.c. of Exhibit C to the RFA as applied to the subcontractor-verification requirements set forth in the GCCC Instructions, under these circumstances would constitute a substantial hardship.

9. The Board further finds that Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state,” would still be achieved if the waiver is granted. § 420.5099, F.S.

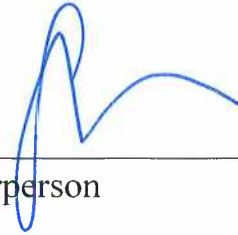
IT IS THEREFORE ORDERED that Petitioner’s request for waiver of Rule 67-48.023(7), F.A.C. (2020), is hereby **DENIED** as unnecessary to achieve the relief requested, and Petitioner’s request for a waiver of Section 5(c) of Exhibit C to RFA 2021-103 is hereby **GRANTED**, limited to permitting the CPA to satisfy the subcontractor verification requirements set forth in the GCCC Instructions as to ACM through review of pay applications and invoices after the CPA sent the required confirmation request and

received no response because ACM had ceased operations. All other final cost certification and audit requirements remain applicable.

DONE and ORDERED this 14th day of August, 2026.



Florida Housing Finance Corporation

By: 
Chairperson

Copies furnished to:

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NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO ADMINISTRATIVE REVIEW PURSUANT TO SECTIONS 120.542(8), 120.569, AND 120.57, FLORIDA STATUTES. SUCH PROCEEDINGS ARE COMMENCED PURSUANT TO CHAPTER 67-52, FLORIDA ADMINISTRATIVE CODE, BY FILING A PETITION WITH THE CORPORATION CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329. A PETITION MAY ALSO BE FILED BY FACSIMILE OR ELECTRONIC MAIL AS PROVIDED IN RULE 67-52.002, FLORIDA ADMINISTRATIVE CODE. THE PETITION MUST BE FILED WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THIS ORDER, CONSISTENT WITH SECTION 120.569(1), FLORIDA STATUTES, AND RULE 28-106.111(2), FLORIDA ADMINISTRATIVE CODE.