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BOND VALIDATION - FLORIDA

State Attorneys for Second, Seventh and Ninth Judicial Circuits v. Florida Pace Funding Agency

Supreme Court of Florida - December 18, 2025 - 424 So.3d 478 - 50 Fla. L. Weekly S335

Agency brought bond validation action seeking judgment validating issuance of $5 billion in revenue bonds to fund qualifying improvements under Property Assessed Clean Energy Act (PACE).

The Circuit Court validated the bonds. No party appealed within prescribed time.

Over one year later, governmental entities including state attorneys, counties, and tax collectors filed motions for relief from judgment.

The circuit court denied the motions, finding that rule governing motions for relief from judgment did not apply to the bond validation judgment and motions were untimely and insufficient. Governmental entities appealed.

The Supreme Court held that:

- Supreme Court of Florida had jurisdiction to consider appeal in special statutory proceeding for validating bonds from denial of motion for relief from judgment as final judgment;
- Supreme Court was authorized by statute to review of order denying motion for relief from judgment that was entered in bond validation action, albeit post-judgment;
- Deference to statutory scheme was required;
- Bond validation judgments not challenged after time for appeal expired could not be collaterally attacked, unless statute's limited exception applied; and
- Separation-of-powers concerns were not implicated.

Supreme Court of Florida had jurisdiction to consider appeal in special statutory proceeding for validating bonds from denial of motion for relief from judgment as final judgment.

Statutory language stating, "[a]ny party to the action whether plaintiff, defendant, intervenor or otherwise, dissatisfied with the final judgment, may appeal to the Supreme Court," authorized Supreme Court review of order denying motion for relief from judgment that was entered in bond validation action, albeit post-judgment.

In special statutory proceeding for validating bonds, court had to defer to statutory scheme, since rule governing relief from judgment did not specifically provide to the contrary.

In bond validation proceedings, judicial branch is authorized to perform a limited role as part of a broader scheme to ensure the marketability of proposed bonds or certificates of indebtedness by foreclosing a subsequent attack on their validity.

Bond validation judgments not challenged after time for appeal expired could not be collaterally attacked, unless statute's limited exception applied.

Special statutory proceeding for validating bonds and rule providing relief from judgment were not in conflict, and therefore separation-of-powers concerns were not implicated by denial of motion for relief from judgment in special statutory proceeding for validating bonds, even if issue presented were purely procedural.

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