

>> OUR LAST CASE TODAY IS ATTORNEYS FOR THE SECOND, SEVENTH, AND NINTH JUDICIAL CIRCUIT VERSUS FLORIDA FUNDING AGENCY CASE NUMBER 2024-0652.

>> GOOD MORNING AND MAY IT PLEASE THE COURT MY NAME IS JOHN TUCKER AND I WILL ARGUE THE FIRST TEN MINUTES AND WILL BE ADDRESSING RULE POINT O TEN THAT THE COURT ASKED TO BE ADDRESSED AND IT WILL ALSO ADDRESS THE ISSUES REGARDING RULE 1.540 IN THE JURISDICTIONAL APPEAL ISSUES AND I WILL TOUCH ON THE DUE PROCESS OF THAT ARISE FROM THE TRIAL COURT'S ERROR OF ADDRESSING MATTERS RELATED TO THE POWERS OF THE COUNTIES AND TO THE OBLIGATIONS OF THE TAX COLLECTORS WHEN THEY WERE NOT PRESENT AT THE BOND ALLEGATION HEARING IT IS WITH ME AND WILL ADDRESS THE LIMITED SCOPE OF CHAPTER 75 AND THE COURTS CONSISTENT PRIOR PRECEDENT WITH REGARD TO NOT ALLOWING COLLATERAL MODELS TO BE DECIDED IN SUCH PROCEEDINGS AND LASTLY ON BEHALF OF THE ATTORNEY GENERAL'S OFFICE WE WILL CONFIRM THE STATE'S POSITION REGARDING LIMITED SCOPE OF CHAPTER 75 AND THE ROLE OF THE ESTATE ATTORNEYS THAT ARE INVOLVED IN THOSE BOND VALIDATION PROCEEDINGS AND THE CONSISTENT PRECEDENT OF THE WARD BARRING COLLATERAL MATTERS.

BEFORE I BEGIN ADDRESSING RULE FOR ONE O I WANT TO SAY ON THE HALF OF THE 15 COUNTIES AND 41 TAX COLLECTORS WHO ARE APPELLANTS ON THIS CASE THAT WE APPRECIATE THE OPPORTUNITY TO BE HEARD ON MATTERS THAT ARE CRITICAL REGARDING THEIR POWERS AND CONSTITUTIONAL RIGHTS AND DUTIES THAT WERE DETERMINED IN THE FINAL BOND JUDGMENT WHEN THEY DID NOT HAVE AN OPPORTUNITY TO PARTICIPATE.

THEY WOULD NOT HAVE THE OPPORTUNITY TO PARTICIPATE UNTIL WE FILED RULE 1.540.

WE ALSO WANT TO SAY WE APPRECIATE THE OPPORTUNITY THAT THIS COURT TO RENDER RULINGS ON THESE ISSUES THAT CAN BE USED IN THE 15 PLUS TRIAL COURT INTERMEDIATE APPELLATE COURT PROCEEDINGS THAT EXIST AROUND THE STATE THAT HER DRESS A LOT OF THESE SAME ISSUES IN WHICH IN THOSE CASES SPF AND THEY ARGUES THE DECISION THAT WERE TALKING ABOUT TODAY IS RACIST AND CANNOT BE ERASED.

LET ME TURN TO RULE 1.010.

>> I THINK IT IS WITH IN THE SUBTEXT THAT YOU'RE SPEAKING ON BUT CAN YOU TALK TO THE ISSUE THAT THE CONSTITUTION GIVES US JURISDICTION OVER FINAL JUDGMENT AND BOND VALIDATION CASES. TYPICALLY WE TREAT REVIEW OF ORDERS RENDERED ON MOTIONS FOR 1.540 AS NONFINAL APPEALS AND I KNOW THERE ARE OTHERS OUT THERE BUT DO YOU THINK THAT IS PLAINLY WITH THE CONSTITUTIONAL OF THE FINAL JUDGMENT IN NONFINAL ORDER?

>> YES JUDGE.

AND I THINK THEY SPECIFICALLY SAID IN THE MAYE CASE THAT WE HAD

JURISDICTION AND FURTHER ON SAID WE HAD NO FURTHER MERIT IN THE ARGUMENT THAT IT WAS WRONG.

>> EVERY CASE I'VE READ EVEN THE CASE THEY HAVE SIGNED WHERE THEY SAY THAT THEY COULD NOT CHALLENGE THE APPEAL LATER AND THEY COULD NOT CHALLENGE IT BECAUSE IT WAS NONE OUTSIDE THE APPEAL EVERY CASE I HAVE SEEN HAS BEEN A DIRECT APPEAL BECAUSE THEY ADDRESS THE JUDGMENT AND RELATE TO THE JUDGMENT EVERY CASE.

WHETHER IT COMES TO THIS COURT AND THIS COURT CAN'T BRING IT BECAUSE THEY COULD NOT BRING AN APPEAL.

THEY WERE NOT A PARTY TO ANY OF THOSE CASES.

THERE'S NOT A SINGLE CASE THAT I CAN FIND THAT ANYONE CITED THAT DID NOT WHEN YOU ADDRESS MATTERS THAT WERE IN THE FINAL JUDGMENT THAT DID NOT TRAVEL DIRECTLY TO THE SUPREME COURT LIKE THIS DID. AND THE RULE, RULE 1.0.0 THAT THE COURT ASKED SPECIFICALLY SAYS AND CONFIRMS THAT THIS COURT SHOULD IN THAT RULE 1.540 MOTION WAS APPROPRIATE IN THE FIRST SENTENCE OF THAT RULE SAYS THAT IF THE RULES APPLY TO ALL ACTIONS OF A CIVIL NATURE AND ALL SPECIAL CATEGORY PROCEDURES AND CIRCUIT COURT PLAINLY CHAPTER 75 WAS A STATUTE A SPECIAL STATUTORY PROCEEDING.

THE SECOND SENTENCE SAYS THAT THE FORM AND PROCEDURE IN TIME FOR PLEADINGS IN ALL SPECIAL STATUTORY PLEADINGS SHALL BE AS PRESCRIBED BY THE STATUTES PROCEEDINGS UNLESS THE RULES ARE CONTRARY.

AS THIS COURT WELL KNOWS PLEADING IS A TERM APART PART THAT MEANS THAT AS DECIDED AND DETERMINED IN RULE 1.10 PLEADINGS ARE COMPLAINTS AND COUNTER COMPLAINTS.

THEY ARE NOT MOTIONS.

IN THIS COURT I SITE TO THE COURT IN THEIR DECISIONS.

>> IT DOESN'T JUST SAY PLEADING IT SAYS THE FORM CONTENT PROCEDURE AND TIME FOR PLEADING IN ALL THESE PROCEEDINGS SHALL BE AS PRESCRIBED BY THE STATUTE.

IT SAYS EVERYTHING RELATED.

FORM, CONTENT AND PROCEDURE AND PROCEDURE INCLUDES WHETHER A MOTION IS FILED OR NOT WOULDN'T IT?

>> BUT ALL OF THOSE WORDS JUDGE HAS TO BE TAKEN AS MODIFYING AND ADDRESSING.

IF YOU WERE TO READ IT AND TO SAY THE FORM IN ALL SPECIAL STATUTORY PROCEEDINGS WOULD MAKE NO SENSE AND IF YOU SAID THE CONTENT AND ALL SPECIAL STATUTORY PROCEEDINGS IT WOULD NOT MAKE ANY SENSE.

IT HAS TO MEAN PLEADING AND IF YOU LOOK AT THE COURTS OWN DECISIONS AND I GIVE YOU THIS IS NOT IN OUR BRIEF.

BUT IT'S 986712 WHICH IS THE COURT'S DECISION FROM 2008 AND ON THE GREEN CASE 737 1261 IT TO THIS COURT'S CASE FROM 1988 AND BOTH

JUST RULE .19 O COMPLAINT AND DOES NOT MEAN EMOTION.
IN THOSE CASES THEY HAVE MOTIONS TO DISMISS OTHERS.
IT IS A DISTINCTION THAT THIS COURT HAS RECOGNIZED.
THE RULES OF CIVIL PROCEDURE APPLY INCLUDING 1.540.
AND THAT IS WHAT IS RECOGNIZED BY THIS COURT IN THIS CASE AND IT
IS CONSISTENT WITH THE COURT'S DECISION IN THE PIPPEN CASE WHERE
IT IS DECIDED -

>> DID WE DISCUSS IT ACTUALLY?

>> ACTUALLY WE DID.

IN THE MIZE CASE THERE WERE THREE THINGS BEFORE THE COURT OF
APPEALS AND ONE OF THEM WAS A NUMBER IT WAS CASE NUMBER 38,200
IT WAS AN ORDER ARISING OUT OF A VALIDATION PROCEEDING.

>> BUT THAT CASE DOES NOT DISCUSS THE CIRCUIT COURT JURISDICTION
CONSIDERED.

>> IT DID NOT.

THE COURT CERTAINLY DIDN'T HAVE ANY PROBLEM WITH THAT BECAUSE
LATER ON IT -

>> I KNOW THE HOLDING.

MY QUESTION WAS DOES MIZE DISCUSS RULE 1010.

>> IT DID NOT.

BUT THE OTHER CASE I CITED BEFORE THE DENTAL AND THE GREEN CASE
THEY DO.

THEY TALKED ABOUT A SPECIAL STATUTORY PROCEEDING AND THIS IS WHAT
IS MEANT BY PLEADING AND THIS IS WHAT IS MEANT BY MOTION.
AND MOTIONS ARE NOT PLEADINGS.

NOT AS IT IS RELATED TO RULE 1.010.

THIS COURT IN THE PITTMAN CASE AND THE CALL IN CASE THAT
WE CITED, THOSE CASES ALSO SAY RULE 1.540 IS JUST THE RULE THIS
COURT HAS ENACTED IN ORDER TO ALLOW A PROCEDURE FOR PARTIES TO
COME IN TO ALLOW THE COURT TO EXERCISE ITS INHERENT AUTHORITY TO
CONDUCT JUDGMENT. THE COURT HAS ALWAYS HAD THE AUTHORITY AND
THAT'S WHAT ALLOWS PEOPLE TO USE THE 1.540.

SO THEN HOW DOES THE TRIAL COURT GET AROUND THAT?

THE TRIAL COURT GETS AROUND BY SAYING CHAPTER 75.09, THOUGH
FOREVER CONCLUSIVE LANGUAGE THAT SEEMS TO BE THE MANTRA IN THEIR
BRIEF MEANS NOBODY CAN CHALLENGE ANYTHING ABOUT ANYTHING AFTER
THE APPEAL IS RUN AND THAT'S WRONG FOR A LOT OF REASONS AND I
WOULD SUBMIT TO THE COURT THE FIRST REASON IT'S WRONG IS IT MAKES
NO SENSE. IF YOU TAKE THAT ARGUMENT AND TAKE IT AS TRUE IT WOULD
MEAN WHATEVER GOT INTO FINAL JUDGMENT UPON THE VALIDATION
DECISION WHETHER IT BE BY ACCIDENT, GUISE, WHATEVER THAT NOBODY
CAN CHALLENGE IT. AND A BOND VALIDATION IS FOREVER CONCLUSIVE.

YOU COULD PUT IN THERE ANYBODY IN THIS COURTROOM NOW OWES THE
STATE OF FLORIDA \$10 MILLION. ANYBODY IN THIS COURTROOM CONVICTED

OF A FELONY AND HAS TO SERVE 10 YEARS AND UNDER THEIR INTERPRETATION IS FOREVER CONCLUSIVE.

>> THERE ARE APPEALS. THAT'S THE ISSUE HERE IS THE APPEAL IS NOT TAKEN.

>> THAT APPEAL WAS NOT TAKEN SO IN THIS CASE IF THEY HAD SAID IN THE FINAL JUDGMENT JOHN TUCKER OWES THE STATE OF FLORIDA \$10 MILLION. I WAS NOT A PARTY IN THIS CIRCUIT, I COULD COME IN YOUR FILE OR RULE AND SAY HOW CAN THAT HAPPEN.

THEY SAY I'M SORRY MR. TUCKER, IT'S FOREVER CONCLUSIVE. I DIDN'T EVEN KNOW ABOUT THE CASE, I WASN'T A PARTY TO IT.

IT'S ALSO WRONG BECAUSE OF MINE WHICH SPECIFICALLY ADDRESSED IT.

IT'S ALSO WRONG BECAUSE OF THE CASE THAT WE CITED, CITY OF GAINESVILLE CASE WE CITED WHICH I RECOMMEND THE COURT WOULD LOOK TO. IN THE CITY OF GAINESVILLE CASE THERE WAS AN ARGUMENT THAT THESE THINGS ARE FOREVER CONCLUSIVE.

AND THE CITY OF GAINESVILLE WAS IN THE CASE. THEY WERE THE ONES SAYING THIS IS A COLLATERAL THAT ARE BEING DECIDED, IT'S OUTSIDE THE BOUNDS OF CHAPTER 7.5 PROCEEDINGS AND THE COURT SAID OUR PRIOR DECISIONS THAT SAY FOREVER CONCLUSIVE DON'T MEAN THAT IF THERE ARE COLLATERAL MATTERS BEING ADDRESSED THAT THEY IN FACT CAN'T BE CHALLENGED.

SO WHAT THE CITY OF GAINESVILLE CASE SAID IS I'M REMANDING THIS TO THE TRIAL COURT AND THEY NEED TO DELETE OR STRIKE FROM THE FINAL JUDGMENT ALL THE COLLATERAL MATTERS.

BUT OTHERWISE THE BOND JUDGMENT IS AFFIRMED.

THAT'S WHAT WE SEE FROM THIS CASE AND WE TALKED ABOUT ALL THESE OTHER CASES AROUND THE STATE. IF FPFA WANTS TO ARGUE THAT PALM BEACH COUNTY CANNOT RESTRICT AND PUT IN CONSUMER PROTECTION ORDINANCES FROM THE LOSS OF THEIR HOMES OR ANY OF THE OTHER COUNTIES, TAX COLLECTORS THEN THEY NEED TO COME IN AND CHALLENGE THAT WHERE WE HAVE AN OPPORTUNITY TO RAISE THOSE ISSUES. THE PROBLEM IN THIS CASE IS THE TRIAL COURT DECIDED THOSE ISSUES WITHOUT IT BEING RAISED TO THE TRIAL COURT, BURIED IN THE LOAN PLEADINGS AND IN VAGUE CONCEPTS OF GENERAL LAW AND ALSO SAYING THIS IS BLACK LETTER LAW AND THEN WHEN IT GETS FINISHED AND THE PEAK PERIOD RUNS THEY SAY VERY DIFFERENT THAN THEY WERE SAYING TO THE COURT. THIS IS RES JUDICATA SO IT GOES BACK AND THEY WANT TO RAISE THAT THEY ARE WELCOME TO DO IT, BRING IT TO PALM BEACH COUNTY AND THEN THEY CAN DECIDE THAT. WHEN THE ISSUE WAS ADDRESSED, IT IS ABSOLUTELY WRONG FOR THE FPFA TO GO INTO THOSE OTHER COURTS NOW WHERE THEY ARE BEING CONTESTED AND SAY IT'S RES JUDICATA. YOU CANNOT ADDRESS THIS. YOU ARE BOUND BY THIS. PALM BEACH COUNTY AND THE OTHER COUNTIES ARE BOUND BY THIS.

>> IS THIS ARGUMENT TIED TO THE STATUE OR ARE YOU SUGGESTING THAT

WE MAKE THIS A DOCTRINE AS FAR AS THESE DISTINCTIONS, WHAT YOU'RE CALLING THE COLLATERAL MATTERS. THE COLLATERAL LETTER ISN'T IN THE STATUE AND IT SEEMS LIKE THE SUBJECT MATTER OF THESE THINGS THAT YOU ARE ARGUING OVER RELATES TO THE COLLECTION AND ASSESSMENT OF TAXES AND ALL THAT SO IT'S NOT OBVIOUSLY OUTSIDE THE SCOPE OF THINGS THE STATUTE ONCE TO MAKE FINAL.

>> MR. GEDDES WILL ADDRESS THIS, I WILL ANSWER IT THIS WAY. THIS ENTITY IN 2011, A BOND VALIDATION JUDGMENT AND ISSUED BONDS THROUGHOUT THE STATE FOR A DECADE.

WITHOUT THE NEED TO BURY IN THAT BOND VALIDATION JUDGMENT ANYTHING THAT SAID PALM BEACH COUNTY, LEON COUNTY, THEY CAN HAVE ORDINANCES. THEY WERE ABLE TO DO IT. CHAPTER 75 IN THIS COURT'S HISTORICAL PRECEDENT GOING BACK DECADES SAYS ALL THE COURTS SHOULD BE CONSIDERING IS THE LIMITS OF WHETHER OR NOT THE BOND IS VALID. NOT ALL THESE OTHER THINGS AND MR. GEDDES WILL ADDRESS THAT.

>> HAVE BONDS BEEN ISSUED UNDER THIS?

BONDS HAVE BEEN ISSUED. DON'T THE BONDHOLDERS RELY ON ALL THE ENFORCEMENT MECHANISMS?

IT MAY BE BURIED BUT BONDHOLDERS RELY ON THINGS BURIED IN THE DOCUMENTS SO I'M HAVING TROUBLE UNDERSTANDING WHY THE BONDHOLDERS WOULD NOT BE ENTITLED TO RELY ON THOSE SPECIFIC MECHANISMS THAT ARE PROVIDED FOR AND WAS BEEN ADJUDICATED IN THE CIRCUIT COURT, TELL ME WHAT I'M MISSING HERE.

>> THEY CAN'T RELY ON SOMETHING FUNDAMENTALLY WRONG AND VOID. JUDGE, THAT'S WHAT 1.540 IS. THAT'S WHAT THE SUPREME COURT HAS SAID OVER THE YEARS IS THIS ALLOWS THE COURT TO USE ITS AUTHORITY TO CORRECT THINGS THAT ARE WRONG.

>> BUT WE CAN INTERVENE AND CORRECT IF THE NOTE CONTAINED BY YOUR SERIOUS INTEREST RATE WE COULD INTERVENE TO SAY THAT VIOLATES THE STATE USER A LAW.

>> IF YOU LOOK AT THIS CASE IS I'M NOT SURE THE PARTIES ARE OUTSIDE THE CIRCUITS THAT WERE NOTICED.

THAT THEY CAN EVEN INTERVENE BECAUSE THEY ARE NOT PARTIES, THEIR ARE CASES THAT THE SUPREME COURT HAS ISSUED SAYING IF YOU ARE OUTSIDE YOU CAN'T. IT'S SUPPOSED TO BE A LIMITED SCOPE TO THE PEOPLE AND THE PARTIES HAVE AN INTEREST IN THE PROPERTY THAT CAN BE AFFECTED BY THESE BONDS.

THAT'S WHY IN CHAPTER 75 WHAT HAPPENS IS YOU GET A NOTICE, NOT THE WHOLE STATE. THIS IS IN THE THREE GEOGRAPHICAL AREAS AND YOU ALSO NOTIFY THE STATE ATTORNEYS. THE THREE STATE ATTORNEYS. THEY WANT TO SAY ONE STATE ATTORNEY REPRESENTS THEY ALL REPRESENT THE STATE, THAT'S NONSENSE. IF ONE REPRESENTS THE STATE WHY DO THEY HAVE TO NOTIFY THE ATTORNEY?

SO AND AGAIN, I WOULD ASK YOU A COUPLE OF QUICK POINTS. THE TRIAL JUDGE SAID THAT IT WAS UNTIMELY. WE'VE RAISED THIS ARGUMENT ON THREE PARTS, THE CASE LAW IS ALL CONSISTENT THAT WHENEVER IT'S VOID IT'S VOID AND THE TIME CANNOT MAKE SOMETHING THAT IS VOID VALID.

IF YOU LOOK AT THE ISSUES REGARDING THE OTHER SURPRISE AND MISCONDUCT, IF YOU LOOK AT THAT THERE IS NO SUBSTANTIAL EVIDENCE TO SUPPORT IT. THE EVIDENCE IS AS SOON AS THE PARTIES FOUND OUT ABOUT IT THEY STARTED ACTING.

TELLING THE FPFA WE DON'T AGREE WITH THIS, YOU NEED TO DO WHAT WE'VE BEEN DOING THE LAST 10 YEARS, WHEN FPFA DIDN'T DO THAT LAWSUITS WERE FILED BY THEM AND US SAYING YOU CAN'T DO IT. WHEN WE STARTED TO FIND OUT THERE'S 15, 20 OF THESE AROUND THE STATE THE PARTIES GOT TOGETHER THE, THE TAX COLLECTOR SAID WAS A BETTER WAY TO DO THIS?

PARTICULARLY WHEN THEY ARE ARGUING RES JUDICATA, WE NEED TO GO BACK AND FILE OR RULE IN 1.540 AS QUICKLY AS POSSIBLE.

WHEN YOU FIGURE ...

>> CAN YOU TAKE 30 SECONDS TO WRAP UP.

>> John Tucker: THANK YOU.

>> Edward Guedes: MAY IT PLEASE THE COURT, EDWARD DENNIS ON BEHALF OF THE APPELLANT. LET ME ADDRESS FIRST YOUR QUESTION CHIEF JUSTICE MUNIZ ABOUT WHERE IS THE FOUNDATION FOR OUR COLLATERAL MATTERS ARGUMENT.

IT DERIVES FROM TWO SOURCES I THINK. FIRST OF ALL THERE IS AN ABUNDANCE OF CASELAW FROM THIS COURT WHERE OVER THE DECADES IT HAS BEEN EXAMINED BOND VALIDATION JUDGMENT DETERMINING THE CERTAIN DECISIONS RENDERED AS PART OF THAT PROCESS OR DEEMED COLLATERAL, IN OTHER WORDS NOT DIRECTLY RELATED TO THE ISSUING AUTHORITY OF THE BOND ISSUER AND STRICKLAND DIRECTED THE TRIAL COURT TO DELETE THOSE PROVISIONS SO THERE'S A SUBSTANTIAL QUALITY OF CASELAW BUT THAT BODY SPEAKS TO JUDGMENTS.

IT DOES.

EACH ONE OF THOSE CASES WITH THE EXCEPTION OF MAIZE WHICH IS UNIQUE, EACH ONE OF THEM AROSE FROM A JUDGMENT. CORRECT, NO QUESTION. THE SECOND PORTION AND I THINK THERE IS A STATUTORY FOUNDATION AS WELL AS THE PRECEDENTIAL CASELAW WHICH IS 7509. AND WHAT IT SAYS IS WHEN YOU'RE TALKING ABOUT WHAT ASPECTS OF THE JUDGMENT ARE FOREVER CONCLUSIVE, IT DIRECTS THAT CONCLUSIVE EFFECT, I'M GOING TO READ FROM A STATUTE HERE.

CITIZENS OF THE PLAINTIFF AND ALL OTHERS HAVING OR CLAIMING ANY RIGHT TITLE OR INTEREST IN PROPERTY SHOULD BE AFFECTED BY THE ISSUANCE OF SAID BONDS.

SO THE FINALITY JUSTICE CANADY, THAT SENSE OF WHAT CAN THE

BONDHOLDERS EXPECT, WHAT CAN THEY RELY ON?
GOES TO THIS QUESTION WHICH IS WHO IS BOUND.
FOR WHOM IS THIS FOREVER CONCLUSIVE THIS EFFECT GOING TO BE
APPLIED?

NONE OF THE COUNTIES ON PROPERTY THAT WILL BE SUBJECT TO THE
BONDS. NEITHER DO THE TAX COLLECTORS. NEITHER OF THOSE ENTITIES
OR INDIVIDUALS SHOULD EXPERIENCE A CONCLUSIVE FOREVER CONCLUSIVE
EFFECT FROM THE JUDGMENT.

>> WHAT LANGUAGE DO YOU THINK LIMITS THAT?

>> Edward Guedes: I'M SORRY.

>> CAN YOU REPEAT WHAT LANGUAGE LIMITS THE PARTIES?

AS I READ IT IT SEEMS PRETTY BROAD. OTHERS CLAIMING ANY TITLE
INTEREST OR PROPERTY.

OR ANY WAY AFFECTED BY THE VALIDITY OF THE BONDS. THERE'S A LOT
OF ORE AND ANY.

>> Edward Guedes: IT'S A VERY LONG SENTENCE.

>> AND IT INCLUDES ANY REMEDIES PROVIDED FOR COLLECTION OF THE
ASSESSMENTS.

>> Edward Guedes: I UNDERSTAND BUT YOU DON'T GET TO THE REMEDIES
IF THE JUDGMENT IN THE FIRST PLACE DIDN'T REACH THE PARTIES WHO
ARE NOW COMPLAINING THAT THIS IS OVERREACHED.

SO THE LANGUAGE STANDS TO THE QUESTION, SUCH JUDGMENT IS FOREVER
CONCLUSIVE AS TO ALL MATTERS ADJUDICATED AGAINST PLAINTIFF AND
ALL PARTIES AFFECTED THEREBY INCLUDING ALL PROPERTY OWNERS, OF
THE COUNTIES, TAXPAYERS, NOT THE COUNTIES, CITIZENS OF THE
PLAINTIFF, NOT THE COUNTIES AND ALL OTHERS HAVING OR CLAIMING ANY
RIGHT TITLE OR INTEREST IN PROPERTY TO BE AFFECTED BY THE
ISSUANCE OF THE BOND.

NEITHER THE COUNTIES NOR THE TAX COLLECTORS HAVE A RIGHT TITLE OR
INTEREST IN ANY PROPERTY THAT IS GOING TO BE AFFECTED BY THESE
BONDS.

>> BUT IT GOES ON AND SAYS TO BE AFFECTED IN ANY OTHER WAY
THEREBY. IT SEEMS LIKE THEY ARE TRYING TO COVER THE WATERFRONT
HERE. ANYBODY THAT'S GOT ANY INTEREST OR ASSERTED INTEREST IN
THIS IS CONCLUDED.

I'M JUST READING IT.

>> Edward Guedes: BUT BY THAT TOKEN YOU COULD ESSENTIALLY HAVE AS
MR. TUCKER SUGGESTED TO YOU, COULD HAVE ANYTHING THROWN IN THERE.
ANY KIND OF DECLARATION WHICH IS ESSENTIALLY WHAT HAPPENED HERE.

>> WROTE THE BILL OF CONTAINER IN THERE THAT WOULD WORK.

>> I HAVE A QUESTION, I MIGHT NOT AGREE WITH THAT AS AN IDEA,
THAT IT'S A GOOD IDEA BUT WHAT IS THE LAW AND IT SEEMS TO ME
THERE IS A LEGISLATIVE SCHEME TO ENSURE THIS QUICK PROCEDURE IF
THAT'S WHAT THE LEGISLATURE BARGAINED FOR.

TEXTUALLY I UNDERSTAND WHAT YOU'RE SAYING BUT TEXTUALLY WHERE IS IT INDICATED THAT THAT'S NOT A SPECIFIC INTENTION OF THE LEGISLATURE.

>> Edward Guedes: BECAUSE AS THIS COURT HELD IN THE CITY OF GAINESVILLE CASE AND IT WAS CONFRONTED WITH THIS VERY ARGUMENT WHICH IS IF SOMEBODY STANDS WITH THE PROPOSITION THAT FOREVER CONCLUSIVE MEANS FOREVER CONCLUSIVE.

YOU CAN'T COME BACK AND CHALLENGE IT. WHAT THE COURT SAID IS NO, THAT'S NOT WHAT WE MEANT. FOREVER CONCLUSIVE APPLIES TO MATTERS DECIDED THAT ARE NOT COLLATERAL MATTERS.

SO IN ORDER FOR THIS COURT TO SOMEHOW CONCLUDE THAT NOW ...

>> I HATE TO BRING THIS UP BUT WHAT ABOUT 75 147?

HOW DOES THAT FIT INTO ALL THIS?

THE LANGUAGE ABOUT IT BEING CONCLUSIVE AND THEN WE GOT THIS SPECIFIC AUTHORIZATION OF COMMENCEMENT OF ACTION AFTER VALIDATION.

WHICH SEEMS TO BE SOMEWHAT LIMITED IN SCOPE BECAUSE IT'S CHALLENGING THE VALIDITY OF ANY BONDS OR CERTIFICATES TO PREVENT THE USE OF ANY MONEY DERIVED FROM THE.

BUT IN REQUIRING AN ACT OF GOOD FAITH.

IT GIVES THIS REQUIREMENT THAT THE STATE WITH PARTICULARITY, SO THIS IS THEIR AND IT PUZZLED ME HOW THIS FITS WITH THE OTHER PROVISION AND I REALIZE YOU HAVE NOT WROTE THIS BECAUSE I GUESS YOU'RE NOT CHALLENGING THE VALIDITY OF THE BONDS OR CERTIFICATES. YOU ARE CHALLENGING WHAT YOU ASSERT TO BE COLLATERAL. I DON'T UNDERSTAND WHY YOU WOULDN'T INVOKE IT BUT SEEING HOW THIS FITS TOGETHER, THIS IS PART OF THE PUZZLE.

>> Edward Guedes: THANK YOU FOR GETTING THE FAST-FORWARD BUTTON ON MY ARGUMENT BECAUSE THAT'S WHERE I WAS HEADING NEXT. 70 517 A MINIMUM AND I HATE TO BRING ALL OF THIS TOGETHER BUT AT A MINIMUM IT SUGGESTS LEGISLATIVELY FOR CERTAIN CONTEMPLATED THAT JUST BECAUSE YOU HAVE A BOND VALIDATION JUDGMENT AND THE TIME FOR APPEAL HAS EXPIRED DOES NOT MEAN THE COURTS CANNOT REVISIT THE BOND VALIDATION JUDGMENT.

HOW YOU RECONCILE IT IN A PARTICULAR CASE I CAN'T UNIVERSALLY BUT I DO SEE 7517 AS THIS DOORWAY THAT POTENTIALLY OPENS UP THE COURT REVISITING IT. IT DOESN'T THE MECHANISM. IT DOESN'T SAY YOU SHALL NOT USE 1.540 OR YOU HAVE TO FILE AN ORIGINAL ACTION, IT JUST SUGGESTS THAT EVEN IF YOU ARE GOING TO CHALLENGE THE BONDS AND WE ARE NOT, I THINK WE'VE MADE CLEAR WE ARE NOT SAYING THE BONDS ARE ALL INVALID. WE ARE SUGGESTING THE COLLATERAL MATTERS THIS COURT SAID IN THE CITY OF GAINESVILLE HAVE NO PRECLUSIVE EFFECT. CANNOT BE FOREVER CONCLUSIVELY DETERMINED. SO THAT'S WHAT THE 1.540 REACHES HERE.

AND I THINK THIS COURT, I'M SORRY.

>> I'M TRYING TO CLARIFY DO YOU THINK 70 5157 IS A DUAL RATE OF 1.540?

>> Edward Guedes: THERE HAS BEEN NO CASE LAW ADDRESSING THIS POINT.

>> I WOULD SEE THAT AS A STRETCH BECAUSE I THINK IT SAYS SOMETHING ABOUT CONVINCING ACTION.
YES, CONVINCING ACTION.

>> Edward Guedes: THAT'S A FAIR READING BUT I THINK IT SUGGESTS JUSTICE CANADY'S QUESTION WAS THAT THE LEGISLATURE NOTWITHSTANDING WHAT 1.540 SAYS, THE LEGISLATURE CONTEMPLATED THAT THERE WAS A MECHANISM FOR REVISITING THAT FINALITY.
AND PART OF WHERE THE ...

>> PART OF WHAT IS CONTEMPLATED HERE BY YOUR OWN ADMISSION IS NOT WHAT YOU ARE TRYING TO DO.

>> Edward Guedes: NOT UNDER 7517.

>> IF WE DID ASSUME THIS IS A COMPREHENSIVE LEGISLATIVE SCHEME THEN WHATEVER YOU'RE TRYING TO DO IS OUTSIDE OF WHAT HAS BEEN CONTEMPLATED HERE IT SEEMS LIKE.
WHY WOULD THAT BE WRONG?

>> Edward Guedes: PUT IN TERMS OF THIS PARTICULAR REMEDY, I AGREE WITH YOU YOUR HONOR BUT THERE'S NOTHING ABOUT ...

>> ARGUABLY YOU ARE CONCLUDED BY THE OTHER PROVISION YOU'VE BEEN TALKING ABOUT, THE FOREVER CONCLUDED LANGUAGE OR WHATEVER IT IS, AND THIS DOESN'T OPEN THE DOOR TO YOU. BECAUSE YOU'RE TRYING TO DO SOMETHING DIFFERENT THAN THIS COULD CONCEIVABLY ALLOW SO YOU'RE COMING OUT THERE.

>> Edward Guedes: SAT THROUGH SEVERAL HOURS BUT I'M HERE TO ENGAGE IT.

THIS CIRCLES BACK TO THE IDEA UNDERLYING THESE ALL COLLATERAL MATTERS FINAL DISCUSSION THAT IT APPEARS IN THIS COURT'S JURISPRUDENCE IS THE IDEA OF CHAPTER 75 PURSUANT ARE SHARPLY LIMITED, INTENDED TO BE MOVED ALONG VERY QUICKLY SO THAT YOU GET THESE BONDS APPROVED. AND AS THIS COURT HAS ON MORE THAN ONE OCCASION OBSERVED, IF YOU START INJECTING COLLATERAL ISSUES INTO THESE MATTERS YOU ARE DEFEATING THE LEGISLATORS PURPOSE. AND HAVING A CHAPTER 75 PROCEEDING. AND THAT'S WHAT'S AT ISSUE HERE. BECAUSE YOU HAVE AN EGREGIOUS OVERREACH.

YOU HAVE FPFA WAS SUPPOSEDLY FOR ALL PUBLICATION PURPOSES SUPPOSED TO BE A GARDEN-VARIETY BOND VALIDATION, ENGAGED IN A STATEWIDE POWER GRAB.

>> THAT ARGUABLY THE LEGISLATIVE PURPOSE IS SERVED BY MAKING SURE THERE'S NOTICE AND IN THIS CASE THERE ARE PEOPLE INVOLVED THAT COULD HAVE RAISED THESE ISSUES SO THE LEGISLATURE HAS TO BALANCE

THE BENEFITS OF THE PROCEEDING, THE FINALITY, GETTING THE RIGHT PEOPLE AT THE TABLE. YOU KNOW WHAT I'M SAYING?

IF YOU'RE GOING TO LOOK AT THE PURPOSE OVERALL YOU'VE GOT TO LOOK AT THE BUILT-IN SAFEGUARDS THEY HAVE.

>> Edward Guedes: EXACTLY YOUR HONOR AND IN CHAPTER 75 FPFA IS SUPPOSED TO HAVE GIVEN NOTICE ANYWHERE WHERE IT IS LOCATED. SO WHAT DO THEY DO?

THEY WERE CREATED IN THE CHARTER BETWEEN KISSIMMEE AND FLAGLER COUNTY. HOWEVER THEY KNOW FULL WELL GOING INTO THIS BOND VALIDATION PROCEEDING THAT THEY WILL ASK THE TRIAL COURT TO SAY THEY HAVE STATEWIDE AUTHORITY TO OPERATE ANYWHERE, HOWEVER THEY WANT WITHOUT ANY LEVEL OF LOCAL GOVERNMENT INVOLVEMENT. JEOPARDIZING THE HOMESTEADS OF THOUSANDS AND THOUSANDS OF FLORIDIANS.

SO IF YOU ARE GOING IN SAYING I KNOW THAT I WANT TO OPERATE IN EVERY COUNTY IN FLORIDA, AND ALL YOU DO IS PUBLISH IN LEON, FLAGLER, AND ORANGE, WHAT ARE YOU TRYING TO DO? OTHER THAN RESPECTFULLY TO PULL A FAST ONE?

AND THEY HAVE OBTAINED WHAT ESSENTIALLY AMOUNTS TO A SERIES OF DECLARATORY JUDGMENTS AGAINST THE 63 OTHER COUNTIES AFFECTED HERE AND THE TEAM TAX COLLECTORS AND IN ALL THE UMPTEEN POSSIBLE MUNICIPALITIES, THE 400 SOME MUNICIPALITIES.

>> IS THERE ANY OBLIGATION REQUIRED AS A MATTER OF LAW. DID THEY BREAK THE LAW?

>> Edward Guedes: THEY PLAYED WITH THE LAW.

>> THAT'S WHAT YOU GUYS DO FOR A LIVING. THAT'S WHY YOUR SUIT IS NICER THAN MINE. [LAUGHTER]

WHAT I'M HEARING YOU SAY THE ANSWER IS NO, THEY DIDN'T BREAK THE LAW. CAN YOU IDENTIFY SOME NOTICE REQUIREMENTS THEY FAILED?

>> Edward Guedes: IT DEPENDS ON HOW YOU READ THE STATUTORY PROVISION THAT REQUIRES IN THE PUBLISHED NOTICE WHEREVER THEY ARE LOCATED.

IF ADMITTEDLY BEFORE THE BOND VALIDATION JUDGMENT GETS APPROVED THEY ARE LOCATED IN FLAGLER COUNTY AND THE CITY OF KISSIMMEE BECAUSE THOSE ARE THE MEMBERS TO THE AGREEMENT.

>> CAN THOSE COUNTIES HAVE TAX COLLECTORS AND THEY HAVEN'T GENERAL COUNCILS REPRESENTING.

>> Edward Guedes: I UNDERSTAND.

BUT WHAT THEY ARE ASKING THE COURT TO VALIDATE GOES WAY BEYOND THAT.

AND JUST THE FUNDAMENTAL FAIRNESS OF DUE PROCESS, OF GIVING PARTIES AN OPPORTUNITY HOWEVER FLEXIBLE DUE PROCESS MAY BE IT AT LEAST STANDS FOR THE PROPOSITION THAT YOU CANNOT OBTAIN UNIVERSAL RELIEF AGAINST A HOST OF PARTIES AND INDIVIDUALS WITHOUT EVER

GIVING THEM THE REMOTEST OPPORTUNITY TO BE HEARD.

>> I GUESS MY QUESTION IS WHATEVER OPPORTUNITY TO BE HEARD DID YOU LACK?

THIS WAS NOT DONE IN SECRET.

>> Edward Guedes: ABSOLUTELY WAS DONE IN SECRET?

CAN YOU TELL ME HOW IT WAS CONCLUDED FROM YOU?

OUR PUBLICATION IN THE TALLAHASSEE DEMOCRAT, I CAN GOOGLE IT?

>> Edward Guedes: WHY WOULD YOU GOOGLE IT?

>> >> PRESUMABLY THERE'S A TAX

COLLECTOR WHERE THEY ARE LOCATED AFFECTED BY THIS.

>> NO WHY WOULD THE TAX COLLECTOR DOWN THERE BE AFFECTED BY - THE TAX COLLECTOR DOESN'T KNOW THE BONDS ARE GOING TO BE ISSUED IN THEIR COUNTY WITHOUT THEIR INVOLVEMENT.

>> I GUESS WHERE I'M AT IS I HEAR YOU SAYING ESSENTIALLY THEY DIDN'T BREAK THE LAW.

NO, I'M NOT HEARING YOU SAY THAT?

>> Edward Guedes: THE COMMUTATION OF BREAKING THE LAW, I WOULD RATHER PHRASE IT ...

DID THEY COMPLY WITH THE SPIRIT OF THE NOTICE REQUIREMENT IN CHAPTER 75.

>> I THINK WE SHOULD WRAP THIS UP, 30 SECONDS.

>> Edward Guedes: I NOTICE I HAVE GONE CONSIDERABLY OVER THE TIME AND WE'RE ENGAGING COLLOQUY WITH THE COURT AND I DIDN'T WANT TO TAKE AWAY TIME FROM THE ATTY. GEN. TO SPEAK. SO THANK YOU FOR YOUR TIME.

>> Kevin Golembiewski: FOR THE ATTY. GEN., THE HEART OF THIS APPEAL IN MY VIEW IS WHAT IT MEANS TO HAVE THE AUTHORITY TO ISSUE A BOND. THAT AUTHORITY WILL DECIDE WHETHER THE MATTERS THAT ARE CONTESTED ARE COLLATERAL AND I THINK IT WILL HELP WITH SOME OF THE PROCEDURAL QUESTIONS THE COURT HAS POSED. UNDER CHAPTER 75 THE AUTHORITY TO ISSUE BONDS MEANS THE BARE AUTHORITY TO ACT. THE BARE AUTHORITY TO DO THE THINGS ENUMERATED IN CHAPTER 75 INCLUDING IMPOSE ASSESSMENTS AND REMEDIES FOR ASSESSMENTS LIKE THE UNIFORM METHOD AND ALSO THE BARE AUTHORITY TO INCUR DEBT FOR THE PROJECT. IN THIS WAY THESE PROCEEDINGS ARE VERY SIMILAR IN OUR VIEW TO COURT PROCEEDINGS WHERE THE COURT IS CONCERNED SOLELY WITH WHETHER THE STATE OFFICER HAS THE BARE AUTHORITY TO ACT SUCH THAT THE ACTION WOULDN'T BE INTRAVENOUS.

>> WHAT LANGUAGE THERE WITH IN A SPECIFIC JURISDICTION.

>> Kevin Golembiewski: THE ALL LANGUAGE IN THE STATUTE ENSURES THE JURISDICTIONAL PROVISION 7501 CAPTURES ALL THE MATTERS ENUMERATED ELSEWHERE IN CHAPTER 75 INCLUDING 7504 WHICH TALKS ABOUT 7509 AND WE THINK THE STATUTORY HISTORY ILLUSTRATES THIS BECAUSE THE SUBSTANCE OF CHAPTER 75 PREEXISTED 7501 AND 7501 WAS

ADDED TO ENSURE IT WAS CLEAR CIRCUIT COURTS HAVE JURISDICTION OVER THESE PROCEEDINGS. SO THAT ALL MATTERS CONNECTED THEREWITH LANGUAGE DOES WORK IN INSURING ALL THESE OTHER THINGS DISCUSSED IN THE CHAPTER ARE PART OF THE CIRCUIT COURTS JURISDICTION AND I THINK WHERE WE DEPART FROM THE APPELLEE IS THE BARE AUTHORITY TO ACT REQUIRES THIS CHECKLIST OR BOX CHECKING EXERCISE. SO IF THE CIRCUIT COURT LOOK AT CHAPTER 163 AND SAID THE LEGISLATURE HAS GRANTED THE BARE AUTHORITY TO INVOKE THE UNIFORM METHOD IT'S JOB WAS DONE IN GOING FURTHER IN OPINING ON HOW TAX COLLECTORS HAD THAT DISCRETION IN INTERACTING WITH THAT FPFA OR WHETHER FPFA HAS TO COMPLY WITH REGULATIONS. THAT WAS GOING TOO FAR.

AND ANOTHER ILLUSTRATIVE EXAMPLE I THINK IS THE RECENT RICHARDSON CASE FROM THIS COURT WHERE THE COURT LOOKED AT THE AHCA SECRETARIES POWER AND SAID EVERYONE KNOWS THE SECRETARY HAS THE BARE AUTHORITY TO OPERATE A WEBSITE AND POST ON SOCIAL MEDIA. SO IT IS NOT THE RIGHT PROCEEDING TO TALK ABOUT WHETHER CRIMINAL REGULATION AND HOW THAT MIGHT IMPACT THE SECRETARY'S EXERCISE OF POWER. SO THIS IS A VERY WE THINK CLEAR LINE DRAWN THROUGH THE PRESIDENT AND THROUGH THIS STATUTE FOCUSED ON THE BARE AUTHORITY TO ACT VERSUS THE EXERCISE OF POWER AND HOW AND WHETHER LOCALITIES CAN REGULATE FPFA AND MAYBE MAKE ITS OPERATIONS MORE CUMBERSOME GOES ONLY TO THE EXERCISE OF POWER AND THAT'S BEYOND THE BOUNDS OF THESE PROCEEDINGS HISTORICALLY WHICH HAVE BEEN THESE CHECKLIST PROCEEDINGS WHERE THE STATE ATTORNEY LOOKS AT THE ENABLING ACT, THE CHARTER, THE BOND RESOLUTION AND FROM THOSE DOCUMENTS THE CIRCUIT COURTS AND DETERMINE WHETHER THERE IS THIS BARE AUTHORITY TO ACT. WITH THAT IN MIND WE THINK THERE'S NO TENSION OR NO CONFLICT BETWEEN 7509 AND USING 1.540 FOR THE NARROW PURPOSE OF CONTESTING MATTERS THAT WERE BEYOND THE CIRCUIT COURTS JURISDICTION. SO ONLY 509 RENDER FINAL AND CONCLUSIVE JUDGMENT OF THE BONDS OF THE JUDGMENT IS CIRCUMSCRIBED OR LIMITED BY THE SCOPE OF THE CIRCUIT COURTS JURISDICTION.

SO HERE IN USING 1.540 TO CHALLENGE ONLY MATTERS THAT WOULD BE ON THE CIRCUIT COURTS JURISDICTION, THE APPELLANTS ARE NOT RUNNING INTO 7509 FOREVER AND CONCLUSIVE LANGUAGE. AND TO JUSTICE CANADY TO YOUR POINT ABOUT 75.17, WE DO THINK THESE THINGS FIT TOGETHER SO 75.172 PROTECTS AGAINST ATTACKS OR

ALLOWS FOR CHALLENGES TO THE VALIDITY OF THE BOND. SO IT'S AN EXCEPTION TO 7509 WHICH SHIELDS THESE VALIDLY ADJUDICATED MATTERS AND IT WOULD BE AN READING OF THE STATUTE TO SAY 7517 ALLOWS INDIVIDUALS TO CHALLENGE THE HEART OF A BOND AND THE MUCH LESS DISRUPTIVE CHALLENGE OF A 1.540 RULE TO CLEAN UP THESE EXTRA JURISDICTIONAL PROCEDURAL MATTERS IS NOT PERMITTED. EVEN THOUGH 1.010 APPLIES THERE IS NO CONFLICT BETWEEN 7509 AND THE NARROW

USE OF 1.540 HERE. IT WOULD BE A DIFFERENT QUESTION USING 1.540 TO CONTEST THE LEGAL VALIDITY OF THE BOND IN MATTERS THAT ARE NOT ULTRAVIROUS. I SEE MY TIME IS UP.

>> WE APPRECIATE IT.

>> MAY IT PLEASE THE COURT, PAUL HOCH ON BEHALF OF THE FUNDING AGENCY. I'M GOING TO SPLIT MY TIME 20 MINUTES AND 10 MINUTES WITHOUT COCOUNSEL, APPELLEE. THIS CASE BEGINS AND ENDS WITH THE EXPRESS LANGUAGE OF CHAPTER 75 ARTICLE 5 OF THE FLORIDA CONSTITUTION AND RULE 1.010 AND BECAUSE THAT LANGUAGE FORECLOSES THE USE OVER 1.540 AS A BACKDOOR PLENARY APPEAL OF FINAL JUDGMENT WHICH IS WHAT WE ARE FACED WITH HERE AND BOND VALIDATION PROCEEDINGS WE ASK THAT THIS CASE BE DISMISSED OR IF NOT DISMISSED A FIRM THE TRIAL COURT'S ORDER.

BUT I WANT TO TOUCH BASE ON WHAT THE PACE PROGRAM IS. OUR CLIENT USES THE WORD PACE IN HIS NAME BUT IT'S PROPERTY ASSESSMENT CLEAN ENERGY PROGRAM WITH THE FLORIDA LEGISLATURE CREATED BACK IN 2010 AND THROUGH THAT PROGRAM THOUSANDS OF FLORIDIANS HAVE BEEN ALLOWED TO MAKE IMPROVEMENTS TO THEIR HOMES THAT INCLUDE HURRICANE HARDENING THROUGH THE LEVY OF VOLUNTARY NON-AD VALOREM ASSESSMENTS. FLORIDA PACE IS A LOCAL GOVERNMENT AGENCY ADMINISTERING ONE OF THESE PROGRAMS AND AS WAS MENTIONED EARLIER FLORIDA PACE VALIDATED ITS FIRST SERIES OF BONDS IN 2011 UNDER A PRIOR ITERATION OF CHAPTER 168. AT ISSUE TODAY IS FLORIDA PACE'S VALIDATION OF A BOND ISSUE.

IT IS UNDISPUTED THAT AS PART OF THAT VALIDATION PROCESS FLORIDA PACE COMPLIED WITH ALL THE REQUIREMENTS OF CHAPTER 75 168 AND IT UNDISPUTED THE STATE PURSUANT TO THE TERMS AND CHAPTER 75 WAS REPRESENTED IN THOSE BOND VALIDATION PROCEEDINGS BY THE RELEVANT THE ATTORNEYS. THE TRIAL COURT VALIDATED THOSE BONDS IN OCTOBER 6, 2022. NO APPEAL WAS TAKEN FROM THAT JUDGMENT AND BY OPERATION OF STATUTE THAT JUDGMENT BECAME CONCLUSIVE. AND IN RELIANCE ON THAT JUDGMENT TO ANSWER A QUESTION ASKED OVER HALF \$1 BILLION OF BONDS WERE ISSUED.

>> WHAT WOULD YOU CONCEDE IF ANYTHING CONSTITUTES A COLLATERAL MATTER?

WHAT WOULD YOU BE WILLING TO SAY EVEN IF YOU SAID EVERYTHING WAS RIGHT AND INCLUDED IN THE FINAL JUDGMENT YOU WOULD NONETHELESS CONCEDE CONSTITUTES A COLLATERAL MATTER.

>> Paul Huck: YOU GET TO THE MATTER ESTABLISHED IN LAW AND CHAPTER 75 AND THE PROCEDURAL DEFERENCE TO THE COURTS HAVE TO GIVE TO THE PROCEDURE THAT'S KIND OF INEXTRICABLY INTERTWINED WITH THAT STATUTORY PROCEEDING UNDER RULE 1010. YOU'D HAVE TO GO THROUGH ALL THE PROCEDURAL AND SUBSTANTIVE ASPECTS OF 1.540 WHICH THEY HAD DONE HERE. THEY HAVEN'T BRUSHED PAST THAT AND I WANT TO

GET TO THE MERITS. WHAT WOULD BE A COLLATERAL PROCEEDING IS WHAT LAID OUT IN THIS COURT'S PRECEDENT ON THE ISSUE SO I THINK ...

>> LET'S GO WAY BACK. CITY OF MIAMI IS ABOUT HOW MIAMI USES ITS WATERWORKS TO CONTROL THAT SO WOULD THAT BE A COLLATERAL MATTER?

>> Paul Huck: KNOW WHAT THE COURT DIDN'T SAY IN THE MIAMI CASE BECAUSE THERE WAS A NUMBER OF CITY OF MIAMI CASES AND ONE IS RELEVANT HERE BUT IN THE 1958 80 OF MIAMI CASE THE COURT HELD THAT THE TRIAL COURT'S ADJUDICATION OF THE SCOPE OF DAY COUNTIES HOME RULE AUTHORITY WAS NOT COLLATERAL. THAT WENT TO THE HEART OF WHETHER MIAMI HAD THE AUTHORITY TO ISSUE THE BONDS TO EXPAND ITS OWN WATERWORKS SYSTEM SO THAT ISSUE TO MUNICIPALITIES ABILITY TO ISSUE BONDS WAS HELD NOT THROUGH COLLATERAL AND SIMILARLY KEY CITIZENS FROM THIS COURT, THE COURT HELD THAT DETERMINING WHETHER A COUNTY ORDINANCE THAT MANDATORILY REQUIRED A HOOK UP TO ALL WATER AND SEWER SYSTEM WHETHER THAT WAS A LEGALLY VALID ORDINANCE THAT GOES TO THE HEART, TO GET TO THIS ISSUE OF AUTHORITY IT GOES TO THE HEART OF THE VALIDITY OF THESE ASSESSMENTS. THESE ASSESSMENTS DESCRIBED IN THE DOCUMENTS AND IN THE FINANCING AGREEMENTS, ARE THEY LEGALLY VALID?

ALL THOSE ISSUES AND THEY CAN BE PRIVATE DEPENDING ON THE BOND ISSUANCE BROUGHT BEFORE THE COURT, TO THE EXTENT THOSE ARE RELEVANT TO THE LEGAL VALIDITY THOSE ARE NOT COLLATERAL AND ARE APPROPRIATE AND THAT'S WHAT WE HAVE HERE.

>> I'M STILL HEARING AN EXAMPLE.

>> Paul Huck: ONE EXAMPLE IS THE CITY OF GAINESVILLE WHICH WE'VE HEARD DISCUSSIONS ABOUT. THE CITY OF GAINESVILLE WAS CONCERNED ABOUT WHETHER OR NOT IT WOULD HAVE TO PAY BACK CERTAIN FUNDS IN THE FUTURE TO THE COUNTY I BELIEVE IT WAS. SO THE COURT THEY ARE HELD AND IT WAS INTERESTING, THAT CASE THE CITY WAS ASKING TO INCLUDE THAT IN THE VALIDATION PROCEEDING BECAUSE IT WAS UNDER THE MISIMPRESSION THAT IF THERE WAS SOMETHING THAT WAS NOT COLLATERAL OR WAS COLLATERAL BUT NOT INCLUDED IN THE BOND IT WOULD BE CONCLUDED FROM LITIGATING THAT SEPARATELY. AND THE COURT SAID THAT FIRST OF ALL THAT ISSUE IS COLLATERAL BECAUSE IT'S SOMETHING THAT COULD HAPPEN IN THE FUTURE. IT DOESN'T GO TO THE SCOPE NATURE AND LEGAL OBLIGATIONS THAT WILL BE PART OF THIS BOND WHICH WILL GO OUT INTO THE PUBLIC MARKET.

IF YOU STEP BACK FOR A SECOND AND THINK ABOUT WHAT IS THIS RULE OF FINALITY HERE IN THE CHAPTER AS THIS COURT HAS RECOGNIZED REPEATEDLY THAT BECAUSE OF THE LEGISLATURE'S DESIRE TO INSURE A RESPONSE. WE'RE TALKING ABOUT FLORIDA AND ITS PUBLIC ENTITIES ABILITY TO ACCESS THE PUBLIC CAPITAL AND FINANCE MARKET AND WE ARE CONCERNED ABOUT BONDHOLDERS AND NOW THESE BONDS ARE BEING TREATED IN THE MARKET AND BONDHOLDERS NEED TO HAVE FINALITY. AND

SECURITIES IN THEIR BOND RATE. THERE ARE THINGS THAT ARE COLLATERAL.

WE DON'T HAVE THEM HERE AND IN ANY EVENT IF THOSE ISSUES ALL GET ADJUDICATED ON PLENARY APPEAL. THAT'S PART OF THE SCHEME THE LEGISLATURE HAS CREATED, IT'S CREATED AN ADVERSARIAL PROCEEDING WHERE YOU HAVE THE BOND ISSUER COMING BEFORE OUR COURT. YOU HAVE THE STATE AND OTHERS REPRESENTED BY THE STATE ATTORNEY, THAT'S A LEGISLATIVE CHOICE WHICH YOU CAN MAKE AN ARTICLE 5 OF THE STATE CONSTITUTION WHICH TELLS US WHAT THE POWERS OF ATTORNEY'S ARE. THAT'S AN ADVERSARIAL PROCEEDING.

>> WHAT IF THE CIRCUIT COURT HAD PASSED UPON THE PERMISSIBLE COUPON THAT COULD BE PAID BUT NOT THE VALIDITY OF THE BOND? WHAT IF IT EXPRESSLY DISCLAIMED THAT IT WAS DOING, THAT IT WAS COMMENTING AT ALL ON THE VALIDITY OF THE SECURITY DID FIND THAT THE COUPON WAS IN EXCESS OF USURY LAW OR FOUND IT WAS UNJUSTIFIED SO IT EXPRESSLY DISCLAIMED THE VALIDITY OF BOND BUT IT GOES TO THE MARKETABILITY OF THE PRICE, WHAT WOULD YOU SAY TO THAT?

>> Paul Huck: THERE'S TWO ISSUES. THE TRIAL COURT HAS FOUND THAT THE CHIEF AMOUNT VIOLATES FLORIDA SO IT IS DENYING VALIDATION.

>> IT'S A PERFECTLY, THE STATE HAS THE AUTHORITY TO DO IT, I DON'T COMMENT ON THE VALIDITY OF THE STATUTE, IT COMPLIES WITH THE COUPON, IS THAT THE PLENARY MATTER?

>> Paul Huck: I DON'T KNOW THE ANSWER TO THAT. I KNOW IN SOME CASES BEFORE THE COURT THE COURT HAS COMMENTED THAT WHETHER OUR BOND IS FINANCIALLY DESIRABLE TO A PURCHASER OF THAT BOND IS BEYOND THE SCOPE OF THE BOND VALIDATION PROCEEDINGS. BUT THE POINT OF THAT IS IN THE HYPOTHETICAL YOU JUST GAVE THIS IS AN ISSUE THAT GETS ADJUDICATED IN OUR BOND VALIDATION PROCEEDING SO IF I HAVE AN ISSUE OR UNDER THE FLORIDA CONSTITUTION I HAVE A RIGHT TO COME HERE ON PLENARY APPEAL AND ASK THE COURT TO CORRECT AN ERROR BELOW AND THE COURT COULD AGREE OR DISAGREE AND THEN THE BOND JUDGMENT BECOMES FINAL UNDER THE OPERATION OF 7509 WHATEVER IS BAKED INTO THAT FINAL JUDGMENT IS THEN UP TO THE MARKET.

>> CAN YOU ADDRESS THE ARGUMENT THAT 1.010 IS CONFINED TO PLEADINGS?

>> Paul Huck: YES YOUR HONOR AND I WANT TO SAY THIS GETS BACK TO MY OTHER CITY OF MIAMI CASE.

THIS COURT HELD THAT BOND VALIDATION PROCEEDINGS ARE SPECIAL VALIDATION PROCEEDINGS, THAT'S NOT SURPRISING TO ANYBODY. I THINK THAT'S A MISREADING OF THE RULE 1.010 BECAUSE IF YOU LOOK AT THE ACTUAL LANGUAGE WE USE, THE CONTENT PROCEDURE IS NOT THE NOUN WHAT IS THE PLEADING FORCES A MOTION OR PAPER. THAT'S HOW WE LITIGATE IN FRONT OF THE COURT IN A SPECIAL STATUTORY PROCEEDING

AND THAT INTERPRETATION IN THE CONTEXT OF THE DEFERENCE THE COURT IS GETTING TO THE PROCEDURES OF THE LEGISLATURE IS CREATING WHEN IT'S CREATING THESE SPECIAL PROCEEDINGS MAKES SENSE AND IS CONSISTENT WITH HOW OUR FLORIDA COURTS HAVE INTERPRETED THAT RULE. I THINK THE BEST CASE ON THIS IS A CASE OF THE SECOND DCA COMMITMENT OF CARTWRIGHT THAT SETS 877 152 PROVIDED TO THE COURT IN RESPONSE TO THE COURT'S QUESTION AND IN THAT CASE THERE WAS AN ISSUE AS TO OUR RULE OF EVIDENCE THE LEGISLATURE HAD CREATED FOR SPECIFIC USE IN CASES. IT WAS NOT HOW YOU FILED YOUR COMPLAINTS, IT WAS HOW IS THE EVIDENTIARY RECORD CREATED BEFORE THE TRIAL COURT AND THE COURT THERE NOTED THAT PROCEDURAL PROVISIONS IN THE SPECIAL STATUTORY PROCEEDINGS WILL ORDINARILY BE INTIMATELY RELATED TO OR INTERTWINED WITH THE PROVISIONS ENACTED BY THE LEGISLATURE AND THAT RULE 1.010 PROVIDES A DELEGATION OF AUTHORITY TO THE LEGISLATURE OVER MATTERS OR PROCEDURE IN A SPECIAL STATUTORY PROCEEDINGS UNLESS THE FLORIDA RULES OF CIVIL PROCEDURE PACIFICALLY PROVIDES A CONTRARY SO IT'S A DEFERENCE NOT ONLY TO THE SUBSTANTIVE LAW THE LEGISLATURE CREATES BUT THE PROCEDURAL SCHEME THE LEGISLATURE HAD THE OPTION TO CREATE. SO I THINK THAT'S A MISREADING AND IT'S AN OVERLY NARROW READING OF THE USE OF THE TERM PLEADING IN THE CASE 1.010.

>> COUNCIL, COULD YOU ADDRESS THE NOTICE ARGUMENTS THE OTHER SIDE HAS MADE AND HOW THOSE WOULD POTENTIALLY AFFECT THE IDEA OF FINALITY THAT THEY DID NOT RECEIVE NOTICE.

>> Paul Huck: AS THE COURT IS AWARE CHAPTER 75 RECEIVES A CONSTRUCTIVE NOTICE PROCEDURE AND THIS COURT HAS RECEIVED THAT'S NOT A VIOLATION OF DUE PROCESS IN THE FLORIDA KEYS CASE. AND IF WE LOOK AT HOW AND I'M GOING TO READ, IF YOU LOOK AT WHO GETS BOUND BY THESE JUDGMENTS IN THESE BOND VALIDATION PROCEEDINGS IT'S EXACTLY THAT BROAD LANGUAGE SPOKEN OF BEFORE. THE PALLETS WANT TO FOCUS ON THE FIRST PART OF 7509 AND KIND OF PRETEND OR IGNORE THE VERY LAST PART OF THAT SENTENCE WHICH SAYS THE JUDGMENT FOREVER CONCLUSIVE AS ALL MATTERS ARE ADJUDICATED INCLUDING ANYONE AFFECTED IN ANY WAY THEREBY. SO WHAT THE LEGISLATURE HAS DONE HERE IS CREATE A BROAD SWEEPING PROCEDURE USING A CONSTRUCTIVE NOTICE WHICH HAS BEEN HELD TO COMPLY WITH DUE PROCESS AND IN ADDITION ...

>> ISN'T THAT CONSTRUCTIVE NOTICE WHERE THE PARTIES WOULD BE NOTED AND THEIR ARGUMENT IS YOU DIDN'T GIVE CONSTRUCTIVE NOTICE BECAUSE IT WASN'T IN THOSE COUNTIES AT THE TIME.

>> Paul Huck: YOU WOULD HAVE TO IGNORE THE LAST PART OF THAT SENTENCE IN THESE JUDGMENTS AND IS ALSO IN 75.02. IT'S NOT JUST THE PROPERTY OWNERS, IT'S ANYONE AFFECTED BY THE ISSUANCE OF THE BONDS AND THEY ARE CLAIMING HERE THEY'VE BEEN ISSUED BY THE BONDS

AND LET'S TAKE THE NEXT STEP SO THERE'S CONSTRUCTIVE NOTICE BUT THERE'S ALSO ACTUAL REPRESENTATION OF THE STATE BECAUSE YOU HAVE THE STATE ATTORNEYS WHO UNDER THE STATUTE REPRESENT THE STATE OF FLORIDA SO YOU NOT ONLY HAVE CONSTRUCTIVE NOTICE BUT ACTIVE REPRESENTATION IN THAT PROCEEDING.

AND KIND OF GETTING BACK TO FIRST PRINCIPLES OF THE BOND VALIDATION PROCEEDINGS IS IMPORTANT TO KEEP IN MIND AS WE ARE CONSIDERING THESE ISSUES OF FINALITY BOND VALIDATION PROCEEDINGS HAVE NO PLACE IN COMMON LAW. THEY DON'T HAVE ANY ANALOGUE IN COMMON LAW. THEY ARE PURELY CREATURES OF STATUTE AREA AS THIS HAS NOTED IN CITY OF OLTOMAR IT MUST BE FOUND IN THE STATUTE ITSELF SO WE HAVE TO LOOK BACK TO THE STATUTORY LANGUAGE TO FIND THE BOUNDARIES OF WHAT THE COURT'S POWER IS IN 7509 THE COURT NOT ONLY CREATED BUT IF YOU LOOK AT THAT LAST PORTION OF THE STATUTE AND YOU SEE ONE OF THE LEGISLATURE HAS DONE THERE IF NOT ONLY SAID IN THE FIRST FOUR THAT THE JUDGMENT IS FOREVER CONCLUSIVE AS TO ALL MATTERS ADJUDICATED BUT IT GOES ON TO SAY THE VALIDITY OF SUCH BONDS ANY ASSESSMENTS PLEDGED FOR THEIR PAYMENT AND THEY SURELY ARE CHALLENGING THE LEGALITY OF ASSESSMENTS ON THE STATEWIDE CASES WITHOUT ENTERING ON A MANDATORY BASIS INTO AGREEMENTS WITH LOCAL GOVERNMENTS SHOULD SURELY QUESTION ANY ASSESSMENTS PLEDGED FOR THEIR PAYMENT THE PROCEEDING AUTHORIZING THEIR ISSUANCE IN ANY COLLECTION SHALL NEVER BE CALLED INTO QUESTION IN ANY COURT BY ANY PERSON OR PARTY CLASS IF WE RETAIN OUR CONSTITUTIONAL AUTHORITY WHICH THROUGH THE RULES THE RATE OF CORUM NOVUS, I'M NOT SURE THAT THE REST OF AUTHORITY GIVEN THROUGH THE CONSTITUTION IS DISSOLVED JUST BY VIRTUE OF STATUTE.

>> Paul Huck: BUT HERE WHERE THE LEGISLATURE IS ENACTING LAW AND SAYING THE NATURE OF THIS JUDGMENT IS UNIQUE AND RULE 1.010 SAYS WE LOOK TO THE PROCEDURAL LAW UNLESS OUR RULE SPECIFICALLY SAYS OTHERWISE AND IF YOU PUT IT IN CONJUNCTION WITH ARTICLE 1.5 REGARDING THIS JURISDICTION AFTER THAT FINAL JUDGMENT ALL THAT MEANS IS THAT THIS ATTEMPT TO COLLATERALLY 1.540 IS DENIED UNDER BOTH SUBSTANTIVE LAW AND LEGISLATURE CREATED.

TO GET TO THE PROCEDURE THE LEGISLATURE HAS CREATED IN ADDITION TO SEPARATE ACTION WITH CERTAIN SAFEGUARDS OR HURDLES YOU HAVE TO JUMP OVER IN ORDER TO EVEN GET INTO COURT. IF YOU HAVE SOMETHING THAT YOU COULD BRING IN 75.17.

THAT'S NOT A 1.540 OR MOTION. AND IN FACT THIS COURT WHENEVER IT HAS BEEN I'M TALKING ABOUT MINE IS SECOND BUT WHENEVER IT'S BEEN CONFRONTED WITH AN ATTEMPT TO BRING A COLLATERAL ATTACK ON A BOND VALIDATION JUDGMENT WHICH HAS BECOME FINAL BY OPERATION OF STATUTE HAS REJECTED. IF YOU LOOK AT THE STEAM CASE, THIS WAS A CASE WHERE SOMEONE HAD FILED A MOTION TO INVALIDATE A BOND

VALIDATION AFTER IT BECAME FINAL UNDER THE GROUND IT WAS NEW ORLEANS FULLY.

THIS COURT HELD THE TRIAL COURT WAS WITHOUT AUTHORITY BECAUSE OF THE RULE OF FINALITY.

THAT'S ALSO THE SAME RULE THE COURT ANNOUNCED IN THE HALL CASE AND IN WHITES VERSUS CITY OF ANA MARIA CASE. ALL OF THIS THE COURT HAS HELD THAT ONCE THAT JUDGMENT BECOMES FINAL THE LEGISLATURE'S SUBSTANTIVE LAW HAS PROHIBITED ATTEMPTS TO CLAIM THAT SOMETHING IS VOID, THERE'S A PROBLEM AND USE THAT MOTION OF PRACTICE TO PRACTICE BEFORE THE TRIAL COURT TO CALL INTO QUESTION THOSE BONDS. THERE'S NOT A SINGLE CASE INVOLVING SOMETHING OTHER THAN A PLENARY APPEAL TO THIS BOARD UNDER ITS ARTICLE 5 JURISDICTION AND THAT'S THE PROBLEM WITH MAYS BECAUSE MAYS WAS IN THE CONTEXT OF A PLENARY APPEAL AND WHEN YOU READ IT YOU SAY SOMEONE FILED A MOTION FOR 1.540 IN THE TRIAL COURT BEFORE THE JUDGMENT HAD BECOME FINAL.

THOSE ISSUES ALL CAME UP TO THIS COURT AND THE COURT CONSOLIDATES IT WITH NO ANALYSIS SINCE THERE'S NO QUESTION ABOUT JURISDICTION, NO QUESTION ABOUT 7509, ARTICLE 5. THE COURT JUST SAYS WE DON'T HAVE JURISDICTION.

BUT EVEN IF THE COURT WERE TO SAY SOMEHOW THAT THE CONCLUSION THAT WE HAVE JURISDICTION IN THE CONTEXT THAT'S ON PLENARY APPEAL . THAT'S NOT AFTER THIS JUDGMENT HAS BECOME FINAL AND THEY'RE COMING IN TRYING TO BRING THIS CASE UP TO THE COURT SO IT'S A VERY STANDARD READING.

>> I WANT TO ASK YOU ABOUT THE PROCEDURAL JURISDICTION ISSUE, SINCE THERE'S AN ARGUMENT THAT IT'S PROCEDURAL BECAUSE THE COURT HAS JURISDICTION OVER THE TYPE OF CASE SO BECAUSE IT'S A COLLATERAL MATTER I GUESS YOU HAVE A POSITION ON WHETHER THIS IS PROCEDURAL JURISDICTION AND IF SO IS THAT VOIDABLE.

>> Paul Huck: I DON'T UNDERSTAND WHERE YOU'RE GOING AT BUT THE QUESTION I COME AND IS ONE OF THE REMEDY IS YOU ARE SEEKING HERE. IF YOU GOT PAST THE FINALITY ROLE RULE AND CONSIDER 1.540. WHAT ARE THEY TRYING TO DO WITH 1.540?

IT'S A PRETTY BLUNT WEAPON SO WHAT THEY WANT TO USE 1.540 FOR IS TO REDLINE THE FINAL JUDGMENT AND EXERCISE MORE PIECES OF IT. THAT'S NOT SETTING ASIDE A JUDGMENT.

SO WHAT'S IMPORTANT TO REMEMBER IS THERE NOT ARGUING THAT JUDGMENT ITSELF, THEY CONCEDE IT'S NOT THERE SAYING BECAUSE IT CONTAINS SENTENCES WE THINK ARE COLLATERAL WE'RE GOING TO ASK THIS COURT TO REDLINE IT IN A WAY WE MIGHT BE ABLE TO DO ON PLENARY APPEAL BUT WE CANNOT DO THAT AS A PROCEDURAL MATTER. THERE IS NO ARGUMENT THE COURT LACKS SUBJECT MATTER JURISDICTION OVER THE BOND VALIDATION PROCEEDINGS. I DON'T KNOW IF THAT GETS

TO THE CONCERN YOU'RE GETTING AT. I DON'T KNOW IF THE COURT HAS ANY OTHER QUESTIONS BUT IF NOT I WAIVE MY TIME.

>> THANK YOU VERY MUCH.

>> GOOD AFTERNOON CHIEF JUSTICE AND MAY IT PLEASE THE COURT, OLGA VIERA. WHAT THE APPELLANTS ARE ASKING THIS COURT TO DO SOMETHING THAT'S NEVER BEEN DONE WHICH IS TO INVALIDATE BONDS THAT HAVE ALREADY BEEN ISSUED DEBT INCURRED AND FINANCED BY PRIVATE INVESTORS.

THE REASON THIS HAS NEVER BEEN DONE IS BECAUSE OF THE FINALITY BUILT INTO CHAPTER 75 AND IN THIS COURT'S 100 YEARS OF JURISPRUDENCE.

GOING THROUGH THE STATUTE THEY FOCUS FIRST ON SECTION 75.01 WHICH ALLOWS THE COURT JURISDICTION TO RULE ON THE VALIDITY OF BONDS AND IF YOU MOVE NEXT IN ALL MATTERS THERE WITH IT TRIES TO MAKE IT SEEM ALL MATTERS CONNECTED HAS NO JURISDICTION BUT IT DOES. MOVING ON TO 75.02 ALLOWS THE COURT TO RULE ON THE ABILITY TO INCURRED DEBT, THE LEGALITY OF ALL PROCEEDINGS CONNECTED THEREWITH INCLUDING THE ASSESSMENTS LEVIED TO REPAY THE BONDS. AND THE PROCEEDINGS AND REMEDIES FOR THEIR COLLECTION SO WHAT HAPPENED HERE IS THE LOWER COURT RULED THAT THE FLORIDA PACE FUNDING AGENCY FPFA HAD THE AUTHORITY TO IMPOSE ASSESSMENTS STATEWIDE. THE STATUTE PROVIDES FOR NOTICE TO THE STATE ATTORNEYS WHERE FPFA IS LOCATED WHICH WAS THE STATE ATTORNEY FOR LEON COUNTY AND THE STATE ATTORNEY IS NOT SUPPOSED TO RUBBERSTAMP ME ASSESSMENTS OR THE BOND VALIDATION. THE STATE ATTORNEY IS CHARGED WITH EXAMINING THE COMPLAINTS, DETERMINING WHETHER IT'S INSUFFICIENT, UNTRUE OR UNAUTHORIZED. THE TESTIMONY IN THE LOWER COURT WAS THAT THE STATE ATTORNEY REVIEW THE JUDGMENT BEFORE IT WAS ENTERED, DID NOT OBJECT AND EVEN REVIEWED IT AFTER IT WAS ENTERED AND DID NOT OBJECT. HE DID NOT APPEAL. THERE WAS NO APPEAL OF THIS MATTER AND ONCE THERE WAS NO APPEAL THE JUDGMENT BECAME FOREVER CONCLUSIVE. MY CLIENTS RELY ON THE JUDGMENT TO SPEND \$210 MILLION IN THE STATE ALLOWING HOMEOWNERS TO MAKE NECESSARY IMPROVEMENTS TO THEIR HOME BEFORE HURRICANE HARDENING AND FOR ENERGY EFFICIENCY.

WHAT THE APPELLANTS WANT TO DO IS INJECT UNCERTAINTY INTO WHAT SHOULD BE A CERTAIN PROCESS. INVESTORS CANNOT INVEST IN THE BOND MARKET IF THERE IS AN UNCERTAINTY THAT YOU CAN USE A RULE SUCH AS 1.540 TO CHALLENGE A FINAL JUDGMENT. ONE NOTE ON 1.540.

IT PROVIDES THAT BEYOND SUCH TERMS THAT ARE JUST THE COURT MAY VACATE A JUDGMENT SO IT'S DISCRETIONARY AS COMPARED TO CHAPTER 75, FOREVER CONCLUSIVE IT'S ALMOST REDUNDANT IN SAYING FOREVER CONCLUSIVE AND IT SHALL NEVER BE CALLED INTO QUESTION WHEN YOU PICK A DISCRETIONARY ABILITY TO VACATE A FINAL JUDGMENT ON TERMS

THAT ARE JUST AGAINST A FINAL JUDGMENT THAT SHALL NEVER BE CALLED INTO QUESTION THAT FINAL JUDGMENT AND IN EFFECT THE LEGISLATURE'S PREROGATIVE TO ESTABLISH A PROCEEDING FOR BOND VALIDATION SHALL BE HELD TO BE FINAL.

GOING TOWARDS ADDRESSING THE APPELLANT'S ARGUMENT THAT THE JUDGMENT IS VOID BECAUSE IT'S RULED ON COLLATERAL ISSUES I THINK JUSTICE SASSO YOU ASKED WHAT IS THE JURISDICTION OVER COLLATERAL MATTERS. THERE'S NEVER BEEN A CASE WHERE COLLATERAL MATTERS WERE ADJUDICATED AFTER THAT JUDGMENT BECAME FINAL. ALL THE APPEALS THAT THE APPELLANTS RELY ON WORD DIRECT APPEALS. ONCE THE JUDGMENT HAS BECOME FINAL THE ABILITY TO ATTACK IT USING 1.540 HAS NEVER BEEN DONE AND HAVE NEVER BEEN AUTHORIZED BY THIS COURT. THE REMEDY HERE IS TO DISMISS THIS CASE FOR LACK OF JURISDICTION. NO COURT HAS JURISDICTION TO VACATE THE JUDGMENT ONCE IT'S BEEN ENTERED. THE BOND VALIDATION IS FINAL AND WE REST QUEST AND EXPEDITIOUS RULING BECAUSE OUR BONDS ARE ISSUED AND IT'S BEEN TWO YEARS WHERE THE TAXPAYERS HAVE REFUSED TO PLACE THESE ASSESSMENTS ON THE TAX ROLLS.

IT IS NOW NOVEMBER 4 AND THEY STILL DID NOT PLACE THEM ON THE ASSESSMENT SO EXACTLY WHAT IS MEANT TO BE APPOINTED BY THIS STATUTE HAS HAPPENED HERE WHERE THEY HAVE INJECTED UNCERTAINTY AND BONDS ARE NOT BEING COLLECTED.

>> ON THIS POSITION IF WE CONCLUDE WE HAVE JURISDICTION BECAUSE IT'S OUR FINAL JUDGMENT AND VALIDATION PROCEEDING IN GENERAL LAW, ANYTHING THAT OCCURRED WITHIN THE CORRECTION WOULDN'T BE IN ADHERENCE. WHAT YOU'RE ARGUING IS THE CIRCUIT COURT JURISDICTION WOULD RESULT IN A DISMISSAL HERE.

>> Olga Vieira: THAT WOULD BE AN ACCEPTABLE SOLUTION IS THAT THERE IS JURISDICTION BUT AFFIRMING THAT 1.540 CANNOT BE USED OR WAS NOT APPROPRIATELY USED IN THIS CONTEXT.

>> THANK YOU.

>> John Tucker: LET ME SEE IF I CAN CLEAR UP A FEW THINGS.

CHAPTER 75 WORKS IF THE PROCEDURE AND THE SUBSTANCES FOLLOWED. IT'S A LIMITED SCOPE. THERE'S A QUESTION ABOUT WHO ARE THE PARTIES, 75.105 TALKS ABOUT ORDER AND SERVICE, THE COURT SHALL ISSUE A TAXPAYERS CITIZENS AND OTHERS HAVING A RIGHT TO CLAIM INTEREST IN THE PROPERTY TO BE AFFECTED.

OR BE AFFECTED THEREBY. AND IF YOU TURN TO 7506, PUBLICATION OF THE NOTICE IT SAYS AND THIS IS THE NOTICE JUST IN THESE TWO AREAS. KISSIMMEE AND THE OTHER MEMBER IN LEON COUNTY. THAT'S THE ONLY PLACE. IT SAID BY THIS PUBLICATION ALL TAXPAYERS AND CITIZENS HAVING TO CLAIM ANY RIGHT TOTAL INTEREST IN THIS COUNTY OR DISTRICT FOR THE TAXABLE PROPERTY THEREIN. THOSE ARMY PARTIES TO THE ACTION AND THE COURT HAS JURISDICTION TO THE EXTENT AS IF

NAMED AS DEFENDANTS. MY CLIENTS DID NOT KNOW. THE NOTICE WAS NOT IN THERE AND THEY EVEN SUGGESTED IF SOMETHING IS NOT IN PENSACOLA PEOPLE IN THE KEYS HAVE TO BE LOOKING AT THE PUBLIC NOTICES THERE.

>> WHAT ABOUT STATE ATTORNEYS.

>> John Tucker: STATE ATTORNEYS WERE SERVED AND NO CIRCUITS BUT THE STATE ATTORNEYS, WE'VE CITED THE STATUTES. STATE ATTORNEYS HAVE A LIMITED ROLE. THAT'S WHY IT'S NOT SERVING THE ATTY. GEN. OR WHY THEY'RE SERVING THREE.

WHY WOULD YOU SERVE THREE IF ONE TAKES CARE OF ALL OF THEM? YOU QUESTION ABOUT DID WE KNOW. AT THE TIME THAT THIS PROCEEDING WAS IN THE APPEAL PERIOD THERE WAS AN EMAIL PRODUCED IN TRIAL COURT FROM COUNSEL FOR FPFA TO FPFA SAYING WHEN THEY LEARN ABOUT THIS AFTER THE APPEAL PERIOD IS RUN THEY'RE GOING TO ACT SHOCKED. THEY'RE NOT GOING TO BE HAPPY WITH THIS. THEY KNEW THAT THIS WAS, BECAUSE AT THE TIME THIS WAS GOING ON THE REASON THE ATTORNEY WAS DOING THIS IS PAUL BEACH WAS REDOING THEIR CONSUMER PROTECTION ORDINANCES. ORDINANCES SUCH AS BEFORE YOU SIGN THIS WITH A HOMEOWNER YOU NEED TO HAVE A RIGHT OF DECISION BECAUSE IF YOU DON'T PAY UNDER THIS NON-AD VALOREM ASSESSMENT YOU LOSE YOUR HOUSE.

THEY'RE NOT SAYING, THEY SAY WE ARE SAYING WE ARE IMPACTED BY THE BONDS. WE ARE TRYING TO INVALIDATE THE BONDS. ABSOLUTELY NOT. WHERE NOT IMPACTED BY THE BOND THAT WE'RE NOT TRYING TO INVALIDATE.

WHAT WE ARE SAYING IS WE ARE IMPACTED BY THE COLLATERAL MATTERS AND WE HAVE MORE OF THOSE COLLATERAL MATTERS.

>> IT SEEMS LIKE THE COLLATERAL MATTER YOU'RE TALKING ABOUT ARE THE ASSESSMENTS. IT'S NOT ENFORCEMENT OF THE ASSESSMENTS.

>> THE COLLATERAL MATTER IS THEY ARE TAKING THIS AND SAYING PALM BEACH COUNTY CAN NO LONGER ENFORCE ITS ORDINANCE FOR CONSUMER PROTECTION REQUIREMENTS. OR ANY OF THE OTHER KINDS.

THEY USE THEIR HOME RULE PARTIES TO SAY IF YOU WANT TO COME IN AND OPERATE TO PROTECT OUR CITIZENS WE HAVE VOTED TO PUT THESE PROTECTIONS IN PLACE. THEY WANT TO SAY THAT BECAUSE OF SOMETHING THAT HAPPENED IN LEON COUNTY TRIAL COURT WHERE THEY WERE NOTICED THAT THEY ARE SOMEHOW AND THAT ISSUE WASN'T EVEN RAISED BUT SOMEHOW WE ARE BOUND BY THAT. THE OTHER THING IS JUST THE TAX COLLECTORS HAVE A RIGHT UNDER 163.

>> WHAT YOU'RE ARGUING ABOUT IS NOT WHETHER THEY CAN OPPOSE ASSESSMENTS BUT PRECONDITIONS FOR ENTERING INTO THE AGREEMENT THAT RESULT IN THE ASSESSMENT. IS THAT RIGHT?

>> John Tucker: THEY HAD THEIR BONDS, NOBODY COMPLAINED AND WHEN THEY WENT TO PAUL BEACH OR ALL THE OTHER 50 COUNTIES THEY ENTERED

INTO AN AGREEMENT WITH THEM THAT'S WHAT 163 WHICH IS THE GENESIS, THAT THE INTERLOCAL AGREEMENT AT SAID WE WOULD COMPLY WITH ALL THESE.

>> ARE YOU SAYING THE JUDGMENT MEANS YOU WOULD LOSE WHAT YOU TRIED TO IMPOSE ON THEM OR ARE YOU SAYING IT'S NOT COVERED BY THAT?

ARE YOU SAYING THE WAY THE JUDGMENT STANDS RIGHT NOW IT'S WRITTEN IN A WAY THAT PRECLUDES THE APPLICATION WHAT YOU ARE SAYING.

>> John Tucker: THAT'S WHAT THIS IS ALL ABOUT BUT THEY ARE COMING IN AND SAYING IT DOESN'T MATTER YOU WEREN'T THERE BECAUSE WE THINK THE STATE ATTORNEYS.

>> IF THAT ISSUE WERE LITIGATED THE RIGHT ANSWER WOULD BE THE SIDE THAT WANTED TO IMPOSE THESE THINGS WOULD LOSE BECAUSE OF THIS JUDGMENT. I'M ASKING IF THAT'S THE RIGHT ANSWER.

>> John Tucker: THEY WANT TO SAY IT'S RES JUDICATA. AND WE SAY IT'S NOT BECAUSE WE WERE NOT A PARTY.

>> RIGHT BUT THE JUDGMENT COVERS THIS STUFF.

>> THE LANGUAGE THAT THEY ARE ARGUING FROM WHICH THEY SAY IS VERY DIFFERENT THAN HOW THEY DESCRIBED IT TO THE TRIAL

JUDGE ITS GENERAL LAW. IT'S

VERY DIFFERENT THAN THE EMAILS AND LETTERS THEY SENT TO THE COUNTIES SAYING THOU SHALT NOT. WE'RE GETTING RID OF OUR INTERLOCAL AGREEMENT BECAUSE WE CAN DO WHATEVER WE WANT NOW LET ME LEAVE YOU WITH A COUPLE OF THINGS.

ONE THE CITY OF GAINESVILLE CASE. FROM THIS COURT SAYS FURTHERMORE WE DO NOT BELIEVE THE PRINCIPAL ANALYSIS IN THE FOREVER CONCLUSIVE CASE APPLIES TO PUT THE REST COLLATERAL QUESTIONS THAT WERE SOMEHOW BROUGHT INTO PROCEEDINGS THAT NEED NOT AND SHOULD NOT.

>> WASN'T THAT A DIRECT APPEAL?

>> John Tucker: THE POINT OF THE MATTER IS IT HAVING TO DO WITH THE IMPACT OF A COLLATERAL ISSUE.

>> YOU CAN HAVE 30 SECONDS, YOU'RE WAY OVER.

>> John Tucker: IT WENT ON TO SAY THE COLLATERAL ISSUE CREATED IN SECTION 20 CAN BE RAISED BY PROPER PARTIES AND SEPARATE PROCEEDINGS AND WENT ON TO GO THE JUDGMENT OF THE OLD IS REVERSED IN PART AND THE CASE IS REMANDED WITH THAT PORTION SHOULD BE DELETED.

>> THANK YOU VERY MUCH, WE ARE ADJOURNED.

>> ALL RISE.