

**CITY COUNCIL RESEARCH DIVISION  
LEGISLATIVE SUMMARY**



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**Bill Type and Number:** Ordinance 2023-612

**Introducer/Sponsor(s):** Council President Salem

**Date of Introduction:** September 12, 2023

**Committee(s) of Reference:** NCSPHS, R, F

**Date of Analysis:** September 14, 2023

**Type of Action:** Declaration of public health, safety and welfare emergency; direction to General Counsel to initiate litigation

**Bill Summary:** The bill declares that the continued operation of the Florida Pace Funding Agency's residential PACE program in the City of Jacksonville without proper authorization from the City is a public health, safety and welfare emergency. It authorizes the Office of General Counsel to immediately initiate litigation to stop FPFA's operations in the City and to protect the City's significant legal rights which will be compromised if a court proceeding does not take place before compliance with Chapter 164, *Florida Statutes*.

**Background Information:** *Florida Statutes* provide for the operation of Property Assessed Clean Energy (PACE) programs under which property owners may enter into financing agreements to obtain specified qualifying improvements (such as roof replacement, window/door replacement, air conditioning, generator installation, etc.) that are funded through the sale of bonds in the private market and paid back with the levy of non-ad valorem assessments on the benefitting property owners' tax bills. The City adopted a new *Ordinance Code* Chapter 344 - Commercial Property Assessed Clean Energy Program – to permit the use of such an assessment program in Jacksonville for commercial properties only.

Recently the City has become aware that the Florida PACE Funding Agency (FPFA) initiated a bond validation proceeding in the Circuit Court for Leon County which resulted in a court judgment authorizing a bond issue of up to \$5 billion for PACE projects statewide, and has learned that the FPFA has begun operating a residential PACE program in Jacksonville and recording assessment notices in the Official Records of the county, alleging that the court's bond validation judgement precludes any local regulation of PACE programs. This bill authorizes the General Counsel to initiate legal proceedings to stop the FPFA from making PACE loans to residential properties in the city, which the City has not authorized. In order for the City to stop the operation of the program prior to complying with the requirements of the Florida Governmental Conflict Resolution Act, the City Council must, by a 3/4 vote of the Council, declare an immediate danger to the health, welfare or safety of the public that requires immediate action.

**Policy Impact Area:** Public health, safety and welfare

**Fiscal Impact:** Undetermined

**Analyst:** Clements