

By Senator Grant

13-30-99

1 A bill to be entitled
2 An act relating to Pinellas County; providing
3 for the relief of the Appellees in the Appeal
4 Case No. 97-767, 5th District Court of Appeal;
5 providing for an appropriation to compensate
6 them for legal costs incurred as a result of a
7 suit brought by Pinellas County; providing an
8 effective date.

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10 WHEREAS, on January 16, 1996, Pinellas County sued the
11 Southwest Florida Water Management District, the Coalition of
12 Lake Associations, Inc., and several property owners in
13 Northwest Hillsborough County and Pasco County in the Pinellas
14 County Circuit Court seeking a Declaratory Judgment that the
15 Respondents in the suit could not petition for redress of
16 grievances against Pinellas County for excessively withdrawing
17 water from some wellfields and thereby causing damage to
18 lakes, wetlands, and property, and

19 WHEREAS, after several hearings on the Motions to
20 Dismiss, the Circuit Court in Pinellas County ruled that venue
21 was improper in Pinellas County and transferred the case to
22 the Hernando County Circuit Court, and

23 WHEREAS, on February 20, 1997, the trial court in
24 Hernando County, after reviewing the complaint and hearing
25 arguments from counsel, dismissed the Petition for failure to
26 state a cause of action and as being premature, overbroad, and
27 speculative in nature, and

28 WHEREAS, Pinellas County appealed the Order and Final
29 Judgment of the Hernando County Circuit Court to the 5th
30 District Court of Appeal (Appeal Case No. 97-767), and

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1 WHEREAS, Pinellas County claims that some Respondents
2 in the suit had threatened to bring a class action suit
3 against Pinellas County for damages allegedly caused by
4 declines in lake levels, and

5 WHEREAS, the Pinellas County Petition has many
6 attributes of a "SLAPP" suit, which is a strategic lawsuit
7 against public participation in the processes of government as
8 established in Florida Fern Growers Ass'n v. Concerned
9 Citizens of Putnam County, 616 So. 2d 562 (Fla. 5th DCA 1993),
10 and

11 WHEREAS, the Pinellas County Petition was brought to
12 punish the Coalition of Lake Associations, Inc., and
13 individual members and nonmembers of the association who are
14 vocal and active in the community in advocating against
15 overpumping of wellfields in their areas, and

16 WHEREAS, the Pinellas County Petition has the effect of
17 singling out a handful of citizens, who may or may not be the
18 proper plaintiffs in any potential action against Pinellas
19 County, and places upon these citizens, who are the Appellees
20 in the appellate court, the burden of extensive litigation
21 costing \$200,000, NOW, THEREFORE,

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. The facts stated in the preamble to this
26 act are found and declared to be true.

27 Section 2. The Board of County Commissioners of
28 Pinellas County is authorized and directed to appropriate from
29 funds of the county not otherwise appropriated and to draw a
30 warrant in the sum of \$200,000 payable to the Appellees in
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1 Appeal Case No. 97-767, 5th District Court of Appeal, to pay
2 their legal costs incurred in the trial and appellate courts.

3 Section 3. This act shall take effect upon becoming a
4 law.

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