RESOLUTION NO. 94-LEG-01

A RESOLUTION AFFIRMING ORANGE COUNTY'S INTENT AND DESIRE TO HAVE THE FLORIDA LEGISLATURE CLARIFY THE APPLICABILITY OF THE BIO-HAZARDOUS WASTE INCINERATOR MORATORIUM ESTABLISHED THROUGH LAWS OF FLORIDA CHAPTER 92-31 TO FACILITIES WHICH HAVE NOT OBTAINED LOCAL PERMITS NECESSARY FOR CONSTRUCTION OF THE FACILITY


WHEREAS, The Florida Legislature is contemplating extension of such statute during its 1994 legislative session, and

WHEREAS, Chapter 92-31 has been the subject of litigation and administrative hearings in various places throughout the state, including Orange County, due to a lack of clarity in some of the terms used in the statute; and

WHEREAS, Orange County has brought an administrative hearing and a declaratory judgment action in regards to the application and interpretation of Chapter 92-31 to facilities in Orange County; and

WHEREAS, Although the County has not prevailed in those actions and has chosen not to pursue further appeal through the Courts of those actions, the County strongly believes that clarification by the Florida Legislature of the applicability Chapter 92-31 to facilities which do not have local permits necessary for the construction of bio-hazardous waste incinerators is necessary and warranted.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. The foregoing recitals are true and correct and are incorporated herein.

Section 2. The Board of County Commissioners of Orange County, Florida hereby affirmatively states its belief that the Florida Legislature in its contemplated amendments to
Chapter 92-31 during the 1994 legislative session needs to clarify the applicability of Chapter 92-31 to all facilities which has not been issued all the necessary permits for construction of a bio-hazardous waste incinerator including, but not limited to, local building permits which are necessary for installation of the facility prior to operation.

Section 3. It is Orange County's belief that the term "issued a permit for the construction of a bio-hazardous waste incinerator" should mean any permit issued by any agency including, but not limited to, a local building permit and that all necessary permits for construction including, but not limited to, local building permits were required to be issued to a facility prior to March 20, 1992, the effective date of Chapter 92-31.

Section 4. This Resolution shall be presented to the 1994 Florida Legislature.

Section 5. Effective Date. This Resolution shall become effective on the date of its adoption.

ADOPTED THIS 9TH DAY OF MARCH, 1994.

ORANGE COUNTY, FLORIDA

BY: [Signature]
FOR THE County Chairman

DATE: MAR 29 1994
ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners
BY: Deputy Clerk