

MAR 29 1994 SD/JRC

1 RESOLUTION NO. 94-LEG-01

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5 A RESOLUTION AFFIRMING ORANGE COUNTY'S INTENT AND DESIRE
7 TO HAVE THE FLORIDA LEGISLATURE CLARIFY THE APPLICABILITY
9 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

11 WHEREAS, The Florida Legislature in 1992 adopted Laws of
13 Florida Chapter 92-31, "The Bio-hazardous Waste Incinerator
Moratorium"; and

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

19 WHEREAS, Chapter 92-31 has been the subject of litigation
21 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

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

29 WHEREAS, Although the County has not prevailed in those
31 actions and has chosen not to pursue further appeal through
the Courts of those actions, the County strongly believes
33 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
35 waste incinerators is necessary and warranted.

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

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

41 Section 2. The Board of County Commissioners of Orange
County, Florida hereby affirmatively states its belief that
43 the Florida Legislature in its contemplated amendments to

Chapter 92-31 during the 1994 legislative session needs to
45 clarify the applicability of Chapter 92-31 to all facilities
which has not been issued all the necessary permits for
47 construction of a bio-hazardous waste incinerator including,
but not limited to, local building permits which are
49 necessary for installation of the facility prior to operation.

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

Section 4. This Resolution shall be presented to the
59 1994 Florida Legislature.

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

ADOPTED THIS 29TH DAY OF MARCH, 1994.

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ORANGE COUNTY, FLORIDA

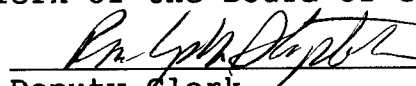
BY: Tom Staley
FOR THE County Chairman

DATE: MAR 29 1994

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ATTEST: Martha O. Haynie, County Comptroller,
75 As Clerk of the Board of County Commissioners.

77 BY:


Deputy Clerk

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