RESOLUTION 96- 29

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA
COUNTY, FLORIDA, OPPOSING HOUSE BILL 1817 AND COMPANION
SENATE BILL 1902 RELATING TO ENVIRONMENTAL SELF-AUDITS, POLLUTION
PRIVILEGE AND IMMUNITY; PROVIDING FOR DISTRIBUTION OF CERTIFIED
COPIES HEREOF; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 23, 1996, House Bill 1817 was introduced into the
Florida Legislature, which bill would create "Environmental Self-Audit Report Limited
Privilege and Voluntary Disclosure Act"; provides that a self-auditor has privilege to
refuse to disclose, and prevent others from disclosing information regarding the
occurrence of pollution or other environmental damage, and,

WHEREAS, on March 5, 1996, Senate Bill 1902 was filed, which is a
companion bill to House Bill 1817; and,

WHEREAS, Florida water law establishes state ownership of water resources
including groundwater located beneath private property; and,

WHEREAS, both House Bill 1817 and Senate Bill 1902 contain privilege
provisions that would allow a self-auditor to withhold information on air, soil and water
pollution from citizens and public agencies; and,

WHEREAS, such withholding of environmental information would reduce local
and state environmental agencies capacities to fulfill their duties to identify pollution
and enforce environmental standards; and,

WHEREAS, the privilege and immunity provisions of House Bill 1817 and
Senate Bill 1902 would erode the public's confidence in the abilities of both public
agencies and private businesses to prevent, detect, and clean up pollution; and,

WHEREAS, citizens of Alachua County and fellow Floridians have a right to
know about water pollution and other incidents of environmental damage that could
threaten the public health, safety, welfare and private property values; and,

WHEREAS, both House Bill 1817 and Senate Bill 1902, in addition to mandating
the waiver of fines and penalties, establish immunities from civil actions and criminal
prosecution for self-auditors; and,
WHEREAS, existing enforcement policies of Alachua County, the Florida Department of Environmental Protection and the United States Environmental Protection Agency already encourage environmental self-audits by waiving penalties and fines for violations in cases where the self-auditor voluntarily discloses the violation; and,

WHEREAS, in Alachua County and elsewhere in the State of Florida, documented cases of punitive actions being taken against disclosed environmental self-audits have not been demonstrated; and,

WHEREAS, House Bill 1817 and Senate Bill 1902 are opposed by the Florida Association of Counties, the Florida League of Cities, the Florida Prosecuting Attorneys Association, the Attorney General, the Florida Local Environmental Resource Agencies; and,

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

1. That the Board of County Commissioners opposes House Bill 1817 and its companion bill, Senate Bill 1902, and urges all member of the Florida Legislature to oppose the passage of this legislation or any amended bills that contain privilege or immunity provisions.

2. That the County Manager is hereby directed to send copies of this resolution to Governor Chiles, to all members of the Florida Senate and House of Representatives, to all Boards of County Commissioners in the State of Florida, and to the Executive Director of the Florida Association of Counties.

DULY ADOPTED in regular session, this 9th day of April, A.D., 1996.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

By: Margaret Eppes, Chairman

APPROVED AS TO FORM

Alachua County Attorney