



MEMORANDUM

Substitute to  
Agenda Item No. 2(I)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** November 9, 2009

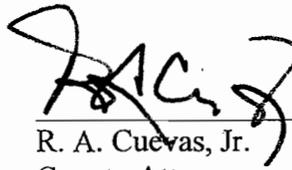
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging Congress to pass legislation addressing imported Chinese drywall; urging the Florida Legislature to create and fund a state program to assist homeowners in addressing Chinese drywall in Florida; directing the Mayor or Designee to prepare a report related to the prevalence of Chinese drywall in Miami-Dade County and related issues facing Miami-Dade homeowners

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**This substitute differs from the original item in that it urges the Florida Legislature to pass legislation addressing Chinese drywall in addition to Congress.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** November 17, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
11-17-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING CONGRESS TO PASS LEGISLATION ADDRESSING IMPORTED CHINESE DRYWALL; URGING THE FLORIDA LEGISLATURE TO CREATE AND FUND A STATE PROGRAM TO ASSIST HOMEOWNERS IN ADDRESSING CHINESE DRYWALL IN FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT RELATED TO THE PREVALENCE OF CHINESE DRYWALL IN MIAMI-DADE COUNTY AND RELATED ISSUES FACING MIAMI-DADE HOMEOWNERS

**WHEREAS**, in 2006 and 2007, more than 550 million pounds of drywall and associated building materials were imported from China to the U.S.; and

**WHEREAS**, around half this drywall was imported from China to the State of Florida, enough to build approximately 36,000 homes; and

**WHEREAS**, media reports indicate that drywall imported from China was also used in homes in no fewer than 11 other states, including Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia; and

**WHEREAS**, cases of Chinese drywall have been reported in Miami-Dade County; and

**WHEREAS**, testing by Florida officials found that drywall imported from China contains potentially hazardous levels of strontium sulfide, which, when exposed to moisture and humidity, can release hydrogen sulfide into the air; and

**WHEREAS**, emissions from drywall imported from China have caused substantial safety hazards in homes containing such drywall, including corrosion in electrical wiring, which can result in a fire hazard, failure of air conditioning units, and the failure of other household electrical products; and

**WHEREAS**, preliminary testing shows that the drywall may also be responsible for certain health hazards; and

**WHEREAS**, legislation has been filed in Congress to address the Chinese drywall issue, including S. 739 and S. Res. 91, both by Senators Bill Nelson and Mary Landrieu, and H.R. 1977 by Representative Robert Wexler; and

**WHEREAS**, this legislation would initiate a formal proceeding to investigate drywall imported from China from 2004 through 2007; prohibit further importation of drywall and associated building products from China; order a recall of hazardous Chinese drywall; and seek civil penalties against the drywall manufacturers in China that produced or distributed hazardous drywall and their U.S. subsidiaries to cover the cost of the recall effort and associated remediation; and

>>WHEREAS, the Louisiana Legislature passed legislation earlier this year authorizing the use of \$5 million in Community Development Block Grant (CDBG) funds and other federal and state funds to identify and remediate Chinese drywall used as Louisiana was rebuilding from recent hurricanes; and

WHEREAS, Florida Senator Bill Nelson recently sent a letter to Florida's legislative leadership urging them to pass legislation setting up and funding a program similar to that in Louisiana to address Chinese drywall in Florida, a copy of which is attached; and<<<sup>1</sup>

**WHEREAS**, in addition to federal >>and state<< legislation, local efforts should be undertaken where possible to assist homeowners facing issues related to Chinese drywall,

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<sup>1</sup> The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1.** Urges Congress to pass legislation addressing imported Chinese drywall.

**Section 2.** Urges Congress to pass S. 739, S. Res. 91, H.R. 1977 or similar legislation.

>>**Section 3.** Urges the Florida Legislature to pass legislation creating and funding a state program address Chinese drywall in Florida using Community Development Block Grant (CDBG) funds and other federal and state funds, to the extent such funds can be used without diverting them from existing programs.<<

**Section ~~[[3]]~~>>4**<<. Directs the Mayor or designee to prepare a report related to the prevalence of Chinese drywall in Miami-Dade County and related issues facing Miami-Dade homeowners, and to present such report along with recommendations for addressing the issue of Chinese drywall to the Board within the next 90 days.

**Section ~~[[4]]~~>>5**<<. Directs the Clerk of the Board to transmit a certified copy of this resolution to the two U.S. Senators that represent Florida, ~~[[and]]~~ the members of the Miami-Dade County Congressional Delegation, >>the Governor of Florida, the Florida Senate President, Florida House Speaker and the Chair and Members of the Miami-Dade State Legislative Delegation.<<

**Section ~~[[5]]~~>>6**<<. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Sections ~~[[1 and 2]]~~ >>1, 2 and 3<< above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2009 and 2010 Federal Legislative Packages >>and the 2010 State Legislative Package<<.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                 |                    |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman        |                    |
| Jose "Pepe" Diaz, Vice-Chairman |                    |
| Bruno A. Barreiro               | Audrey M. Edmonson |
| Carlos A. Gimenez               | Sally A. Heyman    |
| Barbara J. Jordan               | Joe A. Martinez    |
| Dorin D. Rolle                  | Natacha Seijas     |
| Katy Sorenson                   | Rebeca Sosa        |
| Sen. Javier D. Souto            |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of November, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty



# United States Senate

WASHINGTON, DC 20510-0905

BILL NELSON  
FLORIDA

October 16, 2009

The Honorable Jeff Atwater  
President, Florida Senate  
409 The Capitol  
Tallahassee, FL 32399

The Honorable Al Lawson  
Minority Leader, Florida Senate  
228 Senate Office Building  
Tallahassee, FL 32399

The Honorable Larry Cretul  
Speaker, Florida House of Representatives  
420 The Capitol  
Tallahassee, FL 32399

The Honorable Franklin Sands  
Minority Leader, Florida House of Representatives  
316 The Capitol  
Tallahassee, FL 32399

Dear Senators Atwater and Lawson, Speaker Cretul and Representative Sands,

Defective Chinese drywall is ruining the health and lives of countless Floridians. Much of the imported material was installed in Florida homes following the severe storms of 2004 and 2005. It emits noxious fumes that may cause serious health problems and is linked to corroded electrical wiring and plumbing. In short, many say it's making them sick and in some cases rendering their homes uninhabitable.

Making matters worse, the state's largest property and casualty insurance company, Citizens Property Insurance Corporation, and at least one other large insurer have chosen to deny claims or drop policyholders whose homes contain the defective drywall.

At my request, the federal authorities - including the U.S. Consumer Product Safety Commission and the Environmental Protection Agency - have worked with the state of Florida to investigate the problem.

I have introduced legislation with Sen. Mary Landrieu, of Louisiana, that would make sure no more of this product gets into the U.S. And I've asked FEMA to determine whether disaster funds can be used to help displaced homeowners.

While we continue to pursue this in Washington, I write to urge you to examine another possible remedy.

More specifically, I encourage you to examine a solution like the one adopted by the state of Louisiana, which faces similar challenges from contaminated Chinese drywall. The Louisiana Legislature passed legislation, signed this summer by the governor there, authorizing that \$5 million in Community Development Block Grants (CDBG), or other state and federal funds, be set aside to identify and remediate toxic Chinese drywall.

I urge you to work with the Florida Governor's office and relevant state agencies to determine, as soon as possible, if Florida has remaining disaster CDBG or other funds available to provide comparable help for our citizens.

Thank you for your attention to this matter. I look forward to your response to these concerns.

Sincerely,

A handwritten signature in black ink that reads "Bill Nelson". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.