MEMORANDUM

Agenda Item No. 11(A)(30)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	March 2, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging the Florida Legislature to pass SB 500, SB 1042, SB 1044 or similar legislation addressing the issues Florida homeowners face related to reactive drywall

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: March 2, 2010

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

SUBJECT: Agenda Item No. 11(A)(30)

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(A)(30)
3-2-10

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS SB 500, SB 1042, SB 1044 OR SIMILAR LEGISLATION ADDRESSING THE ISSUES FLORIDA HOMEOWNERS FACE RELATED TO REACTIVE DRYWALL

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, 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 such imported reactive drywall have caused significant 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 reactive drywall may also be responsible for certain health hazards; and

WHEREAS, on December 1. 2009, this Board approved Resolution No. 1392-09 urging Congress to pass legislation addressing imported reactive drywall and urging the Florida

legislature to create and fund a state program to assist homeowners in addressing imported reactive drywall in Florida; and

WHEREAS, bills have been filed for consideration during the 2010 state legislative session that relate to imported reactive drywall, including SB 500, SB 1042 and SB 1044, all by Senator Dave Aronberg (D – Greenacres); and

WHEREAS, SB 500 creates the Reactive Drywall Mitigation Act and prohibits a person from performing drywall inspections, or removing reactive drywall unless the person is employed by a licensed reactive drywall mitigation business that is licensed by the Florida Department of Business & Professional Regulation (DBPR); and

WHEREAS, SB 1042 requires DBPR to adopt rules establishing minimum standards for home inspections of and remediation planning for reactive drywall, requires a person who removes reactive drywall to provide the homeowner with a remediation plan, and requires a person who inspects homes for corrosion of metals associated with reactive drywall to inspect for corrosion the air conditioning coils, electrical wiring including fire alarm wiring, gas water heaters and other gas-fueled appliances; and other appliances that are fixtures of the home; and

WHEREAS, SB 1044 creates the Legislative Task Force on Reactive Drywall and requires the Task Force to collect data, evaluate health risks and make recommendations to the Governor and Legislature regarding reactive drywall; and

WHEREAS, there are also likely to be committee bills filed in the House and Senate addressing the issues homeowners in Florida are facing related to reactive drywall; and

WHEREAS, this Board supports the passage of legislation that would assist Florida homeowners with reactive imported drywall,

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

Section 1. Urges the Florida Legislature to pass SB 500, SB 1042, SB 1044 or similar legislation addressing the issues Florida homeowners face related to imported reactive drywall.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation and Senator Dave Aronberg.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation and the implementation of the reforms set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in 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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2010. 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. JMM

Jess M. McCarty