OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: March 16, 2010

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

SUBJECT: Resolution urging the Florida Legislature to pass HB 965 or similar legislation addressing real property assessment issues homeowners face related to reactive imported drywall

Resolution No. R-309-10

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/up

MEMORANDUM
(Revised)

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

DATE: March 16, 2010

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

SUBJECT: Agenda Item No. 11(A)(10)

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**

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
3-16-10

RESOLUTION NO. R-309-10

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS HB 965 OR SIMILAR LEGISLATION ADDRESSING REAL PROPERTY ASSESSMENT ISSUES HOMEOWNERS FACE RELATED TO REACTIVE IMPORTED 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 reactive imported 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 reactive imported drywall and urging the Florida

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

WHEREAS, bills have been filed for consideration during the 2010 state legislative session related to reactive imported drywall, including SB 500, SB 1042 and SB 1044, all by Senator Dave Aronberg (D – Greenacres), which regulate reactive drywall inspections and mitigation; create a task force; and collect data, evaluate health risks and make recommendations to the Governor and Legislature regarding further legislation related to reactive drywall; and

WHEREAS, HB 965 by Representative Seth McKeel (R – Lakeland) also has been filed for consideration during the 2010 regular session; and

WHEREAS, HB 965 addresses property assessment issues related to reactive drywall and would require property appraisers to adjust the assessed value of properties to take into account the presence of reactive drywall unless the owner was aware of the reactive drywall when the property was purchased; and

WHEREAS, HB 965 also provides that if the property is not marketable without remediation or repair because of reactive drywall, then the cost of such remediation or repair would be assessed at no value; and

WHEREAS, HB 965 finally provides that homestead property owners do not lose homestead exemption if the homeowners vacate the property for the purposes of remediation and repair of reactive drywall, unless the homeowners establish a new homestead; and

WHEREAS, this Board supports the passage of HB 965 and other legislation that would assist Florida homeowners with issues related to 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 HB 965 or similar legislation addressing real property assessment issues homeowners face related to reactive imported 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 Representative Seth McKeel.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation 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 **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 16th 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. Rae for JMM

Jess M. McCarty