

HB 975

2010

1 A bill to be entitled
2 An act relating to reactive drywall; creating the
3 Legislative Task Force on Reactive Drywall; providing for
4 membership; requiring the task force to evaluate health
5 risks, collect data, and make recommendations to the
6 Governor and Legislature regarding reactive drywall;
7 abolishing the task force on a certain date; requiring a
8 person who inspects homes for corrosion of metals
9 associated with reactive drywall to inspect certain items
10 for corrosion; requiring a person who removes reactive
11 drywall or corroded appliances to provide the homeowner
12 with a remediation plan; requiring the remediation plan to
13 provide for inspections after the removal of drywall;
14 requiring a facility for the disposal of construction and
15 demolition debris or a Class III landfill to develop a
16 management plan to segregate or refuse to accept drywall;
17 requiring a facility for the disposal of construction and
18 demolition debris or a Class III landfill that accepts
19 drywall to apply soil cover to the drywall at least
20 weekly; requiring the Florida Building Commission to adopt
21 rules limiting the amount of sulfur and strontium
22 compounds that may be contained in drywall; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Legislative Task Force on Reactive Drywall.—
28 (1) There is created the Legislative Task Force on

29 Reactive Drywall, a task force as defined in s. 20.03, Florida
 30 Statutes.

31 (2) The task force shall consist of the following ex
 32 officio members:

33 (a) A representative of the Florida Building Commission,
 34 who shall be appointed by the Secretary of Community Affairs.

35 (b) The State Surgeon General or his or her designee.

36 (c) A representative of the Rinker School of Building
 37 Construction at the University of Florida, who shall be
 38 appointed by the president of the university.

39 (3) The task force shall also consist of the following
 40 public members, appointed jointly by the President of the Senate
 41 and the Speaker of the House of Representatives:

42 (a) A member having professional or occupational expertise
 43 in the building industry.

44 (b) A member having professional expertise in the
 45 manufacturing of drywall.

46 (c) A member having professional expertise in the banking
 47 industry.

48 (d) A member who is a consumer advocate having experience
 49 in issues relating to reactive drywall.

50 (e) A member who is the director of a county health
 51 department or a designee of the director from an area of the
 52 state affected by reactive drywall.

53 (f) A member who is a physician having experience in
 54 respiratory diseases caused by industrial exposure.

55 (g) A member who is a scientist having experience in
 56 environmental toxicology.

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57 (h) A member who is an attorney having experience in
58 product liability litigation.

59 (i) A member who is a home inspector or building inspector
60 having experience in inspecting homes or buildings for reactive
61 drywall.

62 (j) A member who is a homeowner who has or had a home
63 containing reactive drywall.

64 (k) A member who is a code enforcement officer from a
65 county that is heavily impacted by reactive drywall.

66 (l) A member who is responsible for the operation of a
67 landfill that accepts construction debris.

68 (m) A member who is an officer of a property insurer
69 having expertise in reactive drywall.

70 (n) A member who is a realtor having expertise in the sale
71 of homes or buildings containing reactive drywall.

72 (o) A member who is a property appraiser or the property
73 appraiser's designee from a county that is heavily impacted by
74 reactive drywall.

75 (p) A member who is an officer of a drywall manufacturer
76 or other industry representative.

77
78 The President of the Senate and the Speaker of the House of
79 Representatives shall appoint all of the public members within
80 45 days after this section takes effect.

81 (4) The members of the task force shall designate one of
82 the public members as the chair of the task force. The
83 representative of the Florida Building Commission shall serve as
84 vice chair. Members of the task force shall serve without

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85 compensation, but are entitled to reimbursement for per diem and
86 travel expenses under s. 112.061, Florida Statutes.

87 (5) The Office of Program Policy Analysis and Government
88 Accountability shall provide administrative support to the task
89 force.

90 (6) The Legislative Task Force on Reactive Drywall is
91 created to evaluate the health risks to property owners from the
92 installation of reactive drywall and to develop a methodology to
93 mitigate the impacts to property and public health resulting
94 from the installation, removal, and remediation of structures in
95 which the drywall was installed. The task force shall collect
96 data, which shall include, but need not be limited to,
97 statistics relating to the number of complaints filed regarding
98 reactive drywall, the number of lawsuits filed against
99 installers of reactive drywall, the number and types of health
100 issues resulting from the use of reactive drywall, and the costs
101 associated with remediation and repair of property contaminated
102 by reactive drywall. The task force shall use the data to:

103 (a) Recommend amendments to the Florida Building Code
104 establishing standards for drywall content.

105 (b) Develop a uniform remediation standard for use by
106 property owners in repairing damage caused by the installation
107 and removal of reactive drywall.

108 (c) Develop a remediation and certification program having
109 uniform standards for certification to be used by persons hired
110 to remediate and repair damage to property. The task force shall
111 consider for inclusion in the uniform standards existing
112 methodologies that are used to repair and replace reactive

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113 drywall.

114 (d) Develop a recommendation for the disposal of reactive
115 drywall that is removed from damaged property.

116 (e) Recommend new laws or rules relating to reactive
117 drywall.

118 (7) The task force shall hold its first meeting by August
119 30, 2010, or within 60 days after this section takes effect,
120 whichever is earlier, and shall complete its work by December
121 31, 2010. The task force shall submit a detailed report of its
122 findings and recommendations to the Governor, the President of
123 the Senate, and the Speaker of the House of Representatives by
124 February 1, 2011.

125 (8) The Legislative Task Force on Reactive Drywall is
126 abolished July 1, 2011.

127 Section 2. Home inspection for corrosion of metals
128 associated with reactive drywall.—A person who conducts a home
129 inspection for corrosion of metals associated with reactive
130 drywall must, at a minimum, inspect the air conditioning coil;
131 electrical wiring, including fire alarm wiring; gas water heater
132 and other gas-fueled appliances; and other appliances that are
133 fixtures of the home.

134 Section 3. Remediation planning for homes having drywall
135 contaminated by sulfur or strontium compounds.—A contractor,
136 engineer, or architect who removes drywall contaminated with
137 sulfur or strontium compounds or appliances corroded by sulfur
138 or strontium compounds must provide the homeowner with a
139 remediation plan before commencing the remediation. The
140 remediation plan must permit the person who owns or controls the

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141 property to have a home inspection to inspect electrical wiring,
142 mechanical fixtures, appliances, or any system in which copper
143 is a component and which could not be inspected before the
144 removal of the reactive drywall.

145 Section 4. Disposal of reactive drywall.—A facility for
146 the disposal of construction and demolition debris or Class III
147 landfill must develop a management plan to segregate or refuse
148 to accept loads that are predominantly or exclusively drywall
149 and direct such loads to a Class I landfill. A facility for the
150 disposal of construction and demolition debris or Class III
151 landfill that accepts loads that are predominantly or
152 exclusively drywall must apply at least 6 inches of cover soil
153 over the drywall at least weekly.

154 Section 5. By January 1, 2012, the Florida Building
155 Commission shall adopt rules establishing maximum amounts of
156 sulfur and strontium compounds that may be contained in drywall.
157 The rules shall limit the amount of sulfur and strontium
158 compounds to levels that do not cause malodorous odors, adverse
159 health effects, and corrosion of metals commonly used in
160 buildings and appliances. In developing rules, the commission
161 shall consider the recommendations of the Legislative Taskforce
162 on Reactive Drywall.

163 Section 6. This act shall take effect upon becoming a law.