

By Senator Aronberg

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1 A bill to be entitled
2 An act relating to reactive drywall; requiring a
3 person who inspects homes for corrosion of metals
4 associated with reactive drywall to inspect certain
5 items for corrosion; requiring a person who removes
6 reactive drywall or corroded appliances to provide the
7 homeowner with a remediation plan; requiring the
8 remediation plan to provide for inspections after the
9 removal of drywall; requiring a facility for the
10 disposal of construction and demolition debris or a
11 Class III landfill to develop a management plan to
12 segregate or refuse to accept drywall; requiring a
13 facility for the disposal of construction and
14 demolition debris or a Class III landfill that accepts
15 drywall to apply soil cover to the drywall at least
16 weekly; requiring the Department of Business and
17 Professional Regulation to adopt rules to establish
18 minimum standards for home inspections of and
19 remediation planning for reactive drywall; requiring
20 the Department of Environmental Protection to adopt
21 rules regulating the disposal of reactive drywall and
22 items contaminated by reactive drywall in a landfill;
23 providing for the future repeal of statutory standards
24 for the inspection of homes for reactive drywall,
25 statutory standards for remediation planning for
26 reactive drywall, and statutory requirements for the
27 disposal of reactive drywall in a landfill; requiring
28 the Office of Program Policy Analysis and Government
29 Accountability to review provisions of the act before

27-00392B-10

20101042

30 repeal and issue a report of its findings and
31 recommendations to the Governor and Legislature;
32 providing an effective date.

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34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. Home inspection for corrosion of metals
37 associated with reactive drywall.-A person who conducts a home
38 inspection for corrosion of metals associated with reactive
39 drywall must, at a minimum, inspect the air conditioning coil;
40 electrical wiring, including fire alarm wiring; gas water heater
41 and other gas-fueled appliances; and other appliances that are
42 fixtures of the home.

43 Section 2. Remediation planning for homes having drywall
44 contaminated by sulfur or strontium compounds.-A contractor,
45 engineer, or architect who removes drywall contaminated with
46 sulfur or strontium compounds or appliances corroded by sulfur
47 or strontium compounds must provide the homeowner with a
48 remediation plan before commencing the remediation. The
49 remediation plan must permit the person who owns or controls the
50 property to have a home inspection to inspect electrical wiring,
51 mechanical fixtures, appliances, or any system in which copper
52 is a component and which could not be inspected before the
53 removal of the reactive drywall.

54 Section 3. Disposal of reactive drywall.-A facility for the
55 disposal of construction and demolition debris or Class III
56 landfill must develop a management plan to segregate or refuse
57 to accept loads that are predominantly or exclusively drywall
58 and direct such loads to a Class I landfill. A facility for the

27-00392B-10

20101042

59 disposal of construction and demolition debris or Class III
60 landfill that accepts loads that are predominantly or
61 exclusively drywall must apply at least 6 inches of cover soil
62 over the drywall at least weekly.

63 Section 4. Regulation of home inspections and remediation
64 planning for reactive drywall by rule.-

65 (1) The Department of Business and Professional Regulation
66 shall adopt rules that take effect July 1, 2011, and establish
67 minimum standards for the inspection of homes for reactive
68 drywall and minimum standards for remediation planning for the
69 removal of reactive drywall from homes.

70 (2) The standards for home inspections must specify the
71 minimum:

72 (a) Acceptable testing methods for the presence of reactive
73 drywall and the components or materials in a home which must be
74 inspected;

75 (b) Acceptable testing methods necessary during and after
76 remediation, if any; and

77 (c) Qualifications in terms of education, training, and
78 experience of a person who conducts inspections.

79 (3) The standards for remediation planning shall specify
80 the minimum:

81 (a) Qualifications in terms of education, training, and
82 experience of a person who prepares remediation plans;

83 (b) Fixtures and other contents of a home which must be
84 disposed of in order to successfully remediate a home;

85 (c) Contents of a home which must be removed while a
86 remediation is occurring;

87 (d) Safety equipment and procedures necessary to protect

27-00392B-10

20101042

88 workers from exposure to harmful gases emitted by reactive
89 drywall and drywall dust; and

90 (e) Extent to which a remediation plan must provide for
91 inspections for reactive drywall during and after a remediation.

92 (4) The rules must also identify fixtures, materials, or
93 other contents of a home which generally do not need to be
94 disposed of in order to remediate a home.

95 Section 5. Regulation of the disposal of reactive drywall
96 by rule.—The Department of Environmental Protection shall adopt
97 rules that take effect July 1, 2011, and regulate the disposal
98 of reactive drywall in landfills. The rules must specify:

99 (1) Procedures that must be followed by a landfill and
100 information that must be provided to landfills by persons
101 delivering construction and demolition debris known to contain
102 reactive drywall or other items or materials contaminated by
103 reactive drywall;

104 (2) Procedures that must be followed by a landfill to
105 minimize the potential of noxious odors emanated by reactive
106 drywall to affect persons outside the landfill; and

107 (3) The classes of landfills which may accept reactive
108 drywall or other items or materials contaminated by reactive
109 drywall.

110 Section 6. (1) Sections 1, 2, and 3 of this act expire July
111 1, 2011.

112 (2) The Office of Program Policy and Analysis and
113 Government Accountability shall review sections 1, 2, and 3 of
114 this act and provide a report of its findings and
115 recommendations to the Governor, the President of the Senate,
116 and the Speaker of the House of Representatives before January

27-00392B-10

20101042

117 1, 2011. The report must specifically address whether sections
118 1, 2, or 3 of this act should be modified or saved from repeal
119 and any other statutory changes that are necessary to protect
120 consumers from reactive drywall.

121 Section 7. This act shall take effect July 1, 2010.