



**SENATOR DAN GELBER**  
35th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Commerce, *Vice Chair*  
Higher Education Appropriations,  
*Vice Chair*  
Communications, Energy, and Public  
Utilities  
Judiciary  
Social Responsibility - Policy and  
Steering  
Ways and Means - Policy and Steering

### SELECT COMMITTEE:

Florida's Economy

### JOINT COMMITTEE:

Public Counsel Oversight

February 16, 2010

Attorney General Bill McCollum  
Office of Attorney General  
State of Florida  
The Capitol PL-01  
Tallahassee, FL 32399-1050

Dear Attorney General McCollum:

Last Friday, troubling news reports emerged regarding allegations by a whistleblower concerning certain substandard polyvinyl chloride (PVC) pipes installed by towns and cities primarily for water and sewer transport.

These allegations include claims that the tubing has led to leakage, breakage, and in some cases, explosions and fires.

To recover the millions of dollars in replacement and repair costs, a number of states including Nevada and Virginia, and many local municipalities, including the cities of Los Angeles and San Diego have teamed together in a qui tam or whistleblower action against the manufacturer.

That lawsuit was just unsealed last week, revealing the states and smaller localities that had initially begun the action and subsequently decided to actively pursue the allegations of fraud in federal court.

It appears that Florida was not among them.

This letter is to ask that you follow the lead of Nevada and Virginia and join the efforts to protect our citizens as others are protecting theirs. At the very least, your decision regarding involvement in this action should be public by now.

According to court documents, the lawsuit, first filed in 2006, included Florida among the plaintiffs. In fact, Florida is noted as seeking treble damages and penalties under the state's False Claims Act, alleging that the substandard pipe was purchased by "state governmental entities, agencies, or subdivisions (including but not limited to counties and school districts)."

#### REPLY TO:

- 1920 Meridian Avenue, 3rd Floor, Miami Beach, Florida 33139-1818 (305) 535-5485
- 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5121

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JEFF ATWATER**  
President of the Senate

**MIKE FASANO**  
President Pro Tempore

Attorney General Bill McCollum  
February 16, 2010  
Page 2

The documents also claim that “the Florida State Government has suffered million of dollars in damages and continues to be damaged.”

In fact, less than one year after the suit was filed, the Orange County Center Against Domestic Violence in Orlando, which houses adults and children, accepted 3,000 feet of the company’s water and sewer PVC pipes.

In the four years since the filing of this complaint, your office has failed to take action and has potentially allowed Floridians to suffer serious financial damage as a result of fraud. Florida’s consumers deserve that this complaint be fully investigated to determine if wrongdoing was committed.

Florida has one of the largest and best-equipped Attorney General offices in the nation. I urge your office to deploy those resources to ensure Florida’s consumers are protected and the manufacturer is held accountable.

Sincerely,

Senator Dan Gelber  
District 35