

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 469 Educational Facilities
SPONSOR(S): Sands and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 640

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Hunt	Mizereck
2) Health Care General Committee			
3) Fiscal Council			
4) Education Council			
5) _____			

SUMMARY ANALYSIS

House Bill 469 requires each school district to adopt and implement an indoor air quality program based upon the U.S. Environmental Protection Agency's Indoor Air Quality Tools for Schools Program. The program includes the following elements:

- The inspection and evaluation of each educational facility for indoor air quality. School districts must provide inspection reports, with corrective actions, to the Department of Education (DOE).
- An environmental assessment relating to air quality must be performed for each site prior to construction.
- Heating, ventilation and air conditioning systems of each educational facility must be maintained and operated in accordance with nationally recognized standards, and operated continuously during hours the facility is occupied.
- Maintenance records of heating, ventilation and air conditioning systems must be maintained for at least five (5) years.
- Districts must establish an indoor air quality committee to increase the awareness of staff and students regarding facets of the environment that may affect the health of facility occupants. An indoor air quality training program must be established for facilities, maintenance, and custodial staff.

The bill takes effect on July 1, 2005.

The bill has a minimal impact on state government expenditures and may have an impact on local government expenditures. Please see fiscal comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill expands the responsibility of school districts to monitor and control indoor air quality and to train school district employees.

Empower families: The bill provides additional review and oversight of indoor air quality of school facilities.

B. EFFECT OF PROPOSED CHANGES:

Current statutes and rules address a number of indoor air quality issues. In addition, many districts have already voluntarily created indoor environmental quality management plans. Current regulations related to indoor air quality include:

- Section 1013.03(9), F.S., requires the Department of Education (DOE) to make available to school boards technical assistance, awareness training, and research and technical publications relating to life safety, casualty, sanitation, environmental maintenance, and custodial issues.
- Section 404.056(4), F.S., requires mandatory radon testing of all public and private school buildings or school sites housing students in kindergarten through grade 12.
- Section 1013.20(1), F.S., requires the State Board of Education to adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the State Requirements for Educational Facilities for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990." Similar language appears in the Florida Building Code.

School districts are currently required to conduct safety, casualty, and sanitation inspections which should identify obvious problems. Identifying hidden indoor environmental quality problems is more complex and often cannot be achieved by visual inspection. As an example, moisture problems in wall cavities can require the use of specialized tools to detect the problem.¹

The bill requires each school district board to adopt and implement an indoor air quality program based upon the U.S. Environmental Protection Agency's (EPA) Indoor Air Quality Tools for Schools Program. School districts are required to:

- Provide annual reports to the DOE on the air quality conditions of its educational facilities including actions taken to implement the indoor air quality program.
- Provide uniform indoor air quality inspections and evaluations of educational facilities as follows:
 - Beginning before January 2010, buildings built or renovated after January 1, 2005 are subject to inspection and evaluation every five years.
 - Beginning with the implementation of the district's indoor air quality program, facilities built before January 1, 2005 and not scheduled for renovation must be inspected every two years.
 - Results of inspections shall be made available for public review during a regularly scheduled board meeting.
- Provide for an environmental site assessment relating to air quality prior to approval for new construction. A district school board may not approve a site if:

¹ Florida Department of Education 2005 Legislative Bill Analysis, HB 469, at 3.

- The site is in an area of moderate or high radon potential, unless the project plan incorporates mitigation techniques; and
- The standards of the State Uniform Building Code for Educational Facilities Construction related to heating, ventilating, and air-conditioning systems are not met.
- Ensure that each educational facility's the heating, ventilating, and air-conditioning systems are:
 - Maintained and operated in accordance with prevailing maintenance standards, such as the standards of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). This is a current requirement.
 - Operated continuously during the hours that students or school personnel occupy the facilities, with exceptions. This is requirement is a current requirement under the Department of Health's school sanitation standards.
- Maintain records of the maintenance of heating, ventilating, and air-conditioning systems for at least five years.
- Establish an indoor air quality committee for the district using the guidelines established by the U.S. EPA Indoor Air Quality Tools for Schools Program.

School districts are also required to develop an indoor environmental quality training program for facilities, maintenance, and custodial staff. New employees must complete the training within the first sixty days following employment; existing employees must complete the training within one year after the implementation of the program. This training must be incorporated in the training manual for certification of master custodians.

School districts and individual schools experience frequent turnover in the facilities, maintenance and custodial staff, which may make the sixty-day training requirement difficult to implement. Similar training for custodians, maintenance employees, and principals is currently available to the school districts from the DOE at no cost although it may not specifically include the requirements of this bill.

C. SECTION DIRECTORY:

Section 1. Creates s. 1013.135, F.S., relating to indoor air quality of educational facilities.

Section 2. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There could be an indeterminate benefit to the firms hired to bring buildings into compliance with the requirements in the bill.

D. FISCAL COMMENTS:

According to the DOE, the bill is unclear whether or not the department will be required to review, analyze and summarize the information contained in district reports. If the department is required to undertake those activities, it would result in additional costs. Additional duties related to reviewing, filing, summarizing and storing the reports are estimated to require an additional staff or ½ FTE at a cost of \$34,068 annually.²

School districts may incur additional costs associated with the inspections, evaluations, reports, corrective actions and training required under the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the DOE, the Indoor Air Quality Tools for Schools Program referred to in the bill is designed around the use in a single school and not for a whole school district. Most districts have centralized maintenance and environmental functions which may not be conducive to implementing the entire Tools for Schools Program.³

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

² *Id.*, at 4

³ *Id.*, at 3