

By Senator Atwater

25-1658-04

1                                   A bill to be entitled  
 2           An act relating to educational facilities;  
 3           creating s. 1013.135, F.S.; requiring each  
 4           district school board or other entity that is  
 5           in operational control of an educational  
 6           facility to adopt and implement an indoor air  
 7           quality program for educational facilities;  
 8           requiring semiannual reports to the Department  
 9           of Education; requiring uniform air quality  
 10          inspections and evaluations; providing  
 11          requirements for educational facility sites and  
 12          project plans; providing requirements for  
 13          heating, ventilating, and air-conditioning  
 14          systems; requiring the maintenance of records;  
 15          requiring educational facility indoor air  
 16          quality committees; requiring indoor  
 17          environmental quality training programs for  
 18          staff; providing violations; providing  
 19          penalties; providing for voucher transfer of  
 20          affected students and staff; providing an  
 21          effective date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1.   Section 1013.135, Florida Statutes, is  
 26   created to read:

27           1013.135 Indoor air quality of educational  
 28   facilities.--

29           (1) Each district school board or other entity in  
 30   operational control of an educational facility (hereinafter,  
 31   responsible authority) shall adopt and implement an indoor air

1 quality program using the guidelines of the Indoor Air Quality  
2 Tools for Schools Program of the United States Environmental  
3 Protection Agency (hereinafter, the EPA) to provide for  
4 ongoing maintenance and facility reviews necessary for the  
5 improvement and proper maintenance of the indoor air quality  
6 of its educational facilities.

7 (2) Each responsible authority shall semiannually  
8 report to the Department of Education on the condition of the  
9 air quality of its educational facilities and the action taken  
10 to correct deficiencies. The report must be certified by a  
11 professional licensed under chapter 471 or chapter 458. The  
12 professional certifying the results (hereinafter, the  
13 certifier) may not be an employee of the responsible  
14 authority. The certifier may not be a member of any elected or  
15 appointed board within the jurisdiction of the responsible  
16 authority which is related to education. The responsible  
17 authority shall perform tests, have tests performed by others,  
18 monitor facilities, have facilities monitored by others,  
19 modify facilities, have facilities modified by others, operate  
20 facilities, have facilities operated by others, and provide to  
21 the certifier any relevant documentation that the certifier  
22 considers necessary to complete and certify the accuracy of  
23 the report. The report must include, but need not be limited  
24 to, the numbers, locations, and symptoms of occupants of  
25 educational facilities reporting symptoms of sick building  
26 syndrome.

27 (a) The certifier shall provide for anonymous  
28 reporting of violations of this section.

29 (b) Deficiencies include, but are not limited to:

30 1. Deviations from the EPA Tools for Schools  
31 guidelines.

1           2. Improper operation of the heating, ventilating, and  
2 air-conditioning system.

3           3. Roof leaks, excessive moisture, or excessive  
4 relative humidity.

5           4. Harmful biological contaminants or chemical  
6 contaminants, or both.

7           5. Harmful temperature, noise, electromagnetic, or  
8 other physical irritants.

9           6. Any other harmful effect identified by the  
10 Department of Health in the jurisdiction of the responsible  
11 authority.

12           (3) Notwithstanding any law to the contrary, any room  
13 in an educational facility in which one or more persons report  
14 symptoms of sick building syndrome for 3 consecutive days is  
15 deficient.

16           (4) All occupants, or legal guardians of the  
17 occupants, of an educational facility that has been found to  
18 be deficient must be notified in writing of any deficiency or  
19 deficiencies. Vouchers must be provided to students or staff  
20 persons in a deficient educational facility to allow those  
21 persons to move to a facility that is compliant with indoor  
22 air quality standards as required under this section. The  
23 certificate of occupancy of an educational facility found  
24 deficient in two consecutive reports submitted under  
25 subsection (2) must be revoked, and the facility may not be  
26 used for educational purposes until compliance with the  
27 required indoor air quality standards has been achieved and  
28 certified by the certifier.

29           (5) Each responsible authority shall direct each  
30 educational facility health nurse, or equivalent, if any, to  
31 establish and maintain a record of the effects of sick

1 building syndrome on the occupants of the facility, as defined  
2 by prevailing standards. The record must be available for  
3 public inspection at the educational facility. The record must  
4 include, but need not be limited to, occupant room number,  
5 occupant age, date of symptoms, occupant symptoms, severity of  
6 symptoms, and treatment and disposition of the occupant.

7 (6) The Department of Education shall penalize the  
8 responsible authority for deficiencies in air quality, in the  
9 amount of \$1,000 per deficiency per facility per period.

10 (7) Each responsible authority shall make available  
11 for public inspection at each educational facility for 3 years  
12 the results of the report required under subsection (2) as it  
13 applies to that facility, findings by the certifier of any  
14 deficient conditions, a record of fines paid, a record of the  
15 cause for each fine, and a record of the individuals by  
16 occupation who left the facility as a result of deficient  
17 conditions. Records that are more than 3 years old must be  
18 made available for public inspection for another 3 years at  
19 another location within the jurisdiction of the responsible  
20 authority.

21 (8) The Department of Health, or its equivalent within  
22 the jurisdiction of the responsible authority, shall, upon  
23 request, be provided with the names and addresses of, and any  
24 other relevant information regarding, any occupant of an  
25 educational facility. Notwithstanding any law to the contrary,  
26 the Department of Health or its equivalent shall:

27 (a) In accordance with prevailing standards, establish  
28 or adopt standards for indoor air pollutants, including mold  
29 and fungi, which are appropriate to the age and size of the  
30 occupants of an educational facility. Based on information  
31 developed or acquired through consultation with experts, state

1 agencies, or federal agencies, the requirements and standards  
2 must identify acceptable and safe levels of contact with known  
3 air contaminants. The standards must incorporate applicable  
4 standards of the American Society of Heating, Refrigerating,  
5 and Air-Conditioning Engineers.

6 (b) Provide for the anonymous reporting of violations  
7 of this section.

8 1. The reports must be in writing and may request  
9 inspection by the Department of Health or its equivalent.

10 2. The Department of Health or its equivalent must  
11 respond in writing to each request for inspection and must act  
12 in a timely manner. Notification need not be given to the  
13 responsible authority before conducting an inspection.  
14 Inspections may not unduly disrupt operations of the  
15 responsible authority.

16 (c) In the absence of a standard, assume detectable  
17 limits as the standard of exposure.

18 (d) Within 120 days after the effective date of this  
19 section, create a standardized inspection form for use in  
20 educational facilities. The inspection form must include, but  
21 need not be limited to:

22 1. A description of any indoor air quality issues  
23 identified by the inspections.

24 2. A description of the specific remedies that were  
25 applied to address the indoor air quality issues.

26 3. The name of entities performing the inspections and  
27 the time, date, location, and purpose of the inspections.

28 (e) Jointly with the responsible authority, develop  
29 and produce an informational brochure and training program for  
30 educational facilities regarding inspections of educational  
31 facilities conducted by the department or its equivalent. The

1 responsible authority shall ensure that this information is  
2 included in the training in indoor environmental quality which  
3 is required under this section.

4 (f) Provide copies of any inspection to the  
5 responsible authority within 15 days. Copies of inspection  
6 reports, tests, or any other documentation of action taken in  
7 an educational facility by the department or its equivalent  
8 must be available for public inspection upon written request.

9 (g) Based upon the results of an inspection, require  
10 the abatement of all nuisances and may require the removal or  
11 correction of all conditions detrimental to health or  
12 well-being which were found upon or in an educational  
13 facility, by serving an order upon the responsible authority  
14 or any other entity responsible for the corrective action. The  
15 corrective action must be taken within a reasonable but fixed  
16 time. The department or its equivalent may order immediate  
17 action as necessary.

18 1. The department or its equivalent may conduct  
19 additional inspections to verify compliance with its orders.

20 2. The department or its equivalent may require that  
21 the responsible authority bear the burden of reasonable air  
22 quality testing.

23 3. The responsible authority shall bear the cost of  
24 compliance with orders relating to this section which are  
25 issued by the department or its equivalent.

26 (h) Act to protect the occupants of an educational  
27 facility as they would any public building. During an epidemic  
28 or threatened epidemic, when a dangerous communicable disease  
29 is unusually prevalent, or when there is a nuisance due to bad  
30 indoor air quality affecting the health and physical function  
31 of the occupants of an educational facility, the Department of

1 Health or its equivalent may close all or any portion of an  
2 educational facility and may prohibit public gatherings in the  
3 facility for such time as necessary.

4 (i) Appoint, as necessary, appropriate individuals  
5 licensed under chapter 471 or chapter 458 as inspectors of  
6 educational facilities to carry out the requirements of this  
7 section.

8 (9) Before approval may be given for new construction,  
9 renovation, or repair of an educational facility, a  
10 responsible authority must provide for an environmental site  
11 assessment relating to air quality pursuant to s. 1013.365.  
12 The responsible authority may not approve an educational  
13 facility site or project plan if:

14 (a) The site is an area of moderate to high radon  
15 potential, unless the project plan incorporates construction  
16 techniques to mitigate radon levels in the air of the  
17 facility;

18 (b) The site contains chemicals, pesticide, petroleum,  
19 asbestos, or any other harmful agent listed as such by the  
20 EPA, or identified as such by the Department of Health or its  
21 equivalent, or both, unless the project plan incorporates  
22 construction techniques to mitigate effects to the occupants  
23 of the facility; or

24 (c) Provisions to minimize the ingestion of vehicle  
25 exhaust emissions into the facility have not been made.

26 (10) Each responsible authority shall ensure that the  
27 heating, ventilating, and air-conditioning systems in each  
28 educational facility are:

29 (a) Maintained and operated in accordance with the  
30 prevailing maintenance standards, such as the standards of the  
31 American Society of Heating, Refrigerating, and

1 Air-Conditioning Engineers, at the time of installation or  
2 renovation of the system.

3 (b) Operated continuously during periods of  
4 occupation, so as to maintain design standards within the  
5 educational facility, including, but not limited to, standards  
6 for temperature, relative humidity, and carbon dioxide; or, if  
7 the heating, ventilating, and air-conditioning systems are not  
8 thus operated continuously, the responsible authority must  
9 demonstrate that design standards are being maintained.

10 (c) Operated during unoccupied periods so as to cause  
11 the relative humidity to be maintained at or below design  
12 standards.

13 (11) Each responsible authority shall maintain a  
14 record of the maintenance of its heating, ventilating, and  
15 air-conditioning systems for 5 years. The maintenance record  
16 for an educational facility must be available for public  
17 inspection at the educational facility. During each 6-month  
18 period, a minimum of 10 percent of all rooms used for  
19 educational purposes in an educational facility must be  
20 monitored for relative humidity continuously for a minimum of  
21 7 days. The results of the humidity monitoring must be part of  
22 the record required under this subsection. The method for  
23 testing humidity must conform with prevailing standards.  
24 Monitoring must be alternated among rooms. If the occupants of  
25 a room have reported symptoms of sick building syndrome, the  
26 room must be continuously monitored.

27 (12) Each responsible authority shall establish an  
28 indoor air quality committee for its district or for each  
29 facility, and the committee must, using the guidelines  
30 established by the EPA Tools for Schools Program, increase  
31 staff and student awareness of environmental factors that



1 affect the health of the occupants of the facility, including,  
2 but not limited to, the air quality and the presence of radon.  
3 At least 50 percent of the committee members must be the legal  
4 guardians of persons attending the educational facility.

5 (13) Each responsible authority shall develop an  
6 indoor environmental quality training program for contract  
7 labor, maintenance workers, custodial workers, administrators,  
8 part-time help, volunteers, and faculty personnel. The program  
9 must use the guidelines established by the EPA Tools for  
10 Schools Program which are relevant to the individual receiving  
11 the training. New employees must complete the training program  
12 within the first 60 days following employment. Volunteer or  
13 contract workers must complete the training before beginning  
14 work. Existing employees must complete the training within 180  
15 days after implementation of the program.

16 (14) If new construction, extension, renovation, or  
17 replacement of an educational facility takes place, staff  
18 responsible for the operation of the facility must be trained  
19 in the appropriate areas of facility operations and  
20 environmental quality maintenance before the facility is  
21 occupied. Facility environmental quality maintenance training  
22 must be made part of the training manual for certification of  
23 master custodians.

24 (15) A person may not be subjected to disciplinary,  
25 civil, or criminal action for exercising rights under this  
26 section.

27 (16) A person may not conceal or attempt to conceal  
28 the presence, cause, or effect of poor indoor air quality in  
29 an educational facility. A person may not coerce others to  
30 conceal the presence, cause, or effect of poor indoor air  
31 quality in an educational facility. A violation of this

1 subsection is a felony of the third degree, punishable as  
2 provided in s. 775.082, s. 775.083, or s. 775.084.

3 (17) A violation of subsection (4) which affects an  
4 adult constitutes felony battery as described in s.  
5 784.03(1)(a) and is a felony of the third degree, punishable  
6 as provided in s. 775.082, s. 775.083, or s. 775.084.

7 (18) A violation of subsection (4) which affects a  
8 minor constitutes battery of a child and is a felony of the  
9 third degree, punishable as provided in s. 775.082, s.  
10 775.083, or s. 775.084.

11 Section 2. This act shall take effect July 1, 2004.

12 \*\*\*\*\*

13 \*\*\*\*\*  
14 SENATE SUMMARY

15 Requires each district school board or other entity that  
16 is in operational control of an educational facility to  
17 adopt and implement an indoor air quality program for  
18 educational facilities. Requires semiannual reports to  
19 the Department of Education. Requires uniform air quality  
20 inspections and evaluations. Provides requirements for  
21 educational facility sites and project plans. Provides  
22 requirements for heating, ventilating, and  
23 air-conditioning systems. Requires the maintenance of  
24 records for a specified period of time. Requires  
25 educational facility indoor air quality committees to be  
26 formed. Requires indoor environmental quality training  
27 programs for staff. Provides violations. Provides  
28 penalties. Provides for the voucher transfer of affected  
29 students and staff.  
30  
31