

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	9 Y, 0 N, w/CS	Hunt	Mizereck
2) Health Care General Committee			
3) Fiscal Council			
4) Education Council			
5) _____			

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### SUMMARY ANALYSIS

House Bill 469 requires each school district to adopt and implement an indoor environmental quality policy. The bill allows school districts to utilize a policy based upon the U.S. Environmental Protection Agency's Indoor Air Quality Tools for Schools Program, or to meet specific criteria and be certified by a professional engineer, whereupon the district will be indemnified from civil liability related to indoor environmental quality.

The bill takes effect on July 1, 2005.

Please see fiscal comments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government:** The bill requires school districts to adopt and implement an indoor environmental quality policy.

#### 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.<sup>1</sup>

The bill requires each school district board to adopt and implement an indoor environmental quality policy. The policy may be based upon the U.S. Environmental Protection Agency's (EPA) Indoor Air Quality Tools for Schools Program. Alternatively, the district may choose to meet specific criteria:

- Provide, monitor and maintain indoor environmental conditions in accordance with American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 62;
- Be certified every two years by a professional engineer as meeting ASHRA Standard 62; and
- Provide a copy of the engineer's certification to the Commissioner of Education whereupon the district shall be indemnified for the life of the certificate from liability related to indoor air quality.

Schools participating in the Indoor Air Quality Tools for Schools program training must conspicuously post their certificate of completion.

The bill requires the State Board of Education to adopt rules to implement the indoor environmental quality requirements.

#### C. SECTION DIRECTORY:

**Section 1.** Creates s. 1013.381, F.S., relating to indoor environmental quality.

<sup>1</sup> Florida Department of Education 2005 Legislative Bill Analysis, HB 469, at 3.

**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:**

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

### **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 professional engineering firms hired to certify compliance with the voluntary standards in the bill.

### **D. FISCAL COMMENTS:**

Should a school district choose to meet the ASHRAE standard and certification criteria established in section 1013.381(1)(b), they may incur additional costs. These costs could be offset by the resulting indemnity from liability related to indoor air quality.

## **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:**

The bill requires the State Board of Education to adopt rules to implement the indoor environmental quality requirements.

### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

This analysis is drawn to the Committee Substitute that was adopted at the April 5, 2005, meeting of the PreK-12 Committee. The Committee Substitute differs from the bill as filed in that the Committee Substitute deletes requirements that school boards:

- Adopt and implement the Indoor Air Quality Tools for Schools Program.
- Provide annual reports with documentation to the Department of Education.
- Conduct specific facility inspections and evaluations.
- Conduct specific pre-construction environmental site assessments.
- Ensure that heating, ventilating, and air-conditioning systems meet specific standards and hours of operation.
- Maintain specific records.
- Establish a committee.
- Develop and implement a training program.