

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1034

INTRODUCER: Senator Latvala

SUBJECT: Renovation of Educational Facilities

DATE: March 31, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Pre-meeting
2.			ED	
3.			AED	
4.			AP	

I. Summary:

SB 1034 requires school districts, state universities, and Florida College System institutions to retrofit doors and windows used by students or school personnel to meet criteria that exceed the current requirements of the Florida Building Code. School districts would be required to use local millage to perform the retrofits, while state colleges and universities would be required to use funds for capital outlay to perform the retrofits.

II. Present Situation:

Florida Building Code on Doors and Windows in Educational Facilities

The Florida Building Code (FBC, or Code) is based on national model building codes and amended for Florida's specific needs, as developed by the Florida Building Commission.¹ The Code is enforced by local governments. Section 423.13, FBC, specifies requirements for doors and windows based on use and occupancy. All spaces with an occupant load of six or more students must have a door opening directly to the exterior, or be fully sprinklered, or have a rescue window in the case of buildings of three stories or less.² All doors and gates from spaces with an occupant load of six or more students must swing in the direction of exit travel, be of the side hinged type, and always be operable from the inside by a single operation and without a key.³

¹ Section 1013.37, F.S., directs the Florida Department of Education and the Board of Governors to establish a uniform building code for planning and construction of educational facilities by school district boards and Florida colleges. This code is adopted by the Florida Building Commission as part of the Florida Building Code pursuant to s. 553.73, F.S. State universities are subject to the Code as "Business Group B" occupancies and to regulations adopted by the Board of Governors.

² Section 423.13.1, Florida Building Code.

³ *Id.*

Most door locks are locked or unlocked from the exterior with a key; and if locked, most doors can be opened from the inside by pressing down on the door handle and pushing outward in the direction of egress.⁴ Door locks and latch mechanisms that are bullet resistant are not readily available in the market for application in educational facilities.⁵ Hardware manufacturers specializing in classroom security believe that each school, and each door or window, have different needs.⁶ Thus, they manufacture numerous types of door locks⁷ that are designed to be either:

- Locked throughout the day;
- Unlocked all day except in emergencies; or
- Controlled from a central location.

The Code requires all windows used in educational facilities to be tempered or safety glass, but not bullet-proof or bullet-resistant.

Number of Rooms in Educational Facilities

According to the Florida Inventory of School Houses data, as of June 2013, there were 904,896 rooms in educational facilities operated by school boards, and 54,997 rooms in educational facilities operated by Florida College System institutions. The State University System has “well over 215,000 rooms.”⁸ Therefore, the total number of rooms in all educational facilities throughout the state is approximately 1.2 million.

Local Capital Improvement Millage

Allocations from the Capital Outlay and Debt Service Trust Funds have averaged about \$16.7 million per year since fiscal year 2007-08.⁹ Since 2007, school districts have experienced a decline in collections of the discretionary local capital improvement millage due to reduced ad valorem property values and a legislative reduction in the cap on discretionary assessments from 2.0 mills to 1.5 mills. In fiscal years 2011-12 and 2012-13, actual receipts by school districts were slightly less than 60 percent of collections in fiscal year 2007-08.

III. Effect of Proposed Changes:

The bill would increase the requirements for doors and windows in educational facilities beyond what is currently required by s. 423.13 of the Florida Building Code. The renovations listed in the bill would require all school districts, state universities, and Florida College System institutions to retrofit:

⁴ Florida Dep’t of Education, *2014 Agency Bill Analysis of SB 1034* (Feb. 18, 2014).

⁵ *Id.*

⁶ Sargent Manufacturing Company, *School Security Solutions: Bored and Mortise Locks*, www.sargentlock.com/file_broker.php?document_id=7049 (last visited Mar. 28, 2014); *Alarm Lock, High Security Door Locks Make Schools Safer*, <http://www.alarmlock.com/highsecuritydoorlocks.html#> (last visited Mar. 28, 2014).

⁷ Examples include: bored, mortise, cylindrical, narrow site, networked, double-sided, keypads, and magnetic locks.

⁸ State University System of Florida, *2014 Legislative Bill Analysis HB 359* (Feb. 3, 2014).

⁹ Florida Dep’t of Education, *2014 Agency Bill Analysis of SB 1034* (Feb. 18, 2014).

- Doors, such that they can be “locked by key from the inside without impeding the ability of occupants to exit without unlocking the door;”
- Locks and latch mechanisms on doors, such that they are made of bullet-resistant, protected materials;
- Door windows, such that they are positioned or secured to prevent an intruder from reaching through a broken window to unlock the door; and
- Windows, which are to either be bullet resistant or meet hurricane resistance standards.

The school districts, state universities, and Florida College System institutions would have until June 30, 2018, to comply with the retrofitting of doors and windows contemplated by this legislation.

The bill designates local millage as the source of funding for school districts to perform the required retrofits. The bill designates the capital outlay millage as the source of funding for the state colleges and universities to perform the retrofits.

The bill provides for an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. Door, window, and hardware manufacturers, as well as installers would likely experience an indeterminate increase in sales and contracts.

C. Government Sector Impact:

School district boards, colleges, and universities would incur significant costs associated with assessing their educational facilities for compliance, identifying scope and cost of performing the retrofits, preparing specifications and bid documents, advertising for

competitive bids, engaging design and construction professionals, and overseeing completion of construction. The cost of the retrofits contemplated by this bill cannot be determined at this time because the number of affected facilities and the scope of the retrofits are unknown. The cost of each retrofit will vary by facility. For purpose of comparison, the Florida Department of Health has noted in their analysis that the average cost of renovating a 15 year-old high school to meet Enhanced Hurricane Protection Area standards is \$5.3 million; and the cost of renovating a 30 year-old high school to meet Enhanced Hurricane Protection Area standards is \$7.9 million.

Assuming conservative estimates of \$200 for the cost of retrofitting door hardware per entrance,¹⁰ and the assumption of only one door per room, then the cost to retrofit the door hardware in the 1.2 million rooms of the educational facilities throughout the state would be \$240 million.

Assuming conservative estimates of \$200 per square foot for the cost of bullet resistant glass,¹¹ and the assumption that the average room has only one standard 24” x 40” window (7 square feet of glass), and no glass on any doors, then the cost to retrofit the glass windows in 1.2 million rooms would be \$1.68 billion.

VI. Technical Deficiencies:

The bill does not specify penalties for non-compliance.

VII. Related Issues:

It is not explicitly stated that the requirement to perform retrofits extends to charter schools. Section 1002.33(16), F.S., exempts charter schools from the provisions of chapters 1000-1013, F.S., except those relating to student health, safety and welfare.

It is uncertain whether replacing all existing doors with doors that are “locked by key from the inside without impeding the ability of occupants to exit without unlocking the door” would meet relevant safety codes, fire codes, or ADA compliance. The intent of the bill language may be to require installation of door hardware which allows the door to lock, by key, from the inside, yet still allow occupants to open the door without a key. However, this language might be clarified.

VIII. Statutes Affected:

This bill substantially amends section 1011.71 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

¹⁰ State University System of Florida, *2014 Legislative Bill Analysis HB 359* (Feb. 3, 2014), at 2.

¹¹ Florida Dep’t of Education, *2014 Agency Bill Analysis of SB 1034* (Feb. 18, 2014), at 11.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
