

CHAPTER 2023-296

Committee Substitute for House Bill No. 1575

An act relating to public safety emergency communications systems; amending s. 553.79, F.S.; requiring a licensed contractor to submit a design for a two-way radio communication enhancement system under certain circumstances; prohibiting the local authority having jurisdiction from withholding a temporary certificate of occupancy solely on the need for a two-way radio communication enhancement system; requiring the installation of such a system within a certain timeframe after the local authority having jurisdiction approves the design; prohibiting extensions of a temporary certificate of occupancy from being unnecessarily withheld; amending s. 633.202, F.S.; requiring new and existing buildings to meet certain requirements in the Florida Fire Prevention Code; authorizing the local authority having jurisdiction to require the installation of a two-way radio communication enhancement system or an assessment of a building's interior radio coverage and signal strength under certain circumstances; limiting the number of times that the local authority having jurisdiction may require such assessment; providing exceptions; requiring certain consent to be obtained and maintained in a specified manner; specifying that a two-way radio communication enhancement system and a minimum radio strength assessment are not required under certain circumstances; requiring the local authority having jurisdiction to give certain owners a specified amount of time to complete certain modifications or retrofitting; specifying when such time period begins; providing exceptions; providing applicability; prohibiting the local authority having jurisdiction from enforcing certain requirements; requiring the State Fire Marshal to incorporate the changes made by this act into the Florida Fire Prevention Code; authorizing the State Fire Marshal to adopt rules; amending s. 843.16, F.S.; exempting certain installations of two-way radio communication enhancement systems from a certain prohibition; amending s. 440.103, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsections (23), (24), and (25) of section 553.79, Florida Statutes, are renumbered as subsections (24), (25), and (26), respectively, and a new subsection (23) is added to that section to read:

553.79 Permits; applications; issuance; inspections.—

(23) If an assessment of a new building's interior radio coverage and signal strength under the Florida Fire Prevention Code determines that installation of a two-way radio communication enhancement system is required, a contractor having the appropriate license issued by the department must submit a design to the local authority having jurisdiction for a two-way radio communication enhancement system to correct

noncompliant radio coverage. The local authority having jurisdiction may not withhold issuance of a temporary certificate of occupancy for the building based solely on the need for a two-way radio communication enhancement system. Upon approval of the design by the local authority having jurisdiction, the jurisdiction must require the installation of the two-way radio communication enhancement system within 12 months after the issuance of a temporary certificate of occupancy. An extension for a temporary certificate of occupancy may not be unnecessarily withheld.

Section 2. Subsection (18) of section 633.202, Florida Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(18)(a) The local authority having jurisdiction shall determine the minimum radio signal strength for fire department communications in all new and existing buildings. Two-way radio communication enhancement systems or equivalent systems may be used to comply with the minimum radio signal strength requirements. However, two-way radio communication enhancement systems or equivalent systems are not required in apartment buildings 75 feet or less in height that are constructed using wood framing, provided that the building has less than 150 dwelling units and that all dwelling units discharge to the exterior or to a corridor that leads directly to an exit as defined by the Florida Building Code. Evidence of wood frame construction shall be shown by the owner providing building permit documentation which identifies the construction type as wood frame. Existing high-rise buildings as defined by the Florida Building Code are not required to comply with minimum radio strength for fire department communications and two-way radio communication enhancement systems as required by the Florida Fire Prevention Code until January 1, 2025. However, by January 1, 2024, an existing high-rise building that is not in compliance with the requirements for minimum radio strength for fire department communications must apply for an appropriate permit for the required installation with the local government agency having jurisdiction and must demonstrate that the building will become compliant by January 1, 2025. Existing high-rise apartment buildings are not required to comply until January 1, 2025. However, existing high-rise apartment buildings are required to apply for the appropriate permit for the required communications installation by January 1, 2024.

(b) Except as provided in this subsection, all new and existing buildings must meet the minimum radio signal strength requirements for public safety agency communications as provided in the Florida Fire Prevention Code.

(c) The local authority having jurisdiction as defined in the Florida Fire Prevention Code may require:

1. The installation of a two-way radio communication enhancement system in a new or existing building if the interior of the building does not

meet the minimum radio signal strength as required in the Florida Fire Prevention Code.

2. An assessment of a new or existing building's interior radio coverage and signal strength, for purposes of determining the need for a two-way radio communication enhancement system within the building, not more frequently than once every 3 years for an existing high-rise building and an existing building having more than 12,000 total gross square feet and once every 5 years for all other existing buildings, unless:

a. Such building undergoes Level III building alteration or rehabilitation as defined in the Florida Building Code;

b. Such building undergoes reconstruction as determined by the Florida Fire Prevention Code;

c. A public safety agency reports to the local authority having jurisdiction that the agency's communication devices failed to function correctly inside a building due to poor signal coverage; or

d. A building is determined to be an imminent life safety threat to first responders.

(d) Any modification to an existing system or any installation of a new system must have the express consent of the frequency licenseholder of the frequencies for which the system is intended to amplify. The consent must be maintained in a recordable format that can be presented to a Federal Communications Commission representative or other relevant agency investigating radio interference.

(e) If public safety agency communications signal strength or delivered audio quality, as defined in the Florida Fire Prevention Code, is determined by the local authority having jurisdiction to be inadequate at the exterior of the building, a two-way radio communication enhancement system or minimum radio strength assessment is not required.

(f) If a local authority having jurisdiction modifies its public safety emergency communication system such that modifications to existing two-way radio communication enhancement system installations are required, the local authority having jurisdiction must give owners of the existing two-way radio communication enhancement systems at least 180 days' notice before requiring any modification.

(g) Notwithstanding paragraph (f), a local authority having jurisdiction that requires an existing building to retrofit its two-way radio communication enhancement system after the effective dates in paragraph (a) must give the building owner at least 1 year to complete the retrofit. The 1-year period begins when the local authority having jurisdiction cites the building owner with a notice of code violation in accordance with chapter 162.

(h) The following occupancies or buildings are not required to meet minimum radio signal strength requirements or have a radio signal strength assessment for public safety agency communications:

1. One- and two-family dwellings and townhouses.
2. Buildings having less than 12,000 total gross square feet with no underground areas.
3. Apartments and transient public lodging establishments that are less than three stories high and that have direct access from the apartment or guest area to an exterior means of egress.
4. Wood frame apartment buildings that are not required to install two-way radio communication enhancement systems or equivalent systems pursuant to paragraph (a).

(i) The provisions of s. 633.208 and this section which authorize local adoption of more stringent requirements than those specified in the Florida Fire Prevention Code and minimum firesafety codes do not apply to the requirements in this subsection. The local authority having jurisdiction may not enforce requirements that are more stringent than those specified in the Florida Fire Prevention Code and this subsection with respect to the requirement for, design of, or installation of a two-way radio communication enhancement system.

(j) The State Fire Marshal shall incorporate this subsection into the Florida Fire Prevention Code and may adopt rules to implement, interpret, and enforce this subsection.

Section 3. Paragraph (f) is added to subsection (3) of section 843.16, Florida Statutes, to read:

843.16 Unlawful to install or transport radio equipment using assigned frequency of state or law enforcement officers; definitions; exceptions; penalties.—

(3) This section does not apply to the following:

(f) The installation of a two-way radio communication enhancement system to comply with the requirements of s. 633.202(18).

Section 4. Section 440.103, Florida Statutes, is amended to read:

440.103 Building permits; identification of minimum premium policy. Every employer shall, as a condition to applying for and receiving a building permit, show proof and certify to the permit issuer that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the department, or a copy of the employer's authority to self-insure and shall be

presented, electronically or physically, each time the employer applies for a building permit. As provided in s. 553.79(24) ~~s. 553.79(23)~~, for the purpose of inspection and record retention, site plans or building permits may be maintained at the worksite in the original form or in the form of an electronic copy. These plans and permits must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code. As provided in s. 627.413(5), each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed pursuant to s. 627.221. The words “minimum premium policy” or equivalent language shall be typed, printed, stamped, or legibly handwritten.

Section 5. This act shall take effect July 1, 2023.

Approved by the Governor June 26, 2023.

Filed in Office Secretary of State June 26, 2023.