

By the Committee on Banking and Insurance; and Senator Rodriguez

597-03562-23

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1                                   A bill to be entitled  
2       An act relating to public safety emergency  
3       communications systems; amending s. 553.79, F.S.;  
4       requiring a licensed contractor to submit a certain  
5       design if an interior radio coverage and signal  
6       strength assessment of a new building determines a  
7       two-way radio communications enhancement system  
8       installation is required; specifying restrictions on a  
9       local jurisdiction's withholding issuance of a  
10      temporary certificate of occupancy for the building;  
11      requiring the local jurisdiction to require  
12      installation of such a system within a certain  
13      timeframe; amending s. 633.202, F.S.; requiring new  
14      and existing buildings to meet certain minimum radio  
15      signal strength requirements, except under certain  
16      circumstances; specifying the authority of local  
17      authorities having jurisdiction relating to two-way  
18      radio communications enhancement systems; specifying  
19      requirements for, and restrictions on, such  
20      authorities; providing requirements for obtaining and  
21      maintaining the consent of frequency license holders;  
22      exempting certain occupancies and buildings from  
23      certain signal strength and assessment requirements;  
24      providing applicability and construction; requiring  
25      the State Fire Marshal to incorporate provisions in  
26      the Florida Fire Prevention Code; authorizing the  
27      State Fire Marshal to adopt rules; amending s. 843.16,  
28      F.S.; exempting certain installations of two-way radio  
29      communications enhancement systems from prohibitions

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30 against the installation or transportation of certain  
31 radio equipment; amending s. 440.103, F.S.; conforming  
32 a cross-reference; providing an effective date.  
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34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. Present subsections (23), (24), and (25) of  
37 section 553.79, Florida Statutes, are redesignated as  
38 subsections (24), (25), and (26), respectively, and a new  
39 subsection (23) is added to that section, to read:

40 553.79 Permits; applications; issuance; inspections.-

41 (23) If an assessment of a new building's interior radio  
42 coverage and signal strength under the Florida Fire Prevention  
43 Code determines that installation of a two-way radio  
44 communications enhancement system is required, a contractor  
45 having the appropriate license issued by the department must  
46 submit a design for a two-way radio communications enhancement  
47 system to correct noncompliant radio coverage. The local  
48 jurisdiction may not withhold issuance of a temporary  
49 certificate of occupancy for the building based solely on the  
50 need for a two-way radio communications enhancement system. Upon  
51 approval of the design by the local authority having  
52 jurisdiction, the jurisdiction must require the installation of  
53 the two-way radio communications enhancement system within 180  
54 days after the issuance of a temporary certificate of occupancy.  
55 A temporary certificate of occupancy extension may not be  
56 unnecessarily withheld.

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

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633.202 Florida Fire Prevention Code.—

(18) (a) The 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

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88 required communications installation by January 1, 2024.

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

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

95 1. Require the installation of a two-way radio  
96 communications enhancement system in a new or existing building  
97 if the interior of the building does not meet the minimum radio  
98 signal strength as required in the Florida Fire Prevention Code.

99 2. Require assessment of a new or existing building's  
100 interior radio coverage and signal strength, for purposes of  
101 determining the need for a two-way radio communications  
102 enhancement system within the building, not more frequently than  
103 once every 3 years for existing high-rise buildings and existing  
104 buildings over 12,000 total gross square feet and once every 5  
105 years for all other existing buildings, unless such building  
106 undergoes Level III building alteration or rehabilitation as  
107 defined in the Florida Building Code or reconstruction as  
108 determined by the Florida Fire Prevention Code or if a public  
109 safety agency reports to the local authority having jurisdiction  
110 that the agency's communications devices failed to function  
111 correctly inside a building due to poor signal coverage or upon  
112 determination of an imminent life safety threat to responders.

113 (d) Any modification to an existing system or any new  
114 installation must have the express consent of the frequency  
115 license holder of the frequencies for which the device or system  
116 is intended to amplify. The consent must be maintained in a

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117 recordable format that can be presented to a Federal  
118 Communications Commission representative or other relevant  
119 agency investigating radio interference.

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

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

132 (g) Notwithstanding paragraph (f), a local authority having  
133 jurisdiction which requires an existing building to retrofit its  
134 two-way radio communications enhancement system after the  
135 effective dates in paragraph (a) must give the building owner at  
136 least 1 year to complete the retrofit. The 1-year period begins  
137 when the local authority having jurisdiction cites the building  
138 owner with a notice of code violation in accordance with chapter  
139 162.

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

- 144 1. One- and two-family dwellings and townhouses.  
145 2. Buildings less than 12,000 square feet with no

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146 underground areas.

147 3. Apartments and transient public lodging establishments  
148 that are less than three stories and that have direct access  
149 from the apartment or guest area to an exterior means of egress.

150 4. Wood frame apartment buildings that are not required to  
151 install two-way radio communication enhancement systems or  
152 equivalent systems pursuant to paragraph (a).

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

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

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

168 843.16 Unlawful to install or transport radio equipment  
169 using assigned frequency of state or law enforcement officers;  
170 definitions; exceptions; penalties.—

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

172 (f) The installation of a two-way radio communications  
173 enhancement system to comply with the requirements of s.  
174 633.202(18).

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

177 440.103 Building permits; identification of minimum premium  
178 policy.—Every employer shall, as a condition to applying for and  
179 receiving a building permit, show proof and certify to the  
180 permit issuer that it has secured compensation for its employees  
181 under this chapter as provided in ss. 440.10 and 440.38. Such  
182 proof of compensation must be evidenced by a certificate of  
183 coverage issued by the carrier, a valid exemption certificate  
184 approved by the department, or a copy of the employer's  
185 authority to self-insure and shall be presented, electronically  
186 or physically, each time the employer applies for a building  
187 permit. As provided in s. 553.79(24) ~~s. 553.79(23)~~, for the  
188 purpose of inspection and record retention, site plans or  
189 building permits may be maintained at the worksite in the  
190 original form or in the form of an electronic copy. These plans  
191 and permits must be open to inspection by the building official  
192 or a duly authorized representative, as required by the Florida  
193 Building Code. As provided in s. 627.413(5), each certificate of  
194 coverage must show, on its face, whether or not coverage is  
195 secured under the minimum premium provisions of rules adopted by  
196 rating organizations licensed pursuant to s. 627.221. The words  
197 "minimum premium policy" or equivalent language shall be typed,  
198 printed, stamped, or legibly handwritten.

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