

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 Banking and Insurance

BILL: CS/SB 360

INTRODUCER: Community Affairs Committee and Senator Hooper

SUBJECT: Fire Prevention and Control

DATE: March 29, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Fav/CS
2.	<u>Schrader</u>	<u>Knudson</u>	<u>BI</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 360 extends the grace periods during which high-rise buildings are not required to comply with a local authority's minimum radio signal strength standards by five years. Local fire authorities set minimum standards for radio signal strength throughout buildings within their jurisdictions in order to ensure consistent fire and rescue communication capabilities.

The bill also provides that two-way radio communication enhancement systems may be used to comply with a local authority's minimum radio signal strength requirements, but may not be required by local fire authorities in buildings that are four stories or less in height.

Finally, the bill clarifies that the prohibition against installing and transporting radio equipment that utilizes law enforcement frequencies does not preclude the installation of two-way radio communication enhancement systems.

The bill takes effect July 1, 2021.

II. Present Situation:

Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (Fire Code), which contains all firesafety laws and rules that pertain to the design, construction, erection, alteration,

modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such firesafety laws and rules.¹ The State Fire Marshal adopts a new edition of the Fire Code every three years.² The Florida Fire Code is largely based on the *National Fire Protection Association's (NFPA) Standard 1, Fire Prevention Code*, along with the current edition of the *NFPA's Life Safety Code, NFPA 101*.³ The 7th edition of the Fire Code took effect on December 31, 2020.⁴ State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.⁵ The Fire Code applies to every building and structure throughout the state with few exceptions.⁶ Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.⁷

Radio Signal Strength for Fire Department Communications

The life safety of firefighters and citizens depends on reliable, functional communication tools that work in the harshest and most hostile of environments.⁸ All firefighters, professional and volunteer, operate in extreme environments that are markedly different from those of any other radio users.⁹ The radio is the lifeline that connects the firefighters to command and outside assistance when in the most desperate of situations.¹⁰

Modern focus on radio signal strength stems from difficulties experienced by firefighters attempting rescue operations on September 11, 2001, in the World Trade Towers, who found that in certain areas of the building their radio signal degraded, making live communication difficult or impossible.¹¹

Two-way radio communication enhancement systems are devices installed after a building is constructed that accept and then amplify radio signals used by first responders. A Radio Frequency site survey may be conducted in a building to determine areas where radio signal strength drops due to materials used in construction, such as thick walls, metal construction, underground structures, and low-emissivity glass windows. The generally desired effect is that radio signal strength at ground level, where a fire rescue operation might be based, is equal to the

¹ Chapter 69A-60.002(1), F.A.C.

² Section 633.202, F.S.

³ Section 633.202(2).

⁴ State Fire Marshal of Florida, *Florida Fire Prevention Code*, available online at:

<https://www.myfloridacfo.com/division/sfm/bfp/floridafirepreventioncodepage.htm> (last visited March 27, 2021).

⁵ Sections 633.108 and 633.208, F.S.

⁶ Section 633.208, F.S., and 69A-60.002(1), F.A.C.

⁷ Section 633.208(3), F.S., and 69A-60.002(2), F.A.C.

⁸ Federal Emergency Management Agency, United States Fire Administration. *Voice Radio Communications Guide for the Fire Service* (June 2016), p. 1, available at:

https://www.usfa.fema.gov/downloads/pdf/publications/Voice_Radio_Communications_Guide_for_the_Fire_Service.pdf (last visited March 27, 2021).

⁹ *Id.*

¹⁰ *Id.*

¹¹ See *Assessment of Total Evacuation Systems for Tall Buildings: Literature Review*, NFPA, available at

<https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Executive-summaries/evacsystemstallbuildingsliteraturereviewexecsum.ashx#:~:text=According%20to%20the%20definition%20of,floor%20of%20the%20highest%20occupiable> (last visited March 27, 2021).

radio signal strength in all locations throughout the building, to ensure consistent communication. Several devices are available to boost signal strength to meet required radio signal strength. These include bi-directional amplifiers and networks of indoor antennae, referred to collectively as a distributed antenna system.¹²

Florida Fire Code Minimum Radio Signal Strength

The Florida Fire Code provides that all new and existing buildings must maintain minimum radio signal strength at a level determined by the authority having jurisdiction (local fire authorities).¹³ Where required by a local fire authority, two-way radio communication enhancement systems must comply with federal standards for installation and upkeep.¹⁴ Additionally, if a two-way radio communication enhancement system would have a negative impact on the operations of a facility, the local fire authority may accept an automatically activated emergency responder radio coverage system in the alternative.¹⁵

Minimum Radio Signal Strength for High-rise Buildings

Section 633.202(18), F.S., enacted in 2016,¹⁶ provides that local fire authorities must determine minimum radio signal strength for fire department communications in all new and existing high-rise buildings. A high-rise building is defined in the Florida Fire Code as a building greater than 75 feet in height where the building height is measured from the lowest level of fire department vehicle access to the floor of the highest story that can be occupied.¹⁷ Existing high-rise buildings are not required to comply with a local authority's minimum radio strength requirements until January 1, 2022. However, an existing high-rise building must have applied for the appropriate permit for installation of equipment meeting the local authority's standards by December 31, 2019. Existing high-rise apartment buildings are not required to comply until January 1, 2025, and must apply for permits to reach compliance by December 31, 2022.

A 2018 declaratory statement from the Department of Financial Services clarified that the compliance timeframes provided in s. 633.202(18), F.S., apply only to high-rise buildings and do not apply to buildings less than 75 feet in height.¹⁸ Thus, compliance with minimum radio signal strength requirements for non-high-rise buildings is controlled by s. 11.10 of the Florida Fire Code, which provides no grace periods or acceptable timeframes for compliance.

¹² See *High-Rise Public Safety System Integrators*, Treasure Island Fire Department (available at https://www.mytreasureisland.org/residents/departments/fire_dept/local_high-rise_public_safety_system_integrators.php, last accessed March 27, 2021); *Information Bulletin: Two-Way Radio Communication Enhancement System Requirements*, East Lake Tarpon Special Fire Control District (available at <https://www.elfr.org/files/e2eae3cb2/Bulletin+East+Lake+Two+Way+Communications.pdf>, last visited March 27, 2021).

¹³ Florida Fire Prevention Code (7th ed.) s. 11.10.1. The "authority having jurisdiction" is typically the designated head fire and rescue officer of the county, municipality, or special district with fire safety responsibilities over an area.

¹⁴ Florida Fire Prevention Code (7th ed.) s. 11.10.2.

¹⁵ Florida Fire Prevention Code (7th ed.) s. 11.10.3.

¹⁶ Chapter 2016-129, s. 27, Laws of Fla. At the time of its enactment, the subsection was 633.202(17), F.S.

¹⁷ NFPA 101, Life Safety Code, 2015 edition - Ch. 3.29.6.

¹⁸ Department of Financial Services Declaratory Statement, *In the Matter of Charles B. Parks, Chief Florida Fire Code Official of Broward County*, April 18, 2018, available at https://www.doah.state.fl.us/FLAID/DFS/2018/DFS_217787-17-DS_12042019_013047.pdf (last visited March 27, 2021).

Radio Equipment Receiving Law Enforcement Frequencies

Section 843.16, F.S. makes it unlawful to install or transport any frequency modulation radio receiving equipment so adjusted or tuned as to receive messages or signals on frequencies assigned by the Federal Communications Commission to law enforcement or fire rescue personnel. Section 843.16(3), F.S., provides certain exceptions to this prohibition, including:

- Holders of a valid amateur radio operator or station license issued by the Federal Communications Commission;
- A recognized newspaper or news publication engaged in covering the news on a full-time basis;
- An alarm system contractor certified pursuant to part II of ch. 489, F.S., operating a central monitoring system;
- A sworn law enforcement officer as defined in s. 943.10, F.S., or emergency service employee as defined in s. 496.404, F.S., while using personal transportation to and from work; and
- An employee of a government agency that holds a valid Federal Communications Commission station license or that has a valid agreement or contract allowing access to another agency's radio station.

III. Effect of Proposed Changes:

Section 1 amends s. 633.202(18), F.S., to extend the date by which high-rise buildings must comply with a local authority's minimum radio signal strength requirements by five years. It provides that existing buildings are not required to meet these standards until January 1, 2027 (from January 1, 2022), however, such buildings must apply for an appropriate permit to install required installations to meet the standards by December 31, 2024 (from December 31, 2019). For apartment buildings the same dates are extended from January 1, 2025, to January 1, 2030, and from December 31, 2022, to December 31, 2027, respectively.

This section further provides that two-way radio communication enhancement systems may be used to comply with a local authority's minimum radio signal strength requirements, but may not be required by local fire authorities for buildings that are four stories or fewer in height.

Section 2 amends s. 843.16, F.S., to clarify that its provisions do not apply to the installation of two-way radio communication enhancement systems for compliance with s. 633.202(18), F.S.

Section 3 provides that the bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private building owners may temporarily delay expenses relating to the push-back the requirement to retrofit out-of-compliance buildings for an additional five years.

C. Government Sector Impact:

Government building owners may temporarily delay expenses relating to the push-back the requirement to retrofit out-of-compliance buildings for an additional five years.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 633.202 and 843.16.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 3, 2021:

The committee substitute:

- Preserves the term “high-rise” in the bill, maintaining the requirement that only high-rise buildings are subject to the statutory timeframes for compliance with a local authority’s minimum radio signal strength requirements; and
- Provides that two-way radio communication enhancement systems and similar systems may not be required in buildings that are four stories or less in height.

B. Amendments:

None.

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