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2023 Legislature

1  
 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 design for  
 5 a two-way radio communication enhancement system under  
 6 certain circumstances; prohibiting the local authority  
 7 having jurisdiction from withholding a temporary  
 8 certificate of occupancy solely on the need for a two-  
 9 way radio communication enhancement system; requiring  
 10 the installation of such a system within a certain  
 11 timeframe after the local authority having  
 12 jurisdiction approves the design; prohibiting  
 13 extensions of a temporary certificate of occupancy  
 14 from being unnecessarily withheld; amending s.  
 15 633.202, F.S.; requiring new and existing buildings to  
 16 meet certain requirements in the Florida Fire  
 17 Prevention Code; authorizing the local authority  
 18 having jurisdiction to require the installation of a  
 19 two-way radio communication enhancement system or an  
 20 assessment of a building's interior radio coverage and  
 21 signal strength under certain circumstances; limiting  
 22 the number of times that the local authority having  
 23 jurisdiction may require such assessment; providing  
 24 exceptions; requiring certain consent to be obtained  
 25 and maintained in a specified manner; specifying that

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26 a two-way radio communication enhancement system and a  
 27 minimum radio strength assessment are not required  
 28 under certain circumstances; requiring the local  
 29 authority having jurisdiction to give certain owners a  
 30 specified amount of time to complete certain  
 31 modifications or retrofitting; specifying when such  
 32 time period begins; providing exceptions; providing  
 33 applicability; prohibiting the local authority having  
 34 jurisdiction from enforcing certain requirements;  
 35 requiring the State Fire Marshal to incorporate the  
 36 changes made by this act into the Florida Fire  
 37 Prevention Code; authorizing the State Fire Marshal to  
 38 adopt rules; amending s. 843.16, F.S.; exempting  
 39 certain installations of two-way radio communication  
 40 enhancement systems from a certain prohibition;  
 41 amending s. 440.103, F.S.; conforming a cross-  
 42 reference; providing an effective date.

43  
 44 Be It Enacted by the Legislature of the State of Florida:

45  
 46 Section 1. Subsections (23), (24), and (25) of section  
 47 553.79, Florida Statutes, are renumbered as subsections (24),  
 48 (25), and (26), respectively, and a new subsection (23) is added  
 49 to that section to read:

50 553.79 Permits; applications; issuance; inspections.—

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51        (23) If an assessment of a new building's interior radio  
52 coverage and signal strength under the Florida Fire Prevention  
53 Code determines that installation of a two-way radio  
54 communication enhancement system is required, a contractor  
55 having the appropriate license issued by the department must  
56 submit a design to the local authority having jurisdiction for a  
57 two-way radio communication enhancement system to correct  
58 noncompliant radio coverage. The local authority having  
59 jurisdiction may not withhold issuance of a temporary  
60 certificate of occupancy for the building based solely on the  
61 need for a two-way radio communication enhancement system. Upon  
62 approval of the design by the local authority having  
63 jurisdiction, the jurisdiction must require the installation of  
64 the two-way radio communication enhancement system within 12  
65 months after the issuance of a temporary certificate of  
66 occupancy. An extension for a temporary certificate of occupancy  
67 may not be unnecessarily withheld.

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

70        633.202 Florida Fire Prevention Code.—

71        (18) (a) The local authority having jurisdiction shall  
72 determine the minimum radio signal strength for fire department  
73 communications in all new and existing buildings. Two-way radio  
74 communication enhancement systems or equivalent systems may be  
75 used to comply with the minimum radio signal strength

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76 requirements. However, two-way radio communication enhancement  
77 systems or equivalent systems are not required in apartment  
78 buildings 75 feet or less in height that are constructed using  
79 wood framing, provided that the building has less than 150  
80 dwelling units and that all dwelling units discharge to the  
81 exterior or to a corridor that leads directly to an exit as  
82 defined by the Florida Building Code. Evidence of wood frame  
83 construction shall be shown by the owner providing building  
84 permit documentation which identifies the construction type as  
85 wood frame. Existing high-rise buildings as defined by the  
86 Florida Building Code are not required to comply with minimum  
87 radio strength for fire department communications and two-way  
88 radio communication enhancement systems as required by the  
89 Florida Fire Prevention Code until January 1, 2025. However, by  
90 January 1, 2024, an existing high-rise building that is not in  
91 compliance with the requirements for minimum radio strength for  
92 fire department communications must apply for an appropriate  
93 permit for the required installation with the local government  
94 agency having jurisdiction and must demonstrate that the  
95 building will become compliant by January 1, 2025. Existing  
96 high-rise apartment buildings are not required to comply until  
97 January 1, 2025. However, existing high-rise apartment buildings  
98 are required to apply for the appropriate permit for the  
99 required communications installation by January 1, 2024.

100 (b) Except as provided in this subsection, all new and

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101 existing buildings must meet the minimum radio signal strength  
 102 requirements for public safety agency communications as provided  
 103 in the Florida Fire Prevention Code.

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

106 1. The installation of a two-way radio communication  
 107 enhancement system in a new or existing building if the interior  
 108 of the building does not meet the minimum radio signal strength  
 109 as required in the Florida Fire Prevention Code.

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

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

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

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

125 d. A building is determined to be an imminent life safety

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126 | threat to first responders.

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

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

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

147 |       (g) Notwithstanding paragraph (f), a local authority  
148 | having jurisdiction that requires an existing building to  
149 | retrofit its two-way radio communication enhancement system  
150 | after the effective dates in paragraph (a) must give the

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151 building owner at least 1 year to complete the retrofit. The 1-  
152 year period begins when the local authority having jurisdiction  
153 cites the building owner with a notice of code violation in  
154 accordance with chapter 162.

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

159 1. One- and two-family dwellings and townhouses.

160 2. Buildings having less than 12,000 total gross square  
161 feet with no underground areas.

162 3. Apartments and transient public lodging establishments  
163 that are less than three stories high and that have direct  
164 access from the apartment or guest area to an exterior means of  
165 egress.

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

169 (i) The provisions of s. 633.208 and this section which  
170 authorize local adoption of more stringent requirements than  
171 those specified in the Florida Fire Prevention Code and minimum  
172 firesafety codes do not apply to the requirements in this  
173 subsection. The local authority having jurisdiction may not  
174 enforce requirements that are more stringent than those  
175 specified in the Florida Fire Prevention Code and this

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176 subsection with respect to the requirement for, design of, or  
 177 installation of a two-way radio communication enhancement  
 178 system.

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

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

184 843.16 Unlawful to install or transport radio equipment  
 185 using assigned frequency of state or law enforcement officers;  
 186 definitions; exceptions; penalties.—

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

188 (f) The installation of a two-way radio communication  
 189 enhancement system to comply with the requirements of s.  
 190 633.202(18).

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

193 440.103 Building permits; identification of minimum  
 194 premium policy.—Every employer shall, as a condition to applying  
 195 for and receiving a building permit, show proof and certify to  
 196 the permit issuer that it has secured compensation for its  
 197 employees under this chapter as provided in ss. 440.10 and  
 198 440.38. Such proof of compensation must be evidenced by a  
 199 certificate of coverage issued by the carrier, a valid exemption  
 200 certificate approved by the department, or a copy of the



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

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