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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2023	.	
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The Committee on Banking and Insurance (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (23), (24), and (25) of section 553.79, Florida Statutes, are redesignated 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



11 coverage and signal strength under the Florida Fire Prevention
12 Code determines that installation of a two-way radio
13 communications enhancement system is required, a contractor
14 having the appropriate license issued by the department must
15 submit a design for a two-way radio communications enhancement
16 system to correct noncompliant radio coverage. The local
17 jurisdiction may not withhold issuance of a temporary
18 certificate of occupancy for the building based solely on the
19 need for a two-way radio communications enhancement system. Upon
20 approval of the design by the local authority having
21 jurisdiction, the jurisdiction must require the installation of
22 the two-way radio communications enhancement system within 180
23 days after the issuance of a temporary certificate of occupancy.
24 A temporary certificate of occupancy extension may not be
25 unnecessarily withheld.

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

28 633.202 Florida Fire Prevention Code.—

29 (18) (a) The authority having jurisdiction shall determine
30 the minimum radio signal strength for fire department
31 communications in all new and existing buildings. Two-way radio
32 communication enhancement systems or equivalent systems may be
33 used to comply with the minimum radio signal strength
34 requirements. However, two-way radio communication enhancement
35 systems or equivalent systems are not required in apartment
36 buildings 75 feet or less in height that are constructed using
37 wood framing, provided that the building has less than 150
38 dwelling units and that all dwelling units discharge to the
39 exterior or to a corridor that leads directly to an exit as



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40 defined by the Florida Building Code. Evidence of wood frame
41 construction shall be shown by the owner providing building
42 permit documentation which identifies the construction type as
43 wood frame. Existing high-rise buildings as defined by the
44 Florida Building Code are not required to comply with minimum
45 radio strength for fire department communications and two-way
46 radio communication enhancement systems as required by the
47 Florida Fire Prevention Code until January 1, 2025. However, by
48 January 1, 2024, an existing high-rise building that is not in
49 compliance with the requirements for minimum radio strength for
50 fire department communications must apply for an appropriate
51 permit for the required installation with the local government
52 agency having jurisdiction and must demonstrate that the
53 building will become compliant by January 1, 2025. Existing
54 high-rise apartment buildings are not required to comply until
55 January 1, 2025. However, existing high-rise apartment buildings
56 are required to apply for the appropriate permit for the
57 required communications installation by January 1, 2024.

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

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

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

68 2. Require assessment of a new or existing building's



69 interior radio coverage and signal strength, for purposes of
70 determining the need for a two-way radio communications
71 enhancement system within the building, not more frequently than
72 once every 3 years for existing high-rise buildings and existing
73 buildings over 12,000 total gross square feet and once every 5
74 years for all other existing buildings, unless such building
75 undergoes Level III building alteration or rehabilitation as
76 defined in the Florida Building Code or reconstruction as
77 determined by the Florida Fire Prevention Code or if a public
78 safety agency reports to the local authority having jurisdiction
79 that the agency's communications devices failed to function
80 correctly inside a building due to poor signal coverage or upon
81 determination of an imminent life safety threat to responders.

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

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

95 (f) If a jurisdiction modifies its public safety emergency
96 communications system such that modifications to existing two-
97 way radio communications enhancement system installations are



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98 required, the local authority having jurisdiction must give
99 owners of the two-way radio communications enhancement systems
100 at least 180 days' notice before requiring any modification.

101 (g) Notwithstanding paragraph (f), a local authority having
102 jurisdiction which requires an existing building to retrofit its
103 two-way radio communications enhancement system after the
104 effective dates in paragraph (a) must give the building owner at
105 least 1 year to complete the retrofit. The 1-year period begins
106 when the local authority having jurisdiction cites the building
107 owner with a notice of code violation in accordance with chapter
108 162.

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

- 113 1. One- and two-family dwellings and townhouses.
114 2. Buildings less than 12,000 square feet with no
115 underground areas.

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

119 (i) The provisions of s. 633.208 and this section which
120 authorize local adoption of more stringent requirements than
121 those specified in the Florida Fire Prevention Code and minimum
122 firesafety codes do not apply to the requirements of this
123 subsection. The local authority having jurisdiction may not
124 enforce requirements that are more stringent than those
125 specified in the Florida Fire Prevention Code and the provisions
126 of this subsection with respect to the requirement for, design



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127 of, or installation of a two-way radio communications
128 enhancement system.

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

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

134 843.16 Unlawful to install or transport radio equipment
135 using assigned frequency of state or law enforcement officers;
136 definitions; exceptions; penalties.—

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

138 (f) The installation of a two-way radio communications
139 enhancement system to comply with the requirements of s.
140 633.202(18).

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

143 440.103 Building permits; identification of minimum premium
144 policy.—Every employer shall, as a condition to applying for and
145 receiving a building permit, show proof and certify to the
146 permit issuer that it has secured compensation for its employees
147 under this chapter as provided in ss. 440.10 and 440.38. Such
148 proof of compensation must be evidenced by a certificate of
149 coverage issued by the carrier, a valid exemption certificate
150 approved by the department, or a copy of the employer's
151 authority to self-insure and shall be presented, electronically
152 or physically, each time the employer applies for a building
153 permit. As provided in s. 553.79(24) ~~s. 553.79(23)~~, for the
154 purpose of inspection and record retention, site plans or
155 building permits may be maintained at the worksite in the



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156 original form or in the form of an electronic copy. These plans
157 and permits must be open to inspection by the building official
158 or a duly authorized representative, as required by the Florida
159 Building Code. As provided in s. 627.413(5), each certificate of
160 coverage must show, on its face, whether or not coverage is
161 secured under the minimum premium provisions of rules adopted by
162 rating organizations licensed pursuant to s. 627.221. The words
163 "minimum premium policy" or equivalent language shall be typed,
164 printed, stamped, or legibly handwritten.

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

166
167 ===== T I T L E A M E N D M E N T =====

168 And the title is amended as follows:

169 Delete everything before the enacting clause
170 and insert:

171 A bill to be entitled

172 An act relating to public safety emergency
173 communications systems; amending s. 553.79, F.S.;
174 requiring a licensed contractor to submit a certain
175 design if an interior radio coverage and signal
176 strength assessment of a new building determines a
177 two-way radio communications enhancement system
178 installation is required; specifying restrictions on a
179 local jurisdiction's withholding issuance of a
180 temporary certificate of occupancy for the building;
181 requiring the local jurisdiction to require
182 installation of such a system within a certain
183 timeframe; amending s. 633.202, F.S.; requiring new
184 and existing buildings to meet certain minimum radio



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185 signal strength requirements, except under certain
186 circumstances; specifying the authority of local
187 authorities having jurisdiction relating to two-way
188 radio communications enhancement systems; specifying
189 requirements for, and restrictions on, such
190 authorities; providing requirements for obtaining and
191 maintaining the consent of frequency license holders;
192 exempting certain occupancies and buildings from
193 certain signal strength and assessment requirements;
194 providing applicability and construction; requiring
195 the State Fire Marshal to incorporate provisions in
196 the Florida Fire Prevention Code; authorizing the
197 State Fire Marshal to adopt rules; amending s. 843.16,
198 F.S.; exempting certain installations of two-way radio
199 communications enhancement systems from prohibitions
200 against the installation or transportation of certain
201 radio equipment; amending s. 440.103, F.S.; conforming
202 a cross-reference; providing an effective date.