

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 415 Fire Department Communications

SPONSOR(S): Botana

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 360

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|--------|---------|--|
| 1) Insurance & Banking Subcommittee | | Rowley | Luczynski |
| 2) State Administration & Technology Appropriations Subcommittee | | | |
| 3) Commerce Committee | | | |

SUMMARY ANALYSIS

Chapter 633, F.S., Fire Prevention and Control, designates the Chief Financial Officer (CFO) as the State Fire Marshal. The State Fire Marshal, through the Department of Financial Service's Division of State Fire Marshal, is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety.

The Florida Fire Prevention Code (FFPC) is the minimum fire prevention code, and is adopted by the State Fire Marshal and enforced by the local fire official within each county, municipality, and special fire district. The State Fire Marshal adopts a new edition of the FFPC every three years. The FFPC requires that all new and existing buildings maintain minimum radio signal strength at a level determined by the authority having jurisdiction (local fire authorities). In addition, s. 633.202(18), F.S., provides that local fire authorities shall determine minimum radio signal strength for fire department communications in all new and existing high-rise buildings.

The bill removes the words "high-rise" from s. 633.202(18), F.S., expanding the scope of the statute to require that local fire authorities determine minimum radio signal strength for all buildings, regardless of height. The bill also extends the deadline for existing buildings' compliance with a local authority's minimum radio signal strength requirements by five years to January 1, 2027. The deadline for existing, non-compliant buildings to apply for permits to install required devices to meet the standards is extended by five years to December 31, 2024. For apartment buildings, the deadline for compliance with a local authority's minimum radio signal strength requirements is extended by five years to January 1, 2030. The deadline for existing, non-compliant apartment buildings to apply for permits to install required devices to meet the standards is extended by five years to December 31, 2027.

By removing the references to "high-rise" buildings, the bill extends the scope of the statute to all buildings regardless of height. Thus, non-high-rise buildings, not in compliance with existing law, are also given a grace period to comply.

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. The bill specifies that installation of a two-way radio communication enhancement system to comply with s. 633.202(18), F.S., is not an unlawful act under s. 843.16, F.S.

The bill does not appear to have a fiscal impact on state or local government. It may have positive fiscal impacts on the private sector.

The bill has an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

State Fire Prevention – State Fire Marshal

Chapter 633, F.S., Fire Prevention and Control, designates the Chief Financial Officer (CFO) as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety and has the responsibility to minimize the loss of life and property in this state due to fire.¹ Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and firesafety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; and operates the Florida State Fire College.

In addition to these duties, the State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC), which contains all fire safety 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 fire safety laws and rules, at ch. 69A-60, F.A.C. The State Fire Marshal adopts a new edition of the FFPC every three years.² The 7th edition of the FFPC took effect on December 31, 2020.³ The FFPC 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*.⁴

The FFPC is the minimum fire prevention code deemed adopted by each municipality, county, and special district with firesafety responsibilities, and applies to every building and structure throughout the state with few exceptions.⁵ Municipalities, counties, and special districts with firesafety responsibilities may supplement the FFPC with more stringent standards adopted in accordance with s. 633.208, F.S.⁶ Local fire authorities set standards for radio signal strength throughout buildings within their jurisdiction in order to ensure consistent fire and rescue communication capabilities.

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.⁷ All firefighters, professional and volunteer, operate in extreme environments that are markedly different from those of any other radio users.⁸ The radio is the lifeline that connects the firefighters to command and outside assistance when in the most desperate of situations.⁹

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.¹⁰

¹ S. 633.104, F.S.

² S. 633.202, F.S.

³ Florida Fire Prevention Code (7th ed. 2020), <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/codes-and-standards/free-access?mode=view> (last visited Mar. 11, 2021).

⁴ S. 633.202(2), F.S.

⁵ S. 633.208, F.S., and 69A-60.002(1), F.A.C.

⁶ S. 633.208(3), F.S., and 69A-60.002(2), F.A.C.

⁷ U.S. Fire Administration, *Voice Radio Communications Guide for the Fire Service* (June 2016), https://www.usfa.fema.gov/downloads/pdf/publications/Voice_Radio_Communications_Guide_for_the_Fire_Service.pdf (last visited Mar. 11, 2021).

⁸ *Id.*

⁹ *Id.*

¹⁰ See National Fire Protection Association, *Assessment of Total Evacuation Systems for Tall Buildings: Literature Review*, <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Executive->

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 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.¹¹

Florida Fire Code Minimum Radio Signal Strength

Amendments to the FFPC, effective January 1, 2018, provided that all new and existing buildings must maintain minimum radio signal strength at a level determined by the authority having jurisdiction (local fire authorities).¹² Where required by a local fire authority, two-way radio communication enhancement systems must comply with federal standards for installation and upkeep.¹³ 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.¹⁴

Minimum Radio Signal Strength for High-rise Buildings

Section 633.202(18), F.S., enacted in 2016,¹⁵ provides that local fire authorities shall 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 FFPC as a building where the floor of an occupiable story is greater than 75 feet above the lowest level of fire department vehicle access.¹⁶ 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.¹⁷ Thus, compliance with minimum radio signal strength requirements for non-high-rise buildings is controlled by s. 11.10 of the FFPC, which provides no grace periods or acceptable timeframes for compliance.

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¹¹ See City of Treasure Island, Florida, *Two-Way Radio Communication Enhancement System Requirements* (Apr. 20, 2019), https://www.mytreasureisland.org/residents/departments/fire_dept/local_high-rise_public_safety_system_integrators.php, (last visited Mar. 12, 2021); see also East Lake Tarpon Special Fire Control District, *Information Bulletin: Two-Way Radio Communication Enhancement System Requirements*, <https://www.elfr.org/files/e2eae3cb2/Bulletin+East+Lake+Two+Way+Communications.pdf> (last visited Mar. 12, 2021).

¹² Florida Fire Prevention Code (7th ed. 2020) s. 11.10.1, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/codes-and-standards/free-access?mode=view> (last visited Mar. 11, 2021).

¹³ Florida Fire Prevention Code (7th ed. 2020) s. 11.10.2, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/codes-and-standards/free-access?mode=view> (last visited Mar. 11, 2021).

¹⁴ Florida Fire Prevention Code (7th ed. 2020) s. 11.10.3, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/codes-and-standards/free-access?mode=view> (last visited Mar. 11, 2021).

¹⁵ Ch. 2016-129, s. 27, Laws of Fla.

¹⁶ Florida Fire Prevention Code (7th ed. 2020) s. 3.3.29.6, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/codes-and-standards/free-access?mode=view> (last visited Mar. 11, 2021).

¹⁷ Department of Financial Services Declaratory Statement, *In the Matter of Charles B. Parks, Chief Florida Fire Code Official of Broward County* (Apr. 18, 2018), https://www.doah.state.fl.us/FLAID/DFS/2018/DFS_217787-17-DS_12042019_013047.pdf (last visited Mar. 12, 2021).

STORAGE NAME: h0415.IBS

DATE: 3/15/2021

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.

Effect of the Bill

The bill removes the words “high-rise” from s. 633.202(18), F.S., which expands the scope of the statute to require that local fire authorities determine minimum radio signal strength for all buildings, regardless of height. The bill also extends the deadline for existing buildings’ compliance with a local authority’s minimum radio signal strength requirements by five years to January 1, 2027. The deadline for existing, non-compliant buildings to apply for permits to install required devices to meet the standards is extended by five years to December 31, 2024. For apartment buildings, the deadline for compliance with a local authority’s minimum radio signal strength requirements is extended by five years to January 1, 2030. The deadline for existing, non-compliant apartment buildings to apply for permits to install required devices to meet the standards is extended by five years to December 31, 2027.

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B. SECTION DIRECTORY:

Section 1. Amends s. 633.202, F.S., relating to Florida Fire Prevention Code.

Section 2. Amends s. 843.16, F.S., relating to unlawful to install or transport radio equipment using assigned frequency of state or law enforcement officers; definitions; exceptions; penalties.

Section 3. Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may positively impact building owners by extending the deadlines for compliance.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES