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New Building Code Legislation Provides Relief for Existing Buildings Required to Install First Responder Radio Signal Systems

On Friday, March 25, 2016, Governor Scott signed House Bill 535 into law. While the majority of this omnibus building code bill affects new construction or the construction permitting process, one provision will provide immediate financial relief for owners and management of existing buildings.

In the 2010 edition of the Florida Fire Prevention Code (the Fire Code), a requirement was adopted as follows: “In-Building Public Safety Radio Enhancement Systems shall be provided in all new buildings where minimum radio signal strength for fire department communications is not achieved at a level determined by the AHJ [Authority Having Jurisdiction].” This provision was intended to require systems to be built into new buildings to assure that first responders’ radios would work throughout buildings in an emergency situation. Although there is a cost to providing such systems, because they were required to be installed only in new construction (i.e., buildings with open or unfinished walls and ceilings), the requirement did not seem to create a significant cost hardship.

In the 2013 edition of the Fire Code, the scope of this requirement was greatly expanded with a significant cost burden. The updated provision provides: “**In all new and existing buildings**, minimum radio signal strength for fire department communications shall be maintained at a level determined by the AHJ.” The updated requirement creates significant hardship on *a large percent of all buildings covered by the Florida Fire Prevention Code* (virtually every building that is not a one or two family dwelling) because it requires the necessary equipment and wiring to be installed in pre-existing buildings, including the opening of walls and ceilings, and then after installation, closing and finishing the walls and ceilings to match the existing finishes. Adding to the hardship is the fact that this requirement was effective immediately, with no grace period. We have heard from clients that they have received cost estimates in excess of \$2.50 - \$3.00 per square foot of building size and costs of ranging from \$400,000 and over a million dollars to install these systems in existing buildings (of course these amounts can vary both higher and lower depending on the particular building

affected). This requirement applies to buildings that in pre-development planning never had a reason to take into account the cost of installing these systems and so never budgeted for them.

The newly adopted legislation does not eliminate the requirement to provide for radio enhancement systems in existing buildings. What the legislation does, however, is give building owners and management time to save the costs of installation before being required to install the systems. In condominiums, the legislation allows for unit owner Associations to stretch out special assessments over time instead a large one-time assessment as follows. The new legislation provides for existing (non-residential) buildings to install the radio enhancement systems by Jan. 1, 2022, if they submit their application for the installation permit by Dec. 31, 2019. Existing apartment buildings (which include residential condominiums) are not required to install radio enhancement systems until Jan. 1, 2025, if they apply for the appropriate permits by Dec. 31, 2022.

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