



A bill to be entitled

An act relating to law enforcement; amending s. 23.1225, F.S.; revising the types of agreements that constitute mutual aid agreements for purposes of pt. I of ch. 23, F.S., the "Florida Mutual Aid Act"; defining "law enforcement agency" for purposes of the act; revising the persons or entities authorized to enter into a mutual aid agreement; revising provisions, to conform; amending s. 282.1095, F.S.; authorizing a member of the Joint Task Force on State Agency Law Enforcement Communications to appoint an alternate; providing for the Department of Law Enforcement and the Department of Community Affairs, Division of Emergency Management, to work in conjunction with the State Technology Office to establish certain policies, procedures, and standards; authorizing the office to make certain mutual aid channels in the state radio communications system available to other agencies; providing for the creation of an interoperability network; providing powers and duties of the office; providing an effective date.

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

Section 1. Section 23.1225, Florida Statutes, is amended to read:

23.1225 Mutual aid agreements.--

(1) The term "mutual aid agreement," as used in this part, refers to one of the following types of agreement:

(a) A voluntary cooperation written agreement between two or more law enforcement agencies that, ~~or between one or more~~



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31 ~~law enforcement agencies and either a school board that employs~~
 32 ~~school safety officers or a state university that employs or~~
 33 ~~appoints university police officers in accordance with s.~~
 34 ~~1012.97, which agreement~~ permits voluntary cooperation and
 35 assistance of a routine law enforcement nature across
 36 jurisdictional lines. The agreement must specify the nature of
 37 the law enforcement assistance to be rendered, the agency ~~or~~
 38 ~~entity~~ that shall bear any liability arising from acts
 39 undertaken under the agreement, the procedures for requesting
 40 and for authorizing assistance, the agency ~~or entity~~ that has
 41 command and supervisory responsibility, a time limit for the
 42 agreement, the amount of any compensation or reimbursement to
 43 the assisting agency ~~or entity~~, and any other terms and
 44 conditions necessary to give it effect. Examples of law
 45 enforcement activities that may be addressed in a voluntary
 46 cooperation written agreement include, but are not limited to,
 47 establishing a joint city-county task force on narcotics
 48 smuggling, authorizing school safety officers to enforce laws in
 49 an area within 1,000 feet of a school or school board property,
 50 or establishing a joint city-county traffic enforcement task
 51 force.

52 (b) A requested operational assistance written agreement
 53 between two or more law enforcement agencies that, ~~or between~~
 54 ~~one or more law enforcement agencies and either a school board~~
 55 ~~that employs school safety officers or a state university that~~
 56 ~~employs or appoints university police officers in accordance~~
 57 ~~with s. 1012.97, which agreement~~ is for the rendering of
 58 assistance in a law enforcement emergency. The agreement must
 59 specify the nature of the law enforcement assistance to be
 60 rendered, the agency ~~or entity~~ that shall bear any liability



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61 arising from acts undertaken under the agreement, the procedures
 62 for requesting and for authorizing assistance, the agency ~~or~~
 63 ~~entity~~ that has command and supervisory responsibility, a time
 64 limit for the agreement, the amount of any compensation or
 65 reimbursement to the assisting agency ~~or entity~~, and any other
 66 terms and conditions necessary to give it effect. An example of
 67 the use of a requested operational assistance written agreement
 68 is to meet a request for assistance due to a civil disturbance
 69 or other emergency as defined in s. 252.34.

70 (c) A combination of the agreements described in
 71 paragraphs (a) and (b).

72 (2) For the purposes of this section, "law enforcement
 73 agency" means any agency, unit of government, or municipality,
 74 or the state or any political subdivision or agency thereof,
 75 that has constitutional or statutory authority to employ or
 76 appoint persons as law enforcement officers as defined in s.
 77 943.10(1).

78 (3)(2) A mutual aid agreement may allow for discretion by
 79 the parties as to when, whether, and to what extent assistance
 80 will be available.

81 (4)(3) A mutual aid agreement may be entered into by a law
 82 enforcement agency upon written agreement by the chief executive
 83 officer of such agency having authority to bind the agency:-

84 ~~(a) A sheriff;~~

85 ~~(b) A mayor or chief executive officer of a municipality~~
 86 ~~or county on behalf of a law enforcement agency, if authorized~~
 87 ~~by the governing body of the municipality or county;~~

88 ~~(c) A school board that employs school safety officers; or~~

89 ~~(d) A state university that employs or appoints university~~
 90 ~~police officers in accordance with s. 1012.97.~~



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91 (5)~~(4)~~ A copy of a mutual aid agreement must be filed with
 92 the Department of Law Enforcement within 14 days after it is
 93 signed.

94 (6)~~(5)~~ In the event of a disaster or emergency such that a
 95 state of emergency is declared by the Governor pursuant to
 96 chapter 252, the requirement that a requested operational
 97 assistance agreement be a written agreement for rendering of
 98 assistance in a law enforcement emergency may be waived by the
 99 participating agencies for a period of up to 90 days from the
 100 declaration of the disaster.

101 (a) When a law enforcement agency, ~~a school board~~
 102 ~~employing school safety officers, or a state university~~
 103 ~~employing or appointing university police officers in accordance~~
 104 ~~with s. 1012.97~~ lends assistance pursuant to this subsection,
 105 all powers, privileges, and immunities listed in s. 23.127,
 106 except with regard to interstate mutual aid agreements, apply to
 107 the agency ~~or entity~~, provided that the law enforcement, ~~school~~
 108 ~~board, or university~~ employees rendering services are being
 109 requested and coordinated by the affected local law enforcement
 110 executive in charge of law enforcement operations.

111 (b) A listing of such agencies ~~or entities~~ and the
 112 officers and employees of such agencies ~~or entities~~ rendering
 113 assistance pursuant to this subsection must be maintained by the
 114 agency ~~or entity~~ requesting such assistance and filed at the end
 115 of the 90-day period with the Florida Department of Law
 116 Enforcement.

117 Section 2. Section 282.1095, Florida Statutes, is amended
 118 to read:

119 282.1095 State agency law enforcement radio system and
 120 interoperability network.--



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121 (1) The State Technology Office may acquire and implement
122 a statewide radio communications system to serve law enforcement
123 units of state agencies, and to serve local law enforcement
124 agencies through a mutual aid channels ~~channel~~. The Joint Task
125 Force on State Agency Law Enforcement Communications is
126 established in the State Technology Office to advise the office
127 of member-agency needs for the planning, designing, and
128 establishment of the joint system. The State Agency Law
129 Enforcement Radio System Trust Fund is established in the State
130 Technology Office. The trust fund shall be funded from
131 surcharges collected under ss. 320.0802 and 328.72.

132 (2)(a) The Joint Task Force on State Agency Law
133 Enforcement Communications shall consist of eight members, as
134 follows:

135 1. A representative of the Division of Alcoholic Beverages
136 and Tobacco of the Department of Business and Professional
137 Regulation who shall be appointed by the secretary of the
138 department.

139 2. A representative of the Division of Florida Highway
140 Patrol of the Department of Highway Safety and Motor Vehicles
141 who shall be appointed by the executive director of the
142 department.

143 3. A representative of the Department of Law Enforcement
144 who shall be appointed by the executive director of the
145 department.

146 4. A representative of the Fish and Wildlife Conservation
147 Commission who shall be appointed by the executive director of
148 the commission.

149 5. A representative of the Division of Law Enforcement of
150 the Department of Environmental Protection who shall be



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151 appointed by the secretary of the department.

152 6. A representative of the Department of Corrections who
153 shall be appointed by the secretary of the department.

154 7. A representative of the Division of State Fire Marshal
155 of the Department of Insurance who shall be appointed by the
156 State Fire Marshal.

157 8. A representative of the Department of Transportation
158 who shall be appointed by the secretary of the department.

159 (b) Each appointed member of the joint task force shall
160 serve at the pleasure of the appointing official. Any vacancy
161 on the joint task force shall be filled in the same manner as
162 the original appointment. Any joint task force member may, upon
163 notification to the chair prior to the beginning of any
164 scheduled meeting, appoint an alternative to represent the
165 member on the task force and vote on task force business in his
166 or her absence.

167 (c) The joint task force shall elect a chair from among
168 its members to serve a 1-year term. A vacancy in the chair of
169 the joint task force must be filled for the remainder of the
170 unexpired term by an election of the joint task force members.

171 (d) The joint task force shall meet as necessary, but at
172 least quarterly, at the call of the chair and at the time and
173 place designated by him or her.

174 (e) The per diem and travel expenses incurred by a member
175 of the joint task force in attending its meetings and in
176 attending to its affairs shall be paid pursuant to s. 112.061,
177 from funds budgeted to the state agency that the member
178 represents.

179 (f) The State Technology Office is hereby authorized to
180 rent or lease space on any tower under its control. The office



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181 may also rent, lease, or sublease ground space as necessary to
 182 locate equipment to support antennae on the towers. The costs
 183 for use of such space shall be established by the office for
 184 each site, when it is determined to be practicable and feasible
 185 to make space available. The office may refuse to lease space on
 186 any tower at any site. All moneys collected by the office for
 187 such rents, leases, and subleases shall be deposited directly
 188 into the Law Enforcement Radio Operating Trust Fund and may be
 189 used by the office to construct, maintain, or support the
 190 system.

191 (g) The State Technology Office is hereby authorized to
 192 rent, lease, or sublease ground space on lands acquired by the
 193 office for the construction of privately owned or publicly owned
 194 towers. The office may, as a part of such rental, lease, or
 195 sublease agreement, require space on said tower or towers for
 196 antennae as may be necessary for the construction and operation
 197 of the state agency law enforcement radio system or any other
 198 state need. The positions necessary for the office to accomplish
 199 its duties under this paragraph and paragraph (f) shall be
 200 established in the General Appropriations Act and shall be
 201 funded by the Law Enforcement Radio Operating Trust Fund or
 202 other revenue sources.

203 (h) The State Technology Office may make the mutual aid
 204 channels in the statewide radio communications system available
 205 to federal agencies, state agencies, and agencies of the
 206 political subdivisions of the state for the purpose of public
 207 safety and domestic security. The office shall exercise its
 208 powers and duties, as specified in this chapter, to plan,
 209 manage, and administer the mutual aid channels. The office
 210 shall, in implementing such powers and duties, act in



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211 consultation and conjunction with the Department of Law
 212 Enforcement and the Division of Emergency Management of the
 213 Department of Community Affairs, and shall manage and administer
 214 the mutual aid channels in a manner that reasonably addresses
 215 the needs and concerns of the involved law enforcement agencies
 216 and emergency response agencies and entities.

217 (3) Upon appropriation, moneys in the trust fund may be
 218 used by the office to acquire by competitive procurement the
 219 equipment; software; and engineering, administrative, and
 220 maintenance services it needs to construct, operate, and
 221 maintain the statewide radio system. Moneys in the trust fund
 222 collected as a result of the surcharges set forth in ss.
 223 320.0802 and 328.72 shall be used to help fund the costs of the
 224 system. Upon completion of the system, moneys in the trust fund
 225 may also be used by the office to provide for payment of the
 226 recurring maintenance costs of the system.

227 (4)(a) The office shall, in conjunction with the
 228 Department of Law Enforcement and the Division of Emergency
 229 Management of the Department of Community Affairs, establish
 230 policies, procedures, and standards which shall be incorporated
 231 into a comprehensive management plan for the use and operation
 232 of the statewide radio communications system.

233 (b) The joint task force, in consultation with the office,
 234 shall have the authority to permit other state agencies to use
 235 the communications system, under terms and conditions
 236 established by the joint task force.

237 (5) The office shall provide technical support to the
 238 joint task force and shall bear the overall responsibility for
 239 the design, engineering, acquisition, and implementation of the
 240 statewide radio communications system and for ensuring the



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241 proper operation and maintenance of all system common equipment.

242 (6)(a) The State Technology Office may create and
 243 implement an interoperability network to enable interoperability
 244 between various radio communications technologies and to serve
 245 federal agencies, state agencies, and agencies of political
 246 subdivisions of the state for the purpose of public safety and
 247 domestic security. The office shall, in conjunction with the
 248 Department of Law Enforcement and the Division of Emergency
 249 Management of the Department of Community Affairs, exercise its
 250 powers and duties pursuant to this chapter to plan, manage, and
 251 administer the interoperability network. The office may:

252 1. Enter into mutual aid agreements among federal
 253 agencies, state agencies, and political subdivisions of the
 254 state for the use of the interoperability network.

255 2. Establish the cost of maintenance and operation of the
 256 interoperability network and charge subscribing federal and
 257 local law enforcement agencies for access and use of the
 258 network. The State Technology Office may not charge state law
 259 enforcement agencies identified in paragraph(2)(a) to use the
 260 network.

261 3. In consultation with the Department of Law Enforcement
 262 and the Division of Emergency Management of the Department of
 263 Community Affairs, amend and enhance the statewide radio
 264 communications system as necessary to implement the
 265 interoperability network.

266 (b) The State Technology Office, in consultation with the
 267 Joint Task Force on State Agency Law Enforcement Communications,
 268 and in conjunction with the Department of Law Enforcement and
 269 the Division of Emergency Management of the Department of
 270 Community Affairs, shall establish policies, procedures, and



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271 standards to incorporate into a comprehensive management plan
272 for the use and operation of the interoperability network.

273 Section 3. This act shall take effect upon becoming a law.