

1 A bill to be entitled
2 An act relating to law enforcement; amending s.
3 23.1225, F.S.; providing clarification
4 regarding agencies that may participate in such
5 agreements; amending s. 282.1095, F.S.;
6 authorizing a member of the Joint Task Force on
7 State Agency Law Enforcement Communications to
8 appoint an alternate; providing for the
9 Department of Law Enforcement and the
10 Department of Community Affairs, Division of
11 Emergency Management, to work in conjunction
12 with the State Technology Office to establish
13 certain policies, procedures, and standards;
14 authorizing the office to make certain mutual
15 aid channels in the state radio communications
16 system available to other agencies; providing
17 for the creation of an interoperability
18 network; providing powers and duties of the
19 office; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

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

25 23.1225 Mutual aid agreements.--

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

28 (a) A voluntary cooperation written agreement between
29 two or more law enforcement agencies, ~~or between one or more~~
30 ~~law enforcement agencies and either a school board that~~
31 ~~employs school safety officers or a state university that~~

1 ~~employs or appoints university police officers in accordance~~
2 ~~with s. 1012.97,~~ which agreement permits voluntary cooperation
3 and assistance of a routine law enforcement nature across
4 jurisdictional lines. The agreement must specify the nature
5 of the law enforcement assistance to be rendered, the agency
6 or entity that shall bear any liability arising from acts
7 undertaken under the agreement, the procedures for requesting
8 and for authorizing assistance, the agency or entity that has
9 command and supervisory responsibility, a time limit for the
10 agreement, the amount of any compensation or reimbursement to
11 the assisting agency or entity, and any other terms and
12 conditions necessary to give it effect. Examples of law
13 enforcement activities that may be addressed in a voluntary
14 cooperation written agreement include, but are not limited to,
15 establishing a joint city-county task force on narcotics
16 smuggling, authorizing school safety officers to enforce laws
17 in an area within 1,000 feet of a school or school board
18 property, or establishing a joint city-county traffic
19 enforcement task force.

20 (b) A requested operational assistance written
21 agreement between two or more law enforcement agencies, ~~or~~
22 ~~between one or more law enforcement agencies and either a~~
23 ~~school board that employs school safety officers or a state~~
24 ~~university that employs or appoints university police officers~~
25 ~~in accordance with s. 1012.97,~~ which agreement is for the
26 rendering of assistance in a law enforcement emergency. The
27 agreement must specify the nature of the law enforcement
28 assistance to be rendered, the agency or entity that shall
29 bear any liability arising from acts undertaken under the
30 agreement, the procedures for requesting and for authorizing
31 assistance, the agency or entity that has command and

1 supervisory responsibility, a time limit for the agreement,
2 the amount of any compensation or reimbursement to the
3 assisting agency or entity, and any other terms and conditions
4 necessary to give it effect. An example of the use of a
5 requested operational assistance written agreement is to meet
6 a request for assistance due to a civil disturbance or other
7 emergency as defined in s. 252.34.

8 (c) A combination of the agreements described in
9 paragraphs (a) and (b).

10 (d) As used in this section, the term "law enforcement
11 agency" means any agency or unit of government that has
12 authority to employ or appoint law enforcement officers, as
13 defined in s. 943.10(1).

14 (2) A mutual aid agreement may allow for discretion by
15 the parties as to when, whether, and to what extent assistance
16 will be available.

17 (3) A mutual aid agreement may be entered into by a
18 law enforcement agency through a written agreement executed by
19 the chief executive officer of the agency, who is authorized
20 to contractually bind the agency.†

21 ~~(a) A sheriff;~~

22 ~~(b) A mayor or chief executive officer of a~~
23 ~~municipality or county on behalf of a law enforcement agency,~~
24 ~~if authorized by the governing body of the municipality or~~
25 ~~county;~~

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

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

30
31

1 (4) A copy of a mutual aid agreement must be filed
2 with the Department of Law Enforcement within 14 days after it
3 is signed.

4 (5) In the event of a disaster or emergency such that
5 a state of emergency is declared by the Governor pursuant to
6 chapter 252, the requirement that a requested operational
7 assistance agreement be a written agreement for rendering of
8 assistance in a law enforcement emergency may be waived by the
9 participating agencies for a period of up to 90 days from the
10 declaration of the disaster.

11 (a) When a law enforcement agency, ~~a school board~~
12 ~~employing school safety officers, or a state university~~
13 ~~employing or appointing university police officers in~~
14 ~~accordance with s. 1012.97~~ lends assistance pursuant to this
15 subsection, all powers, privileges, and immunities listed in
16 s. 23.127, except with regard to interstate mutual aid
17 agreements, apply to the agency or entity, if provided that
18 ~~the law enforcement, school board, or university~~ employees
19 rendering services are being requested and coordinated by the
20 affected local law enforcement executive in charge of law
21 enforcement operations.

22 (b) A listing of such agencies or entities and the
23 officers and employees of such agencies or entities rendering
24 assistance pursuant to this subsection must be maintained by
25 the agency or entity requesting such assistance and filed at
26 the end of the 90-day period with the Florida Department of
27 Law Enforcement.

28 Section 2. Section 282.1095, Florida Statutes, is
29 amended to read:

30 282.1095 State agency law enforcement radio system and
31 interoperability network.--

1 (1) The State Technology Office may acquire and
2 implement a statewide radio communications system to serve law
3 enforcement units of state agencies, and to serve local law
4 enforcement agencies through ~~a mutual aid~~ channels ~~channel~~.
5 The Joint Task Force on State Agency Law Enforcement
6 Communications is established in the State Technology Office
7 to advise the office of member-agency needs for the planning,
8 designing, and establishment of the joint system. The State
9 Agency Law Enforcement Radio System Trust Fund is established
10 in the State Technology Office. The trust fund shall be funded
11 from surcharges collected under ss. 320.0802 and 328.72.

12 (2)(a) The Joint Task Force on State Agency Law
13 Enforcement Communications shall consist of eight members, as
14 follows:

15 1. A representative of the Division of Alcoholic
16 Beverages and Tobacco of the Department of Business and
17 Professional Regulation who shall be appointed by the
18 secretary of the department.

19 2. A representative of the Division of Florida Highway
20 Patrol of the Department of Highway Safety and Motor Vehicles
21 who shall be appointed by the executive director of the
22 department.

23 3. A representative of the Department of Law
24 Enforcement who shall be appointed by the executive director
25 of the department.

26 4. A representative of the Fish and Wildlife
27 Conservation Commission who shall be appointed by the
28 executive director of the commission.

29 5. A representative of the Division of Law Enforcement
30 of the Department of Environmental Protection who shall be
31 appointed by the secretary of the department.

1 6. A representative of the Department of Corrections
2 who shall be appointed by the secretary of the department.

3 7. A representative of the Division of State Fire
4 Marshal of the Department of Insurance who shall be appointed
5 by the State Fire Marshal.

6 8. A representative of the Department of
7 Transportation who shall be appointed by the secretary of the
8 department.

9 (b) Each appointed member of the joint task force
10 shall serve at the pleasure of the appointing official. Any
11 vacancy on the joint task force shall be filled in the same
12 manner as the original appointment. Any joint task force
13 member may, upon notification to the chair prior to the
14 beginning of any scheduled meeting, appoint an alternative to
15 represent the member on the task force and vote on task force
16 business in his or her absence.

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

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

25 (e) The per diem and travel expenses incurred by a
26 member of the joint task force in attending its meetings and
27 in attending to its affairs shall be paid pursuant to s.
28 112.061, from funds budgeted to the state agency that the
29 member represents.

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

1 office may also rent, lease, or sublease ground space as
2 necessary to locate equipment to support antennae on the
3 towers. The costs for use of such space shall be established
4 by the office for each site, when it is determined to be
5 practicable and feasible to make space available. The office
6 may refuse to lease space on any tower at any site. All
7 moneys collected by the office for such rents, leases, and
8 subleases shall be deposited directly into the Law Enforcement
9 Radio Operating Trust Fund and may be used by the office to
10 construct, maintain, or support the system.

11 (g) The State Technology Office is hereby authorized
12 to rent, lease, or sublease ground space on lands acquired by
13 the office for the construction of privately owned or publicly
14 owned towers. The office may, as a part of such rental, lease,
15 or sublease agreement, require space on said tower or towers
16 for antennae as may be necessary for the construction and
17 operation of the state agency law enforcement radio system or
18 any other state need. The positions necessary for the office
19 to accomplish its duties under this paragraph and paragraph
20 (f) shall be established in the General Appropriations Act and
21 shall be funded by the Law Enforcement Radio Operating Trust
22 Fund or other revenue sources.

23 (h) The State Technology Office may make the mutual
24 aid channels in the statewide radio communications system
25 available to federal agencies, state agencies, and agencies of
26 the political subdivisions of the state for the purpose of
27 public safety and domestic security. The office shall exercise
28 its powers and duties, as specified in this chapter, to plan,
29 manage, and administer the mutual aid channels. The office
30 shall, in implementing such powers and duties, act in
31 consultation and conjunction with the Department of Law

1 Enforcement and the Division of Emergency Management of the
2 Department of Community Affairs, and shall manage and
3 administer the mutual aid channels in a manner that reasonably
4 addresses the needs and concerns of the involved law
5 enforcement agencies and emergency response agencies and
6 entities.

7 (3) Upon appropriation, moneys in the trust fund may
8 be used by the office to acquire by competitive procurement
9 the equipment; software; and engineering, administrative, and
10 maintenance services it needs to construct, operate, and
11 maintain the statewide radio system. Moneys in the trust fund
12 collected as a result of the surcharges set forth in ss.
13 320.0802 and 328.72 shall be used to help fund the costs of
14 the system. Upon completion of the system, moneys in the
15 trust fund may also be used by the office to provide for
16 payment of the recurring maintenance costs of the system.

17 (4)(a) The office shall, in conjunction with the
18 Department of Law Enforcement and the Division of Emergency
19 Management of the Department of Community Affairs, establish
20 policies, procedures, and standards which shall be
21 incorporated into a comprehensive management plan for the use
22 and operation of the statewide radio communications system.

23 (b) The joint task force, in consultation with the
24 office, shall have the authority to permit other state
25 agencies to use the communications system, under terms and
26 conditions established by the joint task force.

27 (5) The office shall provide technical support to the
28 joint task force and shall bear the overall responsibility for
29 the design, engineering, acquisition, and implementation of
30 the statewide radio communications system and for ensuring the
31

1 proper operation and maintenance of all system common
2 equipment.

3 (6)(a) The State Technology Office may create and
4 implement an interoperability network to enable
5 interoperability between various radio communications
6 technologies and to serve federal agencies, state agencies,
7 and agencies of political subdivisions of the state for the
8 purpose of public safety and domestic security. The office
9 shall, in conjunction with the Department of Law Enforcement
10 and the Division of Emergency Management of the Department of
11 Community Affairs, exercise its powers and duties pursuant to
12 this chapter to plan, manage, and administer the
13 interoperability network. The office may:

14 1. Enter into mutual aid agreements among federal
15 agencies, state agencies, and political subdivisions of the
16 state for the use of the interoperability network.

17 2. Establish the cost of maintenance and operation of
18 the interoperability network and charge subscribing federal
19 and local law enforcement agencies for access and use of the
20 network. The State Technology Office may not charge state law
21 enforcement agencies identified in paragraph (2)(a) to use the
22 network.

23 3. In consultation with the Department of Law
24 Enforcement and the Division of Emergency Management of the
25 Department of Community Affairs, amend and enhance the
26 statewide radio communications system as necessary to
27 implement the interoperability network.

28 (b) The State Technology Office, in consultation with
29 the Joint Task Force on State Agency Law Enforcement
30 Communications, and in conjunction with the Department of Law
31 Enforcement and the Division of Emergency Management of the

1 Department of Community Affairs, shall establish policies,
2 procedures, and standards to incorporate into a comprehensive
3 management plan for the use and operation of the
4 interoperability network.

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31