

Senate Bill No. 2488

An act relating to law enforcement; amending s. 23.1225, F.S.; providing clarification regarding agencies that may participate in such agreements; 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, ~~or between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers in accordance with s. 1012.97,~~ which agreement permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The agreement must specify the nature of the law enforcement assistance to be rendered, the agency or entity that shall bear any liability arising from acts undertaken under the agreement, the procedures for requesting and for authorizing assistance, the agency or entity that has command and supervisory responsibility, a time limit for the agreement, the amount of any compensation or reimbursement to the assisting agency or entity, and any other terms and conditions necessary to give it effect. Examples of law enforcement activities that may be addressed in a voluntary cooperation written agreement include, but are not limited to, establishing a joint city-county task force on narcotics smuggling, authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property, or establishing a joint city-county traffic enforcement task force.

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

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

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

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

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

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

~~(a) A sheriff;~~

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

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

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

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

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

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

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

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

282.1095 State agency law enforcement radio system and interoperability network.—

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

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

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

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

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

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

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

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

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

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

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. Any joint task

force member may, upon notification to the chair prior to the beginning of any scheduled meeting, appoint an alternative to represent the member on the task force and vote on task force business in his or her absence.

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

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

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

(f) The State Technology Office is hereby authorized to rent or lease space on any tower under its control. The office may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the office for each site, when it is determined to be practicable and feasible to make space available. The office may refuse to lease space on any tower at any site. All moneys collected by the office for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the office to construct, maintain, or support the system.

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

(h) The State Technology Office may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The office shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The office shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

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

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

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

(5) The office shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

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

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

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

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

(b) The State Technology Office, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emer-

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

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

Approved by the Governor June 12, 2003.

Filed in Office Secretary of State June 12, 2003.