

STORAGE NAME: h0433z.uco
DATE: August 5, 1999

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
UTILITIES AND COMMUNICATIONS
FINAL ANALYSIS**

BILL #: HB 433
RELATING TO: Transmissions on Telecommunication Frequencies
SPONSOR(S): Representative Ball
COMPANION BILL(S): SB 874 (I)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) UTILITIES & COMMUNICATIONS YEAS 10 NAYS 0
(2) GOVERNMENTAL OPERATIONS (W/D)
(3) COMMUNITY AFFAIRS YEAS 9 NAYS 0
(4)
(5)

I. FINAL ACTION STATUS:

On June 17, 1999, the bill was approved by the Governor. (Chapter No. 99-365, Laws of Florida)

II. SUMMARY:

The bill expands current law relating to unauthorized transmissions on police and fire radio frequencies.

The bill provides that any unauthorized transmissions and interference to governmental, emergency medical, and water management district frequencies is prohibited.

The bill provides that a person may not knowingly transmit over any frequency assigned, by the Federal Communications Commission, to a state, county, or municipal governmental agency, any sounds, jamming devices, jamming transmissions, speech, or radio frequency carrier wave, unless authorized in writing.

The bill adds a new section which provides that no person may knowingly interfere with the transmission of authorized volunteers who are providing communications support to a governmental and emergency medical agency, or water management district.

The bill clarifies exemptions to this section for transmissions over a state, county, municipal governmental, or water management district frequencies.

The bill does not appear to have a fiscal impact on state or local governments.

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III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Federal Communications Commission,(FCC), assigns radio frequencies to governmental and emergency medical providers to transmit essential and critical information. In 47 CFR 90.15, the FCC provides for the scope of the Public Safety Radio Pool, formerly Public Safety Radio Services and the Special Emergency Radio Service, which covers the licensing of the radio communications of governmental entities and the following category of activities: medical services, rescue organization, veterinarians, persons with disabilities, disaster relief organizations, school buses, beach patrols, establishments in isolated places, communications standby facilities, and emergency repair of public communications facilities. Entities not meeting these eligibility criteria may also be licensed in the Public Safety Radio Pool solely to provide service to the eligibles on one-way paging-only frequencies below 800 MHZ.

Local governmental agencies and emergency medical services providers enlist the aid of amateur radio volunteers to assist as back-up support in conveying vital information to its citizenry.

Section 843.165, Florida Statutes, prohibits unauthorized transmissions on police or fire radio frequencies. However, there currently is no such prohibition for other governmental agencies and emergency medical services providers.

Further, 47 U.S.C. 333, provides that:

No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.

The FCC has also promulgated rules that regulate the amateur radio industry. Nonetheless, reports have been made of obstructions on governmentally authorized radio frequencies that have jeopardized community safety. However, due to limited federal personnel and resources, local agencies have had difficulty securing timely enforcement of frequency violations.

B. EFFECT OF PROPOSED CHANGES:

The bill expands the interference provisions in s. 843.165, F.S., to include radio frequencies used by government agencies, emergency services providers, and water management districts. The bill exempts persons who have been authorized in writing, or are authorized employees of the agency, and those persons holding a valid station license assigned by the FCC to transmit on such frequencies.

The bill also makes it a first degree misdemeanor to knowingly obstruct, jam, or interfere with radio transmissions made by volunteer communications personnel when such volunteers are providing communications support upon the request of a governmental agency during tests, drills, field operations, or emergency events, or for water management districts.

The bill exempts from the provisions of this section radio technicians and installers responsible for testing, repairing, or installing radio equipment at the request of a state, county, or municipal government agency or licensed public or private emergency services provider.

This bill takes effect July 1, 1999.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 843.165, Florida Statutes

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends section 843.165, Florida Statutes, prohibiting unauthorized transmission on telecommunications frequencies, as follows:

- Prohibits a person from knowingly transmitting or causing to be transmitted over any radio frequency assigned by the Federal Communications Commission to a state, county, or municipal governmental agency, including but not limited to, a law enforcement, fire, government administration, or emergency management agency or any public or private emergency medical services provider, the following:
 - Sounds;
 - Jamming device;
 - Jamming transmissions;
 - Speech; or
 - By radio frequency carrier waves.
- Provides an exemption from the prohibition for the following persons:
 - Persons who are authorized, in writing, by the agency's chief administrator;
 - Employees of the agency who are authorized to transmit by virtue of their duties with the agency; and
 - Persons holding a valid station license assigned by the Federal Communications Commission to transmit on such frequencies.
- Prohibits a person from knowingly obstructing, jamming, or interfering with radio transmissions made by volunteer communications personnel of any state, county, or municipal governmental agency, volunteers of any public or private emergency medical services provider, or volunteers in any established Skywarn program when the volunteers are providing communications support upon the request of the governmental agency during tests, drills, field operations, or emergency events.
- Permits any person to transmit or cause to be transmitted speech or sounds over any authorized transmitter operating on frequencies specified by the Federal Communications Commission when the person is a radio technician or installer who is testing, repairing, or installing radio equipment at the request of a state, county, or municipal governmental agency or licensed public or private emergency medical services provider.

Section 2: Provides an effective date of July 1, 1999.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 14, 1999, the House Committee on Community Affairs adopted the following amendments:

Amendment 01: Expands the prohibition against unauthorized transmissions and interference to governmental and emergency medical frequencies to include water management districts.

Amendment 02: Expands prohibition against knowing interference with transmissions of authorized volunteers to governmental and emergency medical frequencies to include water management districts.

Amendment 03: Expands exemption to transmissions over governmental frequencies to include water management districts.

Amendment 04: A technical amendment correcting a scrivener's error.

VIII. SIGNATURES:

COMMITTEE ON UTILITIES AND COMMUNICATIONS:

Prepared by:

Staff Director:

Wendy G. Holt

Patrick L. "Booter" Imhof

AS FURTHER REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Tonya Sue Chavis, Esq.

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON UTILITIES AND COMMUNICATIONS:

Prepared by:

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