

By Senator Book

32-01791-20

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1                   A bill to be entitled  
2       An act relating to public safety communications  
3       systems; amending s. 365.172, F.S.; authorizing the  
4       Governor to require the improvement of inadequate  
5       communications systems or the specific placement of  
6       towers under certain circumstances; requiring a local  
7       government to reimburse the state for such costs under  
8       certain circumstances; providing factors that the  
9       Division of State Technology within the Department of  
10      Management Services may consider to find that a  
11      community's communications system is inadequate;  
12      providing a declaration of important state interest;  
13      providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17       Section 1. Paragraph (h) is added to subsection (13) of  
18      section 365.172, Florida Statutes, to read:

19       365.172 Emergency communications number "E911."—

20       (13) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance  
21      the public need for reliable E911 services through reliable  
22      wireless systems and the public interest served by governmental  
23      zoning and land development regulations and notwithstanding any  
24      other law or local ordinance to the contrary, the following  
25      standards shall apply to a local government's actions, as a  
26      regulatory body, in the regulation of the placement,  
27      construction, or modification of a wireless communications  
28      facility. This subsection shall not, however, be construed to  
29      waive or alter the provisions of s. 286.011 or s. 286.0115. For

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30 the purposes of this subsection only, "local government" shall  
31 mean any municipality or county and any agency of a municipality  
32 or county only. The term "local government" does not, however,  
33 include any airport, as defined by s. 330.27(2), even if it is  
34 owned or controlled by or through a municipality, county, or  
35 agency of a municipality or county. Further, notwithstanding  
36 anything in this section to the contrary, this subsection does  
37 not apply to or control a local government's actions as a  
38 property or structure owner in the use of any property or  
39 structure owned by such entity for the placement, construction,  
40 or modification of wireless communications facilities. In the  
41 use of property or structures owned by the local government,  
42 however, a local government may not use its regulatory authority  
43 so as to avoid compliance with, or in a manner that does not  
44 advance, the provisions of this subsection.

45 (h)1. Notwithstanding this subsection or any other law,  
46 rule, regulation, county charter, ordinance, resolution, deed,  
47 restrictive covenant, or contract provision, if the office finds  
48 that a public safety communications system used by a public  
49 safety agency for radio communications or E911 services is  
50 inadequate, and the local government responsible for providing  
51 the infrastructure necessary for such system has not corrected  
52 the inadequacy within 2 years after such a finding, the Governor  
53 may, in the interest of public safety:

54 a. Cause the necessary improvements to the public safety  
55 communications system to be made. The local government that is  
56 responsible for the system must reimburse the state the costs  
57 for such improvements; and

58 b. Order that any new or replacement towers that will be

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59 used by a public safety agency for radio communications or E911  
60 services be placed on any property, if such placement is in  
61 compliance with Federal Aviation Administration rules and  
62 regulations and other laws, rules, or regulations strictly  
63 related to public safety.

64 2. The office may find that a communications system is  
65 inadequate if the system is unable to support the public safety  
66 needs of a community based on the age of the system, the number  
67 of towers available within the community, or the ability of the  
68 system as a whole to withstand high volumes of radio and  
69 cellular traffic during a short timeframe.

70 Section 2. The Legislature finds that an important state  
71 interest is served in protecting the public safety by ensuring  
72 that public safety agencies are able to rely on communications  
73 systems and towers to provide adequate radio and E911 services.  
74 Therefore, the Legislature finds and declares that this act  
75 fulfills an important state interest.

76 Section 3. This act shall take effect July 1, 2020.