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Governor Charlie Crist

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**Before the**  
**Federal Communications Commission**  
**Washington, D.C. 20544**

**In the Matter of:**

**Request by the State of Florida for Waiver of the Commission's Rules to Allow Establishment of a  
700 MHz Interoperable Mobile Public Safety Broadband Network**

**PS Docket No. 06-229**

**REQUEST FOR WAIVER**

Pursuant to Section 1.925 of the Commission's rules the State of Florida ("the State") submits this Petition for Waiver to allow for construction and deployment of an interoperable 700 MHz public safety broadband system. This system will be designed to be fully interoperable, consistent with conditions as recommended by the public safety community and ultimately required by the Commission. The requested waiver is consistent with the twenty-one petitions for waiver the Commission recently granted.<sup>1</sup> Expedient grant of this waiver to enable deployment in the 763-768/793-798 MHz band pursuant to a spectrum lease from the Public Safety Broadband Licensee (PSBL) is in the public interest. Such a grant will provide for deployment of critical broadband public safety communications for the State of Florida. The State is aware that Pembroke Pines, Florida received one of the twenty-one waivers the Commission recently granted. The State will coordinate its deployment to avoid conflicts between these systems.

<sup>1</sup> See Order, PS Docket 06-229, released May 12, 2010.

## **I. BACKGROUND**

The State of Florida is expansive, covering over 58,500 square miles with a coastline of approximately 1,200 miles. Florida's population is 18.7 million with over 80 million visitors each year given its status as a prime tourism destination. The State is comprised of very diverse demographics with both highly populated metro areas and expansive rural areas with low population density. Florida's location subjects it to hurricanes and other natural disasters on a regular basis. Also Florida's diverse geography, fourteen deep water ports, twelve international airports and expansive coastline provide a challenging environment for homeland security prevention and response. State of the art voice, data and video communications is essential for "first preventers" and first responders in Florida.

The Department of Management Service (DMS) is responsible for State wide telecommunications procurements and services in support of State and Local government agencies through the Division of Telecommunications (DIVTEL). The Division of Telecommunications provides voice, data, video and web based services across all sectors of government including public safety. In the State of Florida, DMS has responsibility for telecommunications and radio communications planning, engineering, administration and coordination. DMS responsibility and authority for Public Safety telecommunications, regional law enforcement communications, the "E911" system and Emergency Medical Services telecommunications can be traced back to the 1970's. Within DMS, the Division of Telecommunications' Bureau of Public Safety is responsible for maintaining and administering the State's Law Enforcement Communications Plan, the Emergency Medical Services Communications Plan, the State E911 Plan and the State Law Enforcement Radio System (SLERS).

Since it became operational in 2004, DMS has administered the SLERS system, which as a unique public-private partnership, provides secure mobile communications to more than 7,500 law enforcement officers across 24 state agencies and 27 federal and local jurisdictions with 16,800 radios.

SLERS covers 98% of Florida's 58,000 square miles with a network comprised of 209 towers with 99% network uptime. The Joint Task Force (JTF) on State Agency Law Enforcement Communications was established by State Statutes adjacent to the department to advise the department of member-agency needs relating to the planning, designing, and establishment of the statewide communications system (SLERS). The JTF Board, according to statute, consists of eight members who represent the largest state law enforcement agencies including the Florida Department of Law Enforcement, Florida Highway patrol, and Fish and Wildlife Conversation Commission. DMS also manages the state's interoperable law enforcement communications network consisting of FIN (Florida Interoperable Network) and additional Mutual Aid Channels allowing interoperability throughout the state. Specific information can be found at: [http://dms.myflorida.com/suncom/public\\_safety\\_bureau](http://dms.myflorida.com/suncom/public_safety_bureau)

The Division of Telecommunications provides a state wide broadband backbone for State and Local governments connecting over 4500 locations today. The Division has been investigating and planning for the evolution of the public safety wireless network considering the feature and cost benefits of migration to standards based mobile broadband network infrastructure and equipment.

## **II. GRANTING FLORIDA A WAIVER IS IN THE PUBLIC INTEREST**

Communications plays an increasingly important role in public safety and homeland security. Prevention and response activities require relevant and timely information in the field. The faster that information is made available, the more likely lives and property will be saved. For example, according to the U.S. Department of Justice, of the children abducted by strangers and murdered, 75% are killed within the first three hours. Distributing images of both abducted children and any suspected abductors immediately and directly to public safety personnel in the field is one tool to help address this situation. Having the capability to upload this information immediately from a public safety vehicle at the scene of

abduction to a dispatcher and other public safety personnel can also be extremely important in battling such crimes.

It is impossible to predict where the next natural or manmade disaster, criminal incident, or terrorist event will occur. Therefore, all jurisdictions must be as prepared as possible to deal with such incidents. Also, public safety requires constant vigilance and response 24 hours a day, 7 days a week.

While a safe and desirable area in which to live, the State of Florida, like all areas, must take steps to address the safety of the public. Crime rates have dropped in most years since 1990, however, criminal elements are still present. On average, the State experiences one violent crime every 4 minutes and 38 seconds and one property crime every 44 seconds.<sup>2</sup> Accordingly, the instant availability of criminal and other databases to officers in the field is extremely important. Once authorized and deployed, a State of Florida public safety broadband system will provide this access.

The State envisions a multitude of uses for the broadband network, once it is deployed and some preliminary experience is gained in its use. Examples of these applications include:

- Fast access to multiple databases in the field
- Transfer of images to/from public safety personnel in the field
- Video for surveillance and remote monitoring
- Automatic vehicle location
- Mapping and GIS
- Next generation dispatch functions

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<sup>2</sup> <http://www.fdle.state.fl.us/Content/FSAC/Crime-Trends/Violent-Crime.aspx>

These are merely some of the applications the State anticipates for a broadband network. Further, it is the State's experience that once a communications system is in place, public safety personnel find creative ways to enhance operations that may not have been envisioned at the outset.

Given Florida's commitment to meet interoperability requirements, such a network can also serve to provide access to other authorized eligible public safety users. For example, given the susceptibility to severe damage from hurricanes, Florida has experienced natural disasters in which other jurisdictions provide assistance to the State. Expeditious database access and image transfer can provide critical information in these disasters that offers the extra margin between life and death. Deploying LTE technology, the State can build a broadband network which meets both operability and interoperability needs.<sup>3</sup>

The current rules envisioned that the public safety broadband network would be deployed under a public/private partnership by the winner of the adjacent "D block" spectrum in the 758-763/788-793 MHz portion of the 700 MHz band. Unfortunately, auction of the D block spectrum failed, introducing significant delays in the plan. The rules that remain on the books two years later severely limit and discourage deployment by state or local governments, the very entities public safety spectrum should serve. Under these rules, the D block licensee will have the "exclusive right to build and operate the Shared Wireless Broadband Network."<sup>4</sup> For this reason, a number of public safety entities have requested a waiver of the rules to allow deployment in the PSST block of spectrum and the Commission previously granted twenty-one of these waiver petitions.

Grant of the requested waiver will allow the State of Florida to deploy a public safety grade broadband network on the PSST spectrum at 763-768/793-798 MHz, consistent with the Commission's requirements for interoperability. Such a network would have the advantage of being designed for

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<sup>3</sup> LTE or Long Term Evolution is the 4<sup>th</sup> generation broadband technology endorsed by the public safety community and subsequently by the Commission in granting 21 previous waiver requests.

<sup>4</sup> 47 CFR, Sections 27.1330 and 90.143 of the FCC rules.

Florida's public safety needs, including backup power to provide resiliency during natural disasters, coverage over time to ensure officer safety in both populated and more rural areas, and security to help support homeland security.

The State of Florida understands that it must enter into a spectrum agreement with the Public Safety Broadband Licensee, i.e., the Public Safety Spectrum Trust (PSST). The Commission already set the precedent of endorsing use of such agreements in its Order granting twenty-one previously filed waiver requests. In fact, the Commission already addressed the public policy questions involved in such waiver requests and concluded that:

By enabling early deployment in this band, we take a major step towards development of a nationwide interoperable public safety broadband wireless network.<sup>5</sup>

The State requests the same consideration with the same rights and responsibilities as defined in that Commission decision. By granting the requested waiver, the Commission will serve public safety, the 18.7 million residents of Florida, the many visitors to our state and ultimately, the entire country. Deployment of a public safety broadband wireless network in Florida would provide yet another segment of a nationwide broadband interoperability solution.

### **III. CONCLUSION**

In light of the critical public safety and national security requirements at stake, the State of Florida urges the Commission to grant the requested waiver expeditiously. Grant of this waiver request is in the public interest and will further both public safety's and the Commission's goal to deploy a nationwide interoperable 700 MHz public safety broadband network. Grant of this waiver request will

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<sup>5</sup> Order, PS Docket No. 06-229 at page 2.

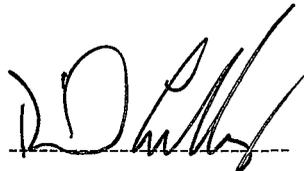
move the Commission and the country one step closer to achieving its goal of establishing a nationwide interoperable broadband wireless network for public safety.

Respectfully Submitted,

The State of Florida



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