

Florida Retirement System: Support legislation that maintains retirement benefits for law enforcement and correctional officers at a level equal to or greater than those provided by law prior to the 2011 legislative session.

- Last year the legislature considered proposals to eliminate the defined benefit plan. While the Florida Sheriffs Association supported minor changes to the existing defined benefit plan, we objected to the elimination of the defined benefit plan due to the significant impact on law enforcement recruitment and retention.
- The State Board of Administration reports that the Florida Retirement System Defined Benefit plan released year-end numbers that showed an increase of \$10 billion in revenue.
- Florida's pension plan is well funded and maintained, and should not be confused with some city police and fire plans that are over-promising and under-delivering.
- We would support any new plans that are developed to be in addition to the defined benefit plan, but oppose closing the pension plan for new hires.

E911 Prepaid Wireless: Support the establishment of a collection mechanism for statutorily required prepaid wireless fees to support critical E911 systems.

- This is NOT a new fee. Florida has funded 911 initiatives through wireline surcharges since 1975.
- The E911 wireless fee specifically has been on the books since 2000, but the method to collect the fee on prepaid was not provided in the law so collection has been inconsistent. However, last year, an agreement was reached by the stakeholders (wireless telephone industry, prepaid service providers, and retailers) on a collection method – at the point of sale.
- Point of Sale collection is a proven mechanism as 32 states have implemented this method for collecting the prepaid fee successfully.
- The E911 wireless fee was created to support local E911 systems. Today, the dollars are essential to allow Florida to upgrade mission critical E911 equipment to meet the constant advances in technology such as Next Generation 911 (NG-911).
- This bill passed the House last year, and had no opposition. The Governor's Office asked us to stand down and agreed they would champion the issue for the 2014 session.
- Wireless "Prepaid" programs are increasing in popularity and many customers are moving from contract based wireless to prepaid or "pay as you go" programs - over the last three years, the prepaid market share has increased to 23% - significantly impacting revenues for

critical E911 needs. Failure to implement a collection method for this fee has resulted in the loss of an estimated \$14.85 million to local E911 systems for 2012.

- The collection of the E911 prepaid wireless fee will allow for competitively neutral contribution by the wireless and landline providers - applied uniformly and imposed throughout the state and most importantly will allow Florida Sheriffs to implement technology that will save lives like E911 texting.

Prescription Drug Monitoring Program (PDMP): Support the Prescription Drug Monitoring Database. Support legislation that would authorize both private pharmaceutical entities and state funds to be used for operational costs of the Prescription Drug Monitoring Database.

- Florida Sheriffs understand the importance of the Prescription Drug Monitoring Program (PDMP) in solving crime and is used daily as a critical tool for law enforcement to investigate and prosecute criminals who are doctor shopping and selling prescription narcotics.
- Since the inception of the PDMP, Sheriffs and Chiefs have contributed fine and forfeiture funds to keep the database operational and the results have been staggering. Nearly all jurisdictions can provide examples of significant criminal activity thwarted based on the use of the database by authorized users.
- Sheriffs have continued to financially support the PDMP and there is no reason why the pharmaceutical dollars and the state should continue to be prohibited from supporting this critical tool.

Restricting Law Enforcement Access to Information: Support tools currently used by law enforcement without limiting access through the requirement to obtain a warrant for every investigative action.

- Sheriffs support the protection of our citizen's privacy afforded by the 4th Amendment of the U.S. Constitution, which protects citizens against unreasonable searches and seizures.
- Bills filed last year created a rigid statutory scheme to require search warrants for access to information that law enforcement currently may access through exceptions to the warrant rule, by reasonable suspicion, subpoena or court order. The bills attempted to create a new set of privacy standards different and more restrictive than the 4th Amendment provides.
- This creates two different evidentiary standards that will present conflicts in court when joint task forces – made up of local, state and federal officers – attack criminal enterprises.

- Essentially, the proposed legislation asks us to have probable cause to get to probable cause. In law enforcement we use reasonable suspicion when developing a case for arrest and probable cause to arrest a person. It is unreasonable to require law enforcement to develop probable cause to access information that would be used to develop the probable cause for an arrest. The result is illogical. We cannot begin with the tool we need to conclude a case – probable cause.
- We know that several different forms of this will be filed this session. There is already a bill filed that requires a search warrant before using GPS to track a vehicle.

Sexual Predators & Offenders: Support legislation enhancing sentences and ensuring responsible supervision for repeat sexual offenders and predators, including increased penalties for child pornography.

- FSA is working with the House and the Senate to incorporate ideas, such as requiring offenders to report vehicle information during registration, and expanding the definition of child pornography to include virtual images of child pornography.
- The Cherish Perrywinkle case has brought to light Florida's challenges with the Jimmy Ryce laws. While the offender, Donald Smith, gave enough indication that he would attack again, he was legally compliant with the law. His previous record shows that he repeatedly attempted to kidnap children through deceiving parents, but escaped a felony conviction due to victims not wanting to testify in court.
- The state Department of Children and Families receives recommendations from Department of Corrections and, occasionally, Department of Juvenile Justice on which offenders meet the definition of the sexually violent predator status. While the number of cases being referred to DCF has not decreased, the DCF has recommended fewer sexual offenders be committed to the Sexually Violent Predator Program. Florida Sheriffs would like to be part of the multidisciplinary team (MDT) who reviews cases for civil commitment.
- A principal in central Florida was prosecuted for taking pictures of grade-school aged female students and pasting them on pornographic images, however the appeals court determined that these images did not meet the definition of child pornography since the students were not actually photographed nude. Congress recognized that certain "legal obstacles made prosecuting child pornography cases very difficult" and responded by passing the Federal PROTECT Act, which prohibits any obscene materials that depict children in pornographic means. Florida should adopt a similar law to combat the increasing problem of child pornography.