



Sheriffs Oppose Legislation that Unduly Restricts Access to Information that Solves Crimes

Background: Both the United States and the Florida Constitutions provide a right for individuals to be secure in their persons, houses, papers and effects against unreasonable searches and seizures and Florida's Constitution adds that persons should be protected against unreasonable interception of private communications. Article I, Section 12 of the Florida Constitution states that, "This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court." Florida 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.

Various pieces of legislation have been filed that require law enforcement to obtain a warrant or court order to access electronic information. In many instances, the information is public and accessible without a warrant if law enforcement accesses the information individually. For instance, a law enforcement officer can access controlled substance prescription records from each pharmacy but a proposed bill would require a court order for access to the PDMP. This merely slows down the investigation and makes it more difficult for law enforcement to solve crimes. It is unreasonable to think that law enforcement can obtain a warrant for every search of a property or each investigative action because it takes probable cause to get a warrant from a judge. It's best said that an officer cannot have probable cause to get to probable cause. In addition, protections are in place for inappropriate access, use or dissemination of information- the penalty is that criminal cases are dismissed when these exemptions are not followed. Additionally, fact-specific situations do not allow for statutory construction that puts these demands on law enforcement without putting lives in jeopardy.

Adopting a standard that always requires law enforcement to complete a warrant application and locate and appear before a judge, would result in the destruction of evidence, the disappearance of suspects and witnesses, and extending the length of criminal investigations that are time sensitive to keep our communities safe.

Oppose SB 862 and 866, Restricting Law Enforcement's Access to the PDMP

