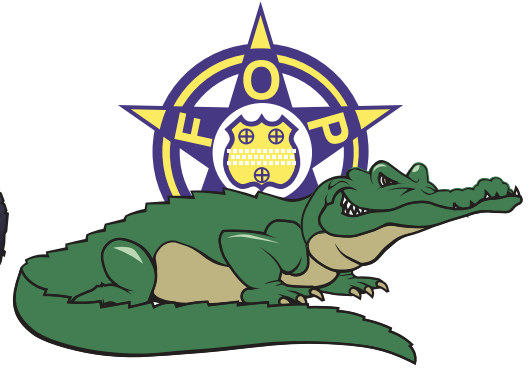


# Florida On Patrol



Winter/ 2002

## From the President



IT'S BACK! The Holiday Season is upon us. With Thanksgiving now a memory we can concentrate on the more important matters of life. **GOOD HEALTH, FAMILY AND FRIENDS.** These are three things that we have some control over. The day to day frustration of being in law enforcement coupled with the criminal element we deal with daily along with the heartbreaking situations we all have to encounter not to mention an antiquated Criminal Justice System that continues to trudge on in spite of itself. I hope it is inspiring that you can offer a positive contribution to your **HEALTH, FAMILY & FRIENDS.**

I want to bring each of you up to date regarding the state of the **FLORIDA STATE FRATERNAL ORDER OF POLICE** as we approach 2003. First, the F.O.P. is financially stable. Simply stated, long term investments are recovering nicely. Never as fast as we would like but constant. Our operating budget is well within the guidelines that the Board of Trustees and your Elected Board past unanimously at the October 2002 Board Meeting. We continue to be well within our means and still manage to add to our savings and investments monthly. As Treasurer Don Merritt stated. "All Bills are paid and we have no outstanding debts other than the usual monthly expenses of running the **F.O.P.**" Again, I am pleased to report there is no necessity to even consider a Per-Capita increase at this time.

The Labor Council Committee continues to prosper. We have a growing reserve and our expansion funds continue to grow. We have added two more Staff Representatives and recently added a part-time office person. You see, the approach of raising Labor Council dues is NOT even a consideration for what we hope will amount to years from now.

Several weeks ago, I met with the leadership of the P.R.C. and Legislative Committees as well as David Ericks, Lisa Henning and Robert Spiegel to review our position with the newly elected Florida Cabinet as well as plan for the 2003 Legislative Session. Our accomplishments during that meeting will be mapped out to each of you at the February 2003 Elected Board Meeting

The Membership web page is running great. We have definitely done away with the need to hire any additional staff as the computerization of much of our day to day work is being handled in a fraction of the

### In this issue:

President's  
Message

FOP Approves  
Cooperation with  
Copa and  
Firefighters  
In Business

Human Resource  
Committee

Police Force

Can I Talk to You

Legislative  
Report

Holiday Greeting

Dates To  
Remember

Florida On Patrol  
Winter 2001

*Officers*

President

*Philip D. Cameron*

1<sup>st</sup> Vice President

*James Mann*

2<sup>nd</sup> Vice President

*Ron Bartholome*

Secretary

*Kenny Mack*

Treasurer

*Donald E. Merritt*

Conductor

*Larry Lockwood*

Inner Guard

*Cyndy Klee*

Outer Guard

*Terry Drinkut*

Chaplain

*Donna Suereth*

Immediate Past President

*Jimmy A. Holderfield*

Chairman of Trustees

*Bob Vogel*

National Trustee

*Pete Fire*

District 1 Director

*Robert Bell*

District 2 Director

*Jeff McAdams*

District 3 Director

*Tim Ingold*

District 4 Director

*Edgar Burroughs*

District 5 Director

*Ralph J. Dean, Sr.*

District 6 Director

*Martin Garcia*

District 7 Director

*David Scott*

Communications

Committee

*Ralph J. Dean*

*Chairman, Editor*

*Florida State Lodge  
Fraternal Order of Police*

*242 Office Plaza*

*Tallahassee, FL 32301*

*Phone: (800) 873-3671*

*Fax: (954) 724-4170*

*info@floridastatefop.org*

*www.floridastatefop.org*

time previously required. This allows me to create new and hopefully innovative and beneficial programs to our membership in the future. Pinch me!!! It's nice to know things are coming together in spite of the past year of turbulence.

Well, that's it for now. **I want to wish each of you a prosperous and glorious Holiday Season, that it is safe and wish you the best of everything in the upcoming year.**

I pray this Winter Edition of the **F.O.P.** newsletter finds all of our members and their families and loved ones well and in good health.

---

## FOP APPROVES COOPERATION WITH COPS AND FIREFIGHTERS IN BUSINESS

### Electronic network helps Florida cops and firefighters with other businesses get in touch with each other

(Sunrise, Florida, November 26, 2002) – At its October 2002 meeting, the FOP Board of Directors approved cooperation and endorsement of “Cops and Firefighters in Business (CFB),” a network of law enforcement officers and firefighters based in Sunrise, Florida. CFB is a computerized system which enables cops and firefighters to buy products and services from their professional colleagues who have businesses outside of their police or firefighting work. The CFB Shopping Mall offers cops and firefighters a FREE way to make contact with providers in home repair, maintenance, financial services, insurance, mortgage, real estate and many other products and services through the Internet and its new website.

The CFB first-class website, uploaded to the Internet on July 1, 2002, makes it easy for users to quickly locate the businesses (law enforcement- or firefighter-owned) they need to contact when they want to buy a product or service in Florida. [WWW.COPSINBUSINESS.COM](http://WWW.COPSINBUSINESS.COM) enables those cops and firefighters with businesses to promote their services directly to the market in Florida cities. The website is completely FREE to both the users and the cops and firefighters with businesses in the Shopping Mall.

The FOP endorsement means that the organizations will link websites, share information and FOP members will be given special opportunities to market their businesses through the CFB network.

The “Cops and Firefighters in Business” network was formed in 2000 by Dean Adler, a former policeman retired after an on-the-job injury. Mr. Adler is now a mortgage broker specializing in residential mortgages and targets his services to law enforcement and firefighting professionals. His unique focus as a former officer allows him to customize his mortgage services to his colleagues in the profession. And, the resulting CFB Shopping Mall expands that network to allow cops and firefighters to easily reach each other when they need products or services of any kind. For more information on how to access the CFB Shopping Mall, become a preferred vendor FREE OF CHARGE, call Mark Hoewing at (888) 663-2677 or go to “[www.copsinbusiness.com](http://www.copsinbusiness.com).”

# Human Resource Committee

By: Lonnie Miller Jr. & Anita Kelly  
Co-Chairperson of The HRC

Greeting's Brothers & Sisters, the H.R.C would like to highlight some members who have displayed services to their Local Lodges beyond the call of duty.

They are Terry Drinkut Lodge #7, Anita Kelly Lodge #25, Donna Suereth Lodge #67, Armando Aguilar Lodge #20, Noel Beary Nyquist 4 Claire Warner Lodge #93, Lisa Bubord Lodge #101, John Beeman Lodge #162, Scott Thurgood Lodge #5-30. When you see these members, give them a pat on the back. Again keep up the good work.

**If you would like to have one of your members in the highlighted section of the newsletter, please submit their names to the Human Resource Committee at the state office and their accomplishments.**



*District 6 Director, Martin Garcia Receiving his Member of the plaque  
From Florida State Lodge President Philip Cameron & 2nd Vice  
President James Mann*



## Police Force

Jacksonville Fraternal Order of Police, Lodge 5-30 has started a new political organization called the Police Force. Police Force is an effort to bring the community and Law Enforcement Officers together on political issues.

This initiative came about after a campaign by the Citizens for Public Safety proposing a charter amendment that would give retired public safety employees health insurance for the same cost as current employees and lock in current health insurance benefits for both the active and retired public safety employees. During this campaign more than 40,000 registered voters of Duval County signed and supported this proposed charter amendment. City lawyers argued that the proposed charter amendment was unconstitutional and unfortunately a judge agreed. The question did remain on the ballot as a straw ballot poll that won 64,344 to 42,307. Currently there is an appeal filed on the judge's ruling.

To join Police Force, the public pays a \$12 one-year membership fee to cover administrative costs and is entitled to the following:

- ★ The Police Force will monitor political campaigns and hold candidates accountable for their promises.
- ★ The Police Force will provide revealing candidate profiles for its members.
- ★ The Police Force will hold political rallies for its members to meet the candidates supported by law enforcement.
- ★ The Police Force will provide its members an interactive internet site on the candidates and the issues.
- ★ The Police Force will invite its members to work side-by-side with the law enforcement officers in its new sign shop.
- ★ Members will also receive a vehicle decal with the Police Force logo.

“This is strictly for politics,” said David Stevens, president of Jacksonville FOP, Lodge 5-30. “We want this to be positive. We want to provide information to educate the voters as to who we are supporting and why.” President Stevens said “Police Force is not a political action committee because it will not give money to candidates. We had such a good response on the straw ballot that we thought this was a good time to involve the community.”

---

### Can I Talk To You? Nelson D. Cuba

Have you ever been leaving roll call and your Sergeant or Lieutenant says, “Can I Talk To You?” What you usually start thinking is, “Have I done something wrong or did someone complain on me.” The conversation usually starts pretty cordial and then he tells you that he needs a Form 4 from you in reference to a certain call. Most of the time everything turns out ok, but sometimes things don’t turn out so well. There is always a possibility that the Officer’s Bill of Rights may be violated or other rights we are guaranteed under Florida Statutes.

In this article, I’m going to give you, the officer on the streets or in the jails, some hints on how to handle the situation without hurting some supervisor’s feelings. I KNOW what you are thinking, but I can be diplomatic when I need to be. So pay attention and I may save you from some serious future headaches.

Officers who become subject of an administrative investigation (Can I Talk To You?) may exercise their protective rights by asking certain questions:

Can this investigation result in disciplinary action against me? If I refuse to talk, can I be disciplined? Can that discipline include termination of employment?

Are my answers for internal administrative purposes only and not to be used for criminal prosecution?

Now, understand that this will upset some supervisors. Others will understand and know you have rights. Some will get upset, but who cares? They will get over it. This is your livelihood we are talking about. If the answer is yes to any of the above questions, call your F.O.P. representative before going any further. If you choose to write a statement start

it by writing:

“I am not refusing to write a statement. I am just attempting to clarify my rights. I write this statement because I have been ordered to do so. I reserve my rights under Garrity and/or other applicable state statutes.”

Or you can try another variation by writing:

“It is my understanding that this statement is made for administrative, internal police department purposes only and will not be used against me in a criminal investigation. This written statement is made by me after being ordered to do so by lawful supervisory officers. It is my understanding that by refusing to obey an order to write this statement that I can be disciplined for insubordination and that the punishment for insubordination can be up to and including termination of employment. This statement is made only pursuant to such orders and the potential punishment/discipline that can result for failure to obey that order.”

As you can see, there are several ways that you can start your written statement. But just like a crime where you have to have certain elements to the crime. There are certain things you should include in your statement such as, Garrity,...direct order to write this statement, ...not giving up my rights to any other applicable state statutes ... etc. If you have any doubts, contact your local F.O.P. Representative.



*Brother John Nelson Receiving a Plaque for his many years of service to the Florida State Lodge and Its members*

*The Florida State Lodge Elected Board  
and Office Staff, Joy, Judy and Rick  
wish all of you*



*Happy & Healthy Holiday season  
and a prosperous New Year*

# FOP Legislative Program

By: Tim Ingold Legislative Chairman

Beginning at 9 am on Thursday November 21<sup>st</sup>, Dave Ericks, Lisa Henning, Bob Spiegel, Craig Smith, Rick Perez, Ed Burroughs and Tim Ingold met in Tallahassee during a Florida State Lodge legislative workshop to discuss at length issues pertaining to the 2003 legislative session and to continue to organize our planning efforts. The workshop was called by President Cameron to develop and refine our program for the fast approaching legislative session. President Cameron was on hand to provide guidance and direction to those assembled and to ensure that the FOP program was on track for 2003. Among the many items discussed were the results of the recent elections across the state and how our endorsements will play a significant role in the upcoming session. The FOP will begin the session with many supporters in both the House and Senate as well as in the Governor's office.

We did make a change upon the previously scheduled FOP "Days on the Hill" for next year. The session will open on Tuesday March 4<sup>th</sup> and our first FOP Day was scheduled for Tuesday March 18<sup>th</sup>, 2003. In that the day fell after St. Patrick's Day and many of our members will be busy at home attending to special detail work, we have moved our first day on the Hill to Wednesday March 19<sup>th</sup>, 2003. At that time, we will meet once again at the Doubletree Hotel nearby the capitol for a legislative briefing and breakfast at 8 am and then it's on to the capitol for a day of grassroots lobbying. Legislative binders, TEAM FOP pins and gifts will be provided for distribution at that time.

Our second "Day on the Hill" remains unchanged with our morning briefing at the Doubletree beginning promptly at 8 am on Wednesday April 16<sup>th</sup>, 2003. Breakfast is provided, as is a guest speaker from either the House or Senate to provide relevant information on the current state of affairs in Tallahassee. We lobby afterward our priority bills and spend the day working to educate our elected officials upon the importance of the FOP's legislative program. Our second day also features an FOP luncheon at the Governor's Club and Dave Ericks has always done a spectacular job of bringing Florida's elite before our members for an opportunity to interact between FOP members and elected officials. That evening, we will assemble as well at Clyde's and Costello's for an FOP Reception featuring elected officials and their staff in addition to our members. It is a long day for us but an exceptional one and last year we had an outstanding turnout at each event. I look forward to your participation.

Our legislative program will feature the following bills to be filed and sought for all of Florida's law enforcement officers. Changes to the Law Enforcement Officer's Bill of Rights, FSS 112, were discussed in regards to the many recent opinions handed down by the former Attorney General. These changes if passed will provide for the accused officer and the officer's attorney or representative the right to review all materials prior to any investigative interview and hopefully will clarify any concerns as to confidentiality.

Legislation in regards to the Florida State Retirement system will be addressed, although a reminder to all that we are in the final year of a two-year agreement to not revisit FRS issues. The agreement was signed between law enforcement, firefighters and the Governor, after three very successful years of FRS enhancements, and precluded police and fire unions from filing retirement bills during the 2002/2003 legislative sessions. However, the agreement does not prohibit us from supporting other organizations that may file retirement bills such as Florida's schoolteachers and other public employees. Among possible bills to follow are FRS Final Compensation (highest 3 from highest 5), Once High Risk-Always High Risk and FRS Disability Retroactivity (65%). We will also be closely monitoring the Malcolm Thompson Act, a bill that provides an 80% FRS disability retirement for those intentionally injured in the line of duty. The Malcolm Thompson Act also changes the FRS definition of disabled from "totally and permanently" to "unable perform as a law enforcement officer". This bill is truly a priority and one in which we should all support passage on.

President Cameron has asked the committee to make study and/or propose language upon a collective bargaining provision, to wit; “last and best offer”. Enactment of such would require unions and management to bargain in good faith with sound reasoning in making their proposals during the negotiation process. Dave Ericks and committee staff are researching the provisions of such and will have more to report in coming weeks.

As result of our board meetings and from input received from across the state, the FOP will propose legislation on creating an “Escape from Custody” clause in our state statutes. Previously, a defendant who fled from custody or escaped from a police car could only be charged with obstruction of justice and the FOP will follow the lead from other states who have adopted such language.

The Florida State Lodge will also support legislation from the Florida Sheriff’s Association on Baker Act Reform, Fleeing and Eluding/Pursuit changes and possible DROP revisions although the FSA has not provided the exact wording of such as of yet. The FSA continues to seek out the FOP’s support on legislation affecting Florida’s law enforcement officers and partnership with them has enhanced both organizations’ influence in Tallahassee.

Dave Ericks will research the exact requirements upon securing an FOP license tag and the possible creation of a charitable fund by which monies could be earmarked for deposit to from sales of the tag. Among the possible choices for fund designation is the Florida Law Enforcement Officer’s Memorial Service sponsored by the FOP. Dave is also reaching out to the former Secretary of State staff and researching changes to the Carrying Concealed Weapons rules to permit the waiving of licensing fees for active and retired law enforcement officers and elimination of the waiting period normally associated between law enforcement certification and Concealed Weapon permit holding.

I had asked George Tucker to review the current law regarding the standard of proof necessary to sustain an appeal of discipline in regards to a law enforcement officer appeal processes. It had been suggested to the Legislative Committee that we pursue a change from the current standard of “preponderance of evidence” to a higher standard such as “clear and convincing”. Mr. Tucker provided an outstanding opinion that at present, the standard of “clear and convincing” is adopted by most arbitrators and appeal boards on matters, which pertain to truthfulness or integrity. At present, Florida statutes do not mention the quantum of proof and therefore changes to such are at present unwarranted. I have posted his opinion on the state website for review.

At the end of a long day, assignments on these and future projects were discussed and made to participating committee members and our lobbyists. We will have an updated report at our February Board meeting in Clearwater on February 14<sup>th</sup>, 2003 and look forward to seeing representatives of your lodge and district in attendance. If I can answer any of your questions or concerns, please feel free to contact me at (727) 586-6754 or e-mail me at [fop43@aol.com](mailto:fop43@aol.com).



*Brother Ingold Gives the Legislative Committee Report to the trustee’s at the October Board meeting*



Fraternal Order of Police  
Florida State lodge  
P.O. Box 1349  
Tallahassee, FL 32302  
[www.floridastatefop.org](http://www.floridastatefop.org)

NON-PROFIT ORG.  
U.S. POSTAGE PAID  
TALLAHASSEE, FL  
PERMIT NO. 298

## Quick notes

### A Benefit of Membership

New Domain Names Reserverd

Your FOP website  
can now be found at

[www.floridastatefop.com](http://www.floridastatefop.com)  
[www.floridastatefop.net](http://www.floridastatefop.net)

as well as

[www.floridastatefop.org](http://www.floridastatefop.org).

We have added these additional domains due to the overall success of the website.

Be sure and check out the site regularly as we update the site to accommodate our members

All FOP and FOPA members throughout Florida are entitled to a *10% discount on most Nextel service plans. Additionally, equipment discounts of 27%* are available on select phones at time of activation. AT&T Wireless is also offering to "members only" a low monthly rate of \$16.99 which includes 60 anytime minutes and voice mail. Other AT&T Rate Plans may qualify for special discounts and additional minutes when activating new service. *These membership rates are available through Kathy Donohue of Almac Communications at 1-888-98ALMAC. Your membership card will be required.*

### ***DATES TO REMEMBER***

*February Board of Trustee's Meeting  
February 12th to 16th, 2003  
Bellevue Biltmore Hotel, Clearwater*