SPRING 2005

ISSUE 1

FDLE Agents Association *The Doice*

THE OFFICIAL QUARTERLY PUBLICATION OF THE FDLE AGENTS ASSOCIATION CHAPTER OF THE FLORIDA PBA

INSIDE

Special Agents of the

Quarter

3

Honoring Our FDLE

Heroes

3

A New Day Has

Dawned

3

Heartfelt Thanks

4

Contract Negotiations

6

What Can The PBA Do

For Me?

What Have You Done

For Me Lately?

10

Retiree News Update

11 Update of PBA Legislation 11 Join E-PBA! 12 Board Meeting Notes 13 PBA's "Support Law Enforcement" Tag

Update

And Much More!

President's Message

Rick Caplano

n addition to its continual role in the checks and balances of FDLE, this Association has been aggressively pursuing efforts directed towards the betterment of the FDLE Special Agent.

In just the past few months, we've held an Association Board Meeting in Tallahassee to discuss the past, present and future of your Association. **Commissioner Tunnell** and **Assistant Commissioners Sanderson** and **Bustle** attended the meeting. Positive dialogue was exchanged paving the way for current and future goals of this Association. We discussed salary issues, training issues, offduty vehicle use and safety concerns, as well as offering a critique of our past unique hurricane response effort. We also took the opportunity to clarify this month's rumors. *(See Board Meeting article on page 12.)*

We've been involved in contract negotiations with the Dept. of Management Services (DMS) and FDLE on specific issues which include off-duty employment vehicle use, insurance coverage, clarification of internal affairs rules, reinstatement of the Recruitment and Reten-



tion pay as well as adjusting the 5% additive pay to reflect a true 5% increase, rather than 5% of a starting agent's pay. Most importantly... we have opened official dialogue with the State of Florida in what could have the potential to be a benefit as substantial as DROP—a post-employment health insurance coverage or subsidy plan to help with the cost of health care coverage upon retirement.

We put on a brief presentation on behalf of the FDLE Agents Association at Pat Thomas Law Enforcement Academy in Tallahassee for the SATC 25 and, later that night, held an agents' get together at the hotel that went into the wee hours of the next morning. My apologies to whoever had to teach Friday morning's class at the academy. Did **Roper** make it?

Continued on Page 5



President Caplano addresses the SATC 25 at Pat Thomas Law Enforcement Academy in Tallahassee on the role of the FDLE Agents Association.



FDLEAA 1st VP Telly Sands addressing Special Agents from the SATC 25 at a get together in Tallahassee put on by the Association.

Special Agent of the 3rd Quarter: Nick DelCastillo



Special Agent of the Quarter Nick DelCastillo.

The FDLE Agents Association Special Agent of the Quarter for the 3rd Quarter is Special Agent Nick DelCastillo of the Tampa Bay Regional Operations Center. Nick's nomination is unique in the sense that it is the first time an agent was nominated by his immediate supervisor. Kudos to SAS Dave Waller for his desire to publicly commend one of his agents.

Nick is a 25 year police veteran with the last 17 years being

with FDLE. Nick's primary assignment is Narcotics Investigations and he has made an incredible impact in the Central Florida area. During this past year, Special Agent Nick DelCastillo has been assigned to Squad A of the Tampa Bay Regional Operations Center. Nick has been assigned as a member of the Polk County based Methamphetamine HIDTA Task Force. This task force was established to combat the flow of methamphetamine into Polk County and the State of Florida. The task force consists of members from the Polk County Sheriff's Office, Lakeland Police Department, Winter Haven Police Department and the Haines City Police Department. He was the first representative from FDLE to be assigned to this task force.

Since being assigned to this task force, Nick has provided leadership and direction to some of the younger agents who have been assigned from the various agencies. While assisting and providing leadership and direction to the younger agents, SA DelCastillo has also been directing, as the case agent, a number of high profile methamphetamine and cocaine trafficking cases while being assigned to the task force. During the past year, Nick was the case agent on cases that led to the arrest of 72 individuals for methamphetamine trafficking charges. His investigations also led to the arrest and charges of three individuals for trafficking in ecstasy and one for trafficking in cocaine.

In addition to his continual caseload, SA DelCastillo has taken the additional task of Field Training Agent while all the time continually cultivating new sources and cases. Due to the exemplary work conducted by SA DelCastillo, the FDLE Agents Association is proud to honor SA Nick DelCastillo as the FDLE Agents Association Special Agent of the Quarter.

SPECIAL AGENT OF THE 4TH QUARTER: MIKE LANFERSIEK

The FDLE Agents Association is proud to recognize Special Agent **Mike Lanfersiek** as the Special Agent of the Quarter for the 4th quarter.

Mike has been a PBA member for twenty-five years. He began his career in law enforcement with the Orlando Police Department where he was employed from 1972 to 1980. Starting as a patrolman, he worked his way up the ranks to Special Operations and the Narcotics Unit.

In January, 1980, he was hired as a Special Agent with FDLE and assigned to work in Orlando which, at the time, was a field office attached to the Tampa Bay Regional Operations Center. Like any field office agent, he was assigned to work a myriad of cases, and since Orlando has expanded into its own Operations Center, Mike's versatility has been an asset to the region. He has worked everything from drugs to violent crime and was assigned to the Metropolitan Bureau of Investigation working high profile drug investigations. In 2002, he was assigned to the Public Integrity/POS Squad in which he not only worked cases but was the lead agent for Governor details during a highly active Governor's campaign. Mike is currently assigned to the DEA Heroin Task force at the HIDTA center in Sanford, Florida.

On a personal level, his greatest feat is to have been married to the same woman for 28 years. His wife, **Nancy**, and



Special Agent of the Quarter Mike Lanfersiek receives his plaque and a check for his award from FDLEAA Orlando Representative Denise Nevers.

he have two grown children. In January, Mike will be celebrating 25 years with FDLE.

For all Mike has brought to the table and continues to serve up, the FDLE Agents Association is proud to name Mike Lanfersiek as the FDLE Special Agent of the Quarter.

HONORING OUR FDLE HEROES

By Telly Sands, First Vice President



The FDLE Agents Association would like to honor our FDLE HEROES who were or are presently involved in Operation Iraq. Your sacrifices have not gone unnoticed and we are proud that you are representing our country and are a member of FDLE. The FDLE Agents Association would like to

recognize the below HEROES. We thank all of you for your devotion and dedication in defending one of our most precious liberties, FREEDOM. GOD BLESS you all! James Stephen Ogden William Price Randall Thompson John Whiddon Timothy Wood Robert Shotwell Lena Moore Randall Nelson Adrianne Noss-Benton Eric Daniel Andrew Lundberg Rodney Sanchez David Avallone Stephen Browning William Oliva Adrian Dillon Gregory Lane Paul Ligman Sheila Gregory Timothy Mell Raymond Meresse

A New Day Has Dawned

By Denise Nevers, Orlando Rep

I thas been a pleasure and honor to serve as the Orlando representative for the past year. I have spent most of that time learning the process, and, having been a PBA member since 1990, it has given me a whole new prospective. I'm especially thankful for the PBA Board members who have persevered through the tougher times.

We have many new agents that have come on board throughout the State and in the Orlando region. Some of them are not aware that the benefits they have today were hard earned by the FDLE Agents Association in the last administration. But a new day has dawned and I commend **Commissioner Tunnell** and his staff for the positive attitude they have exhibited in working with the FDLE Agents Association. The Retention and Recruitment pay for Special Agents is back in the budget request this year. I know there were many who were disappointed when it was not funded by the Legislature last year. However, with the support of the Commissioner, I feel confident we have a better chance of success in the coming Legislative Session.



I look forward to another year serving as the Orlando representative. Please don't hesitate to speak to me about any issues which concern you, or express new ideas.

Heartfelt Thanks

By Velma Springs, Pensacola Rep



The Pensacola Region would like to say a Heartfelt Thanks for all the support during the aftermath of Hurricane Ivan. PROC is still without a building but we are making do with the space provided by Escambia County Sheriff's Office. We are dealing with case files and property being scattered in dif-

ferent places, but life goes on. Many of us are still waiting for

property at home to be repaired (including myself) but we are thankful to be around to complain!

Once again, thanks to our FDLE family for being there and a special thanks to those who braved the mold, mildew, and water in our damaged building to pack our items while we were in the field.

Proud, Professional and PBA

CONTRACT NEGOTIATIONS

By Rick Caplano, President

The FDLE Agents Association has been very active in recent months firming up negotiations in your Special Agents contract. Meetings have been held with representatives of the Department of Management Services (DMS) as well as FDLE in an effort to secure the best advances we can in the natural progression of your benefits.

The specific agenda for issues addressed in this year's negotiations are listed below for your review:

• Article 7: Discuss <u>preliminary inquiries vs. Internal</u> <u>Affairs Investigations</u> as well as the <u>need for "sworn"</u> <u>complaints</u> against agents being the new standard to initiate Internal Affairs complaints.

After discussions between legal counsels of FDLE and the PBA, we decided to handle the concerns over preliminary inquiries in a consultation format. **President Caplano** and **Florida PBA General Counsel Hal Johnson** met with **FDLE General Counsel Mike Ramage** and **Former Director Mike McHargue** as well as the head of Executive Investigations,

Rick Lober. The preliminary inquiry that has been increasingly evident in internal matters was clarified to the PBA's full satisfaction and agreement. FDLE will at times conduct a preliminary inquiry in an effort to determine if the complaint rises to the level of requiring

an internal affairs investigation. The overwhelmingly amount of the inquiries can be satisfactory resolved at this level therefore assisting the agent by not showing an internal affairs investigation in his/her file. If you feel uncomfortable in a line of questioning during a "Preliminary Inquiry," don't hesitate to contact your PBA Representative so that PBA Legal can be notified and advise you accordingly. Overall however, the handling of issues in this manner by FDLE is for your benefit.

Relative to specific request of this Association that all internal affairs complaints be written and sworn to by the complainant, the Association and management have differing viewpoints on the issue. This is understandable however when one takes into account the old saying of "Sometimes where one stands on an issue has a lot to do with where they are sitting." We desire the sworn affidavits to give agents recourse in a court of law against frivolous complainants of persons of questionable character and motive. The Department is equally concerned at this point with the commitment to public service to citizens in these issues.

We will continue to discuss this issue with FDLE, as well as keep it as an item fresh in our Legislators' minds for the future. The PBA has unsuccessfully tried to pass a bill relative to this protection in the past and will always keep the folder handy, so to speak, should timing and opportunity present itself in the immediate future.

Article 16/17 – <u>Insurance coverage for vehicle</u> use during Off-Duty Employment Use.

This relates back to the insurance coverage on state vehicles that we mentioned in the article relative to the last board meeting. We simply are making it official into the contract when all the particulars are worked out. (See Board Meeting article on page 12.)

• Article 18 – Implementation of <u>Union Pool Time Bank</u> This is a request from the Board of the FDLE Agents Association which was originally suggested by and backed by many agents. It allows agents to contribute leave hours into a pool to be utilized by union representatives when conducting union business.

The Department is receptive to a point on this issue and we continue to negotiate. We have agreed to mirror a similar rule that just went into effect within the Department of Corrections which allows for agent leave contributions into a pool and drawing from the pool for specific union activities,

primarily the lobbying of the Florida Legislature for issues of mutual interest.

This would be a win-win situation for all. The Department could get additional lobbyists on certain causes, the membership could get increased lobbying specific to their

needs simply because your FDLE Agents Association would have a better ability to lobby without personal loss to their private leave banks. Under the current rules, when your officers and representatives are in Tallahassee lobbying on your behalf, it's on their own annual leave. If I were to add up all the personal leave time that I and the rest of the Board members have taken for Department wide causes, I think you would be astonished and totally supportive of this concept.

• Article 23 – <u>Overtime</u> for hours in excess of a 40 hour workweek.

This is already explained in the prior article relating to the board meeting. What's also explained are the problems encountered to date. We'll continue to massage this issue and keep you posted. (*See Board Meeting article on page 12.*)

• Pay Issues / <u>Salary</u>

The FDLE Agents Association has asked for a 5% Cost of Living Allowance (COLA) for the Sworn Special Agents of FDLE as well as reinstatement of funding for the Recruitment and Retention Plan. This is the initial negotiation on the subject and will go all the way to the last day of the legislative session when historically the decision will be made at the final hour. It's too soon to tell what a "realistic" probability of a COLA is at this point but we are cautiously optimistic that we can wage a successful battle for the recruitment and retention dollars as the session progresses.

"This would be a win-win situation for all."

• Article 27 – Establish and fund a <u>Post-Employment</u> <u>Health Insurance</u> account for unit employees.

This is an issue that's near and dear to our hearts. As far back as six years ago, **1st VP Telly Sands** and I first met in Orlando with representatives of private insurance carriers in an effort to get this ball rolling. Many obstacles and years later, it appears this cause is gaining the momentum needed to at least start the ball rolling. At our last Florida PBA meeting, the FDLE Agents Association was proud to be able to take the lead and propose to the State PBA Board that some plan needs to be devised to assist our state police officers with the cost of insurance premiums upon their retirement. The current cost for a retiree's family plan now exceeds \$800 a month. That alone causes a tremendous drain on your pension dollars and defeats the purpose of retiring in your early healthy years if possible.

The proposals currently on the tables are vague and which exact one will eventually be the model used to pursue this effort is yet undecided. Everyone needs to understand a couple of things here. The reality of this situation is complex and like many things when dealing in the bureaucracy of State Government, is not going to be exactly what the doctor ordered, but we feel that it's important to 1)–find a plan for which we can garnish support from our friends in the Legislature and 2)–do everything we can to get it passed.

Will we finally have our insurance paid upon retirement? Not exactly. What is more likely is a plan where a shared con-

tribution between the State and the employee will create an private tax free interest bearing account that will grow sufficiently to cover all or partial premiums and deductibles upon retirement. For many reasons, it is premature to discuss specifics, but we wanted to give you heads up on this increasingly important FDLE Agents Association and State PBA issue. The plan won't satisfy all. I learned repeatedly though... that is rarely possible on any issue, but it is so significant a potential benefit that it must be pursued and even if the plan is not to our total liking, we have a responsibility to get it passed and improve on it contractually year by year if need be.

Under one plan being considered to date, the older agents such as yours truly would have minimal to no benefit due to our limited time left with the Department. The true benefactors will be those who have the ability to contribute for a full career. Not an ideal scenario, but if it is determined to be the plan that has the best chance of success in the legislature, then it must be the one we aim for. Not as good for me and others in my boat...but an incredible recruitment tool and future benefit for those behind us grabbing the torch. We will keep you posted on this most important issue as any progression occurs.

I ask for your support and patience on this issue. It may take years to get what we want and more after that to mold it to a perfect fit, but the only other option is Canadian citizenship and I don't know about you, but if I get above Palm Beach County, it's too cold for me.

PRESIDENT'S MESSAGE Cont. from Page 1

We've been able to maintain an important dialogue and relationship with management and the lawmakers in the Legislature that has been nothing but good to us in the past. We balance these relationships with the infrequent but nonetheless equally important role of providing agents with representation and legal coverage when duty issues have the potential of official review.

We have in fact been doing what I believe this organization was formed to do. Forget your politics and feelings on any specific union or unions as a whole and try to focus on this one issue. You have the unique opportunity bestowed upon you where a small "official" group of you and your peers have access to a legal and legislative world that has the ability to customize efforts on your behalf to better your career choice. Understand and appreciate the true uniqueness of your Association. Your FDLE Agents Association has the ability to stand apart from all other state law enforcement unions and offer you an opportunity to gain agent-specific needs in a manner no other chapter or charter of any union, be it IUPA, FOP or PBA, has the ability to do while still benefiting from all other benefits received by other state police units. When you understand this, I think you will recognize the need and responsibility to support it and help it mature in the best professional light possible. If you are already a member, we thank you once again for your continued support. If you are not yet a member...Wake up and be a part of an Association that has an ability to customize legislation and work conditions tailored specifically towards the needs and desires of the FDLE Special Agent.

Join today and have your say.

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Jeeeeeeeee	"What country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance?" -Thomas Jefferson	

SPRING 2005

WHAT CAN THE PBA DO FOR ME?

By Ron Raccioppi, Special Agent, Retired (Former FDLE Agents Assn. 1st Vice President)



Rick and me in 1997 when we became a bargaining union for the agents. The first question was "What can the PBA do for us?" and most were fearful of signing up. If you look back at the days of OZ, with the threats of transfer across the state in hopes of you quitting or

the pass over of pay issues, safety issues and just fair treatment of individual agents, then you will know what the PBA has done for you. The PBA removed the curtain from OZ and dealings were then in the open. The threats and intimidation of agents by the administration were met with legal action. Raises and benefits were now negotiated and not just crumbs thrown at us that we had to be thankful for. Yes, it was a long road, but one well worth it.

After I retired from FDLE in February of 2001, I moved to the beautiful mountains of North Carolina thinking... why bother to stay with the PBA? What can they do for me now? I am retired and living in another state. As a matter of loyalty to an organization that had improved the daily working conditions of my law enforcement career within FDLE, I felt obligated to continue to support them. I thanked God for the last two years that I did.

In 2003, I was served with lawsuit papers, in North Carolina, from a joint public corruption case I had worked with Miami Dade Public Safety Dept. in 1999. Yes, four years earlier when I felt I was untouchable to any ties to South Florida. It seemed that the Dade State Attorney's office had "no filed" a case and the defendant's attorney brother-in-law filed suit. I called the PBA and, since I was still a member, they provided me with an attorney. Not just any attorney, but one of the best attorneys I had encountered during my 34 years in law enforcement. I was expecting the old, take what we got and be happy with the free representation. After all I was only paying \$25 a year in dues as a retired agent. **Attorney Rhea Grossman** of Ft. Lauderdale called me and brought me up to date. I was amazed at her hands-on, call me whenever, let's go for it, etc. attitude. She had coordinated between FDLE, the attorney for FDLE and the attorney representing me provided by FDLE, due to a possible conflict down the road with FDLE and me both being named in the suit (along with another Metro detective and Miami-Dade Public Safety). Attorney Grossman pushed for the trial to go Federal and have me dropped from the suit. The case did go to the Federal side but I was still part of the suit. Numerous updates by phone, every piece of documentation, conversation and attorney meetings were forwarded to me in the mail. I was impressed with the fact that Rhea Grossman was a fighter and extremely knowledgeable about the Federal laws and the system. I read, time after time, where Rhea answered questions from the other attorneys and directed them on how to reply to the court's questions and how to prepare the case for Federal trial. Yes, I was thankful she was MY attorney and the great thing about it was it was not costing me tons of money for every hour, letter and phone call she was putting in. In fact, it wasn't costing me a single penny. You don't put money aside and expect a lawsuit years after being retired. Today, January 27, 2005 I received the news that a small settlement was made during Federal mediation in Miami, ending the litigation with no admission of wrong doing on behalf of FDLE or me. Yes, it was a nuisance suit but one that has you thinking of what could and might happen. Today I am a happier man with a load lifted from my shoulders. I would like to say thank you to the FDLE's Agents Association, to our PBA and a special thank you to a competent attorney, Rhea Grossman.

I no longer ask myself "what can the PBA do for me," but in the same breath say to you, be thankful for those who went before you to provide you the opportunity to have the PBA as your bargaining agent and a provider of legal assistance when you least expect it.

For those of you still on the job—be safe.

(Ron Raccioppi can be reached at FDLEPBA@aol.com)

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Have you moved recently, or are in the process of address so that you won't miss any important ma	•	ess! Please notify the PBA office of your change of			
Name:	E-mail address:				
New Address:	City:	State: Zip:			
Telephone Number: (Home) (Work) SSN:* *(Your social security number helps us identify you correctly in case of similar names.) Return to: FDLE Agents Association Chapter of the Florida PBA, Attn: Marcia Eggers, 300 E. Brevard St., Tallahassee, FL 32301					

WHAT HAVE YOU DONE FOR ME LATELY

By Rick Caplano, President

I often hear, in a more direct manner than most, concerns of the agents when specific issues fail in the Legislature. It varies from the rightfully disappointed to ridiculous slanderous hints of self-service. If there is one common denominator in the persons who are most vocal, it is usually an ending comment of "What am I a member for? What have you done for me lately?" Well, unlike elephants, we humans have short memories. Here are just a few of the things your Florida PBA has gotten done for you over the past few decades.

Take a brief moment and read every one of these below listed causes and give some serious consideration to the significant change it has made in the quality of life within your chosen career. And remember that, as you read through this list, it is not even a complete list, but merely a highlight, and doesn't even address the unseen constant vigil and fight needed to maintain previously accrued benefits on your behalf over this quarter century of service to your law enforcement career.

- 1974: Increased mileage allowance to Law Enforcement Officers.
- 1974: Allow Collective Bargaining for State Law Enforcement Officers.
- 1974: Creation of the Salary Incentive Program.
- 1974: Creation of Law Enforcement Officers Bill of Rights.
- 1974: Allows certain cost associated with cost of a successful appeal of a law enforcement officer to be eligible for reimbursement.
- 1974: Creation of an Annual Cost of Living increase for retirees pension.
- 1974: Increase the retirement multiplier for police from 2% to 3%.
- 1975: Creation of a State Retirement Commission to hear cases of aggrieved personnel.
- 1975: Change in Statute to allow no break in service in Retirement system if under suspension.
- 1975: Created prior service claim ability in Retirement System.
- 1976: Allows retirees to stay in State Insurance Program upon retirement.
- 1977: Increased eligibility under Salary Incentive programs.
- 1978: Gave full High Risk authority to Insurance Fraud Investigators.
- 1978: Increased protection of officers under Bill of Rights. Allows officer to apply directly to Circuit Courts if agency not abiding by rules.
- 1978: Provides college for the child of an officer killed in the line of duty.

- 1979: Provides that law enforcement officers may refuse to disclose certain personal information in depo's or other proceedings.
- 1979: Allows an agency to provide a retiring officer with his handgun.
- 1980: Increased retirement benefits. Allows LE officer to retire sooner than normal government employee.
- 1980: Grants park police officers full arrest powers.
- 1981: Created law forbidding insurance company to consider driving record of officers while conducting law enforcement activities.
- 1982: Allowed state law enforcement officers to become politically active after duty.
- 1982: Places bomb technicians into High Risk.
- 1983: Created a \$50,000.00 death benefit for survivors of officers killed in the line of duty.
- 1984: Increased retirement benefits removes restrictions to officers working after retirement
- 1985: Makes law enforcement personal and family information exempt from public records laws.
- 1985: Creates allowances for law enforcement officers to take time off for Military Leave without affecting their annual leave.
- 1986: Mandates that a subject who injures a police officer can be tested for communicable diseases at the officer's request.
- 1987: Increased Disability Retirement coverage for law enforcement officers
- 1987: Created a health insurance subsidy for retired law enforcement officers.
- 1987: Strengthened Retirement COLA laws to assure automatic COLA never receive less that an annual 3% increase.
- 1988: Restores the 3% multiplier back to law enforcement after a previous reduction to 2%.
- 1988: Give full police powers to state agriculture officers.
- 1988: Created a law which enables certain deductions such as health insurance to be deducted pre-tax.
- 1989: Mandates that state officers be kept on full pay without using personal sick leave if on workers' comp due to intentional or malicious injury received on the job.
- 1989: Provided a \$3,000 per year across the board pay hike for state law enforcement officers.
- 1990: Improved death and educational benefits for survivors of law enforcement officers killed in the line of duty.

Continued on next page

Legal Advisory!

POLICE SHOOTINGS, IN-CUSTODY DEATHS OR SERIOUS TRAFFIC ACCIDENTS ~ WHAT TO DO ~

STAY CALM

Call the PBA 1-800-733-3722

ASK TO SPEAK TO A PBA ATTORNEY

Do not talk to anyone until you have consulted with a PBA ATTORNEY

* * *

GARRITY RIGHTS

The following statement should be written as the first sentence on any statement, report, or memorandum an officer is ordered to write when the officer knows or has a reasonable belief that discipline may result:

It is my understanding that this report is made for administrative, internal police department purposes only. This report 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, that I can be disciplined for insubordination and that the punishment for insubordination can be up to, and including, termination of employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result for failure to obey that order.

WHAT HAVE YOU DONE ... Cont. from Page 7

- 1990: Increased health insurance subsidy for retired officers.
- 1990: Allows law enforcement officers to work off-duty security details without the need for special licensing and additional requirements.
- 1991: Creates Capitol Police from former DGS and increased police authority for same.
- 1992: Outlaws ticket quotas for state officers.
- 1992: Allowed the ability to now include salary incentive monies in retirement calculations.
- 1992: Mandates that "rank and file" police officers now be included as members of the Criminal Standards Justice and Training Commission.
- 1992: Does away with the criminal history fee for police officers when purchasing a weapon from a dealer.
- 1993: Increased and expanded benefits to survivors of police officers killed in the line of duty.
- 1993: Adds additional "Rank and File" members to the Criminal Justice Standards and Training Commission.
- 1993: Increased mileage rates for officers on per diem.
- 1994: Expand police authority of State University Police Officers.
- 1994: One Step pay increase plus \$100 a month for state officers.
- 1995: Increase police authority for State Agriculture Police Officers.
- 1995: Creates a presumption that communicable diseases were contracted in the line of duty.
- 1995: Expands police authority of Alcoholic Beverages and Tobacco Agents.
- 1995: Increased protection under CJS&TC. Gives "Double Jeopardy" protection as well as a Statute of Limitations on cases against officers.
- 1996: Allows for full health insurance coverage to officer and family if officer receives catastrophic injury in the line of duty.
- 1996: One-step pay increase plus cost of living which equated to a 7.5% increase.
- 1997: Creation of DROP !
- 1998: Amendment to DROP which allows previously ineligible employees to participate up to three years in DROP.
- 1999: Creation of the "Heart Bill" which automatic gives the presumption that certain heart and circulatory health issues are caused by the stress associated with the profession.
- 2000: Brings state officers retirement benefits back to the 3% for the years that it was dropped to 2%. Prior efforts had raised the standard already back to 3%.
- 2000: Changed retirement vesting from ten years to six years.
- 2000: Created a option of employee-directed investment of their retirement dollars over the traditional selections.
- 2000: Increased line of duty disability from 42% to 65%.
- 2000: Increased benefits under the Police Officer Bill of Rights which allows the accused officer to see/review all witness statements, written and/or recorded prior to making any statement.
- 2001: Protection of state law enforcement officers from loosing career service benefits. This included maintaining the right for PERC to overrule a state discipline, retaining the retention (seniority) rights of laid off employees, requirement that management show "just cause" for disciplining employees with the burden of proof being on them and the ability to cash in some leave time on a annual basis. Many state employees lost these benefits under Gov. Bush but the PBA lobbied and was able to exempt law enforcement from the changes.

- 2001: Assured insurance coverage for officers traveling from portal to portal.
- 2001: Allowed retirees to receive lost 12% multiplier on their retirement.
- 2002: Increased death benefits to survivors of officers killed in the line of duty. Doubled the \$\$ award and added payment of post graduate school tuition for children of murdered officers.
- 2003: Increased benefits to the Police Officers Bill of Rights which now allows one to sue complainants who lodge false complaints against an officer.
- 2004: Fair defense act—Allows for the reimbursement of legal fees up to \$100,000 for officers who are civilly or criminally charged for actions resulting from the performance of their duty and are eventually exonerated.
- 2004: Increased benefits to the CJS&TC but placing additional "Rank and File" members on the Commission as well as placing time restrictions on actions against officers and allows for review of certain records prior to mounting a defense.

Now this is just a sampling of the legislation that the PBA has either introduced and/or fought for extensively with its unmatched lobbying team. A team that I might add outnumbers the FOP and IUPA combined in the Florida Legislature by dozens. A team that has built a powerful political base and enjoys great success when dealing with the Florida Legislature and the Governor. A team that, in addition to numerous fulltime lobbyists and political affairs personnel, is continually supplemented during the session with officers and representatives of all the chapters and charters of the Florida PBA.

This continual effort could be supplemented even further with the ever open invitation to all members to come to Tallahassee and lobby on the PBA's nickel or even periodic contact with lawmakers on specific issues through e-mail or telephone calls. So I suppose a more fitting question could be asked in the familiar ring of **President John F. Kennedy's** famous quote. "Ask not what your Union can do for you…but for what you can do for your Union."

www.FDLEAGENTS.ORG

By Rick Caplano, President

on't forget to visit your FDLE Agents Association website. Besides having direct links to Florida's liberal public record database right on the webpage, you can send an e-mail to any FDLE Agents Association Officer or Representative with the click of a mouse. There are links that allow you to e-mail Senators and Representatives with your concerns. There is also a direct link to your Special Agents contract as well as back issues of "The Voice" newsletter. Additionally, when you register on the website FORUM, you have instant access to voice your opinion anonymously or generate other opinions in issues that affect you every day. In order to access the FORUM, just send your name,



e-mail address, a user name and password (*all lower case*) to either:

FDLEAgentsAssn@aol.com or

rickcaplano@fdleagents.org



Please update the FDLE Agents Association with your current e-mail address.

We are still receiving the occasional returned e-mail messages from members who have changed their e-mail address.

Without your current address you are missing out on valuable electronic messages and replies as well as limiting yourself on an immediate avenue to resolve questions and issues.

E-mail your updated e-mail address to FDLEAgentsAssn@aol.com



Retiree News Update

By George Geyer, Retired S.A.



The FDLE retired community suffered another loss on November 23, 2004 with the death of retired **Special Agent Clifford Headley**. A memorial service was held for Cliff on November 29, 2004 to celebrate his life and contributions. Seven retirees (Five Special Agents and two Criminal Intelli-

gence Analysts) attended this service. Cliff, prior to joining FDLE, retired from the U.S. Army as a commissioned Warrant Officer. He served in Vietnam during hostilities and was awarded the Bronze Star medal. Cliff was initially hired by FDLE as a duty officer. He was subsequently promoted to an analyst position and finally promoted to a Special Agent. Cliff retired from Gr FDLE'S Miami Regional Operation Center in December 1995 with a disability retirement. Cliff was a master mason, a dedicated family man and a good friend. Cliff was plagued during his retirement with several medical problems,

his most recent being an amputation of his left foot which resulted from his diabetic condition. He was at home recuperating when he expired. The FDLE retired community extends its deepest sympathy to **Dee Headley** and her family.

The South Florida FDLE Retired Association has been formed and it conducts quarterly luncheon meetings. The first meeting was held on June 30, 2004 at the Olive Garden in Plantation, Florida. There were thirteen retirees in attendance consisting of eleven agents and two analysts. All were in agreement to continue to meet on a quarterly basis in a less public area. The second meeting was held at the Fort Lauderdale Police Benevolent Hall in Plantation, Florida and was attended by twelve retirees. At this meeting retired **Special Agent George Geyer** was appointed the association's Chairman and **CIA Emma Fern** was appointed the Secretary/Coordinator. A Christmas Party was planned for the association and it was held at the Fort Lauderdale PBA Hall on December 15, 2004. There were fourteen retirees in attendance. All attendees received a framed photograph of a picture of the association charter members as a gift from Emma Fern.

The next luncheon meeting is scheduled for March 16, 2005 at 11:30 AM at the Fort Lauderdale PBA Hall, 4500 South West 13th Street, Plantation, Florida.

Kristopher Geyer-Roberts the son of retired Special Agent Patti Geyer and Captain Pat Roberts, Division of Alcoholic Beverages and Tobacco, and grandson of retired Special Agent George Geyer has been selected as one of only

> six Boy Scouts from all over the Nation to travel to Washington D.C. and meet with President George W. Bush and Congress for the annual report to the nation. The trip will take place on March 5 through 9, 2005 and will also include a sightseeing tour of the Capitol, various memorials and the Smithsonian Institute. Kristopher, age 14, is a Life Scout and has earned 27 merit badges. He is a brotherhood member of the Order of the Arrow, the Scouting National Honor Society and is currently working on his Eagle project. Last year Kris was awarded the Boy Scouts of America National Hero's

award as a result of saving a boy's life during a summer recreation program. He has been recognized for his heroism by the South Florida Boy Scout Council, the Friends of Scouting and was presented the "Key" to the city of Plantation by its Mayor. Kris is to be congratulated on all of his achievements and we hope to see him soaring with the eagles in the near future.

It was reported that during January 2005 retired **Special Agent George Amandola**, who relocated to Philadelphia, Pennsylvania area upon his retirement, visited the Miami Regional Operation Center.

Remember...If you are getting ready to retire, maintain your PBA membership. It only cost 27 bucks a year for retirees and will maintain your eligibility for legal services if something arises from your job years into retirement. Don't think that can happen? Take a minute and read **Ron Raccioppi's** article on page 6!

RETIRED? If you have retired, please remember that your payroll deduction to the PBA has been stopped. We urge you to remain a member to support your organization. Remember... your Association has successfully addressed many issues relative to retiree's pensions. Retirement dues are \$27.00 annually. Please contact FDLE Agents Association Membership Secretary Marcia Eggers with your request to be transferred to Retired Status at 1-800-733-3722, ext. 411.

UPDATE OF PBA LEGISLATION

By Matt Puckett, Florida PBA Political Affairs Assistant



The State of Florida's Annual Legislative Session began on March 8th and continues through May 6th. The Florida PBA will advocate a number of issues again this year and we hope to keep you informed on the status of every issue. We have started the E-PBA emailing list that will be available to our

members only. Sign up on our website <u>www.flpba.org</u> and receive links to live public testimony from PBA officials during legislative committees, in depth insight on the issues and other invitations to join in the process.

Since December, the Legislature has met periodically for interim committee meetings and during this period, we have secured sponsors for every issue on our legislative agenda. Legislators have shown tremendous support for our issues again this year, and we greatly appreciate each sponsor and co-sponsor of our agenda.

Our top priority is the equitable pay increases for state law enforcement, correctional, and correctional probation officers represented by Florida PBA, including but not limited to, pay compression and retention issues. PBA has met with leadership in both the Florida House of Representatives and Senate to gain support for the pay-raise. Once the Appropriations Bills are released from each chamber, we will have a firm understanding of where we are on this issue.

* * * * * PBA BILLS * * * * *

Senator Mike Fasano and Representative John Legg are sponsoring the legislation which would allow PBA to submit names to the Governor for consideration of rank-and-file appointments to the Criminal Justice Standards and Training Commission. Bill numbers are HB 647 and SB 738.

Senator Rudy Garcia and Representative Mike Davis are sponsoring the legislation allowing for purchase of Special Risk credit for certain academy time. For those of you in this group, your time is coming. HB 339 and Senate Bill TBA. Senator Mike Haridopolos and Representative Bob Allen are sponsoring the legislation putting a 180 day time limit on the length of internal affairs investigations and increasing the state mandated death benefit for officers killed while working traffic accidents and/or enforcing traffic laws. HB 183 and SB 656.

Senator JD Alexander and Representative Susan Goldstein are sponsoring the legislation putting 911 operators in the Special Risk Administrative Support Class. HB 693 and SB 1074.

Senator Bill Posey and Representative Pat Patterson are sponsoring the legislation allowing retirement benefits to be paid for certain reemployment after the FRS Drop period has ended. HB 663 and SB 814.

Senator Rod Smith and **Representative Dorothy Hukill** are sponsoring the legislation improving Health Insurance Subsidy for Special Risk retirees. HB 415 and SB 992.

Senator Durrell Peaden and Representative Ray Sansom are sponsoring the legislation providing for an increased payout of annual leave for state law enforcement, correctional and correctional probation officers into tax deferred retirement accounts to assist with health coverage. HB 231 and SB 776.

In addition to the PBA bills listed above, we are also supporting the following: **Representative Randy Johnson's** legislation (HB 299) changing the FRS Average Final Compensation (AFC) from the best five years to the best three years, **Representative Sandy Adams** revision to Workers' Compensation for first responders (HB 35), and **Representative Fred Brummer's** legislation to make it easier for Special Risk members to get disability retirement (HB 147).

Other issues are sure to surface as the session progresses. Stay informed by reading the Capitol Report, subscribing to E-PBA (see box below for directions on how to sign up), or by calling me at 1-800-733-3722, ext 425.



news about what's up at the Florida PBA, helpful information regarding legislative issues, quick tips, and best practices for members. Your e-mail address will not be given to any other group or organization and you will receive no advertising from outside sources. E-PBA is available to PBA members only.

FDLEAA BOARD MEETING

By Rick Caplano, President

n FDLE Agents Association Board of Directors Meeting was held November 18th in Tallahassee at the PBA Headquarters. All officers and representatives were in attendance. Commissioner Tunnell, Assistant Commissioner Bustle and Assistant Commissioner Sanderson attended the meeting to address the Association Board. (See photos on page 15). Many items of mutual interest were discussed which are summarized below:

Recruitment and Retention

Commissioner Tunnel expressed his total support of the Recruitment and Retention Plan for the FDLE Special Agents. He stated his conversations with the Governor's office mirrored ours, which indicated strongly the Governor's desire to

keep funding for the program in his budget this year. Although this does not automatically make it happen, it is a major obstacle removed in our efforts to obtain this funding. Commissioner Tunnell pledged to joint lobbying efforts between the FDLE Agents Association, the Florida PBA and his Legislative staff in efforts to make it happen.

State Vehicle use for Off-Duty employment details.

This new benefit getting ready to come into effect is another example of FDLE and the PBA working together for the good of the agents. The PBA spent exhaustive hours over several years getting to the point where FDLE agents could use their state vehicles without any previously existing insurance coverage barriers. It now appears to be a reality and we expect it will be in effect in a very short time. The plan essentially calls for each state agency to pay an insurance premium to Risk Management to cover the insurance coverage for offduty employment use.

The amount, determined by Risk Management, is based on past history of claims relevant to off-duty usage. Since FHP, for example, would have an obvious high amount of claims just by the nature of their work and we would have minimal to none due to our relative past non-existent use, the variance between the two agencies differs considerably. While FHP's share is in the six figures...FDLE's is a mere \$2,100. This dollar amount may vary yearly based on rate increases and claims...so be thoughtful of that out there before doing pit maneuvers in downtown traffic while working off-duty details. The last link to complete is to determine who will pay. The Department can opt to pay all, a portion or none. We obviously are recommending all, but that point has yet to be resolved. Even if the agents working off-duty have to pay... due to our small amount, it should be a minimal contribution for the financial gain received by allowing off-duty use.

We'll keep you posted in the final outcome. Direct any questions you may have on the matter to **FDLEAA 2nd VP Al Mones**, who is the point man for the Association on this plan and has done an outstanding job in the organization and implementation of this new benefit.

Pay additive adjustment

This particular cause relates to the 5% additive pay being offered to certain agents for various assignments such as FTA, Task Force leader or other duties. Under the current rules, agents eligible for a 5% incentive pay receive only 5% of the base pay of a starting agent. Our proposal to the Commis-

"Commissioner Tunnell pledged to joint lobbying efforts between the FDLE Agents Association, the Florida PBA and his Legislative staff..." sioner's office involved changing that calculation to reflect 5% of the actual agents pay receiving the additive. That move alone has the potential to increase some agents pay considerably. The Commissioner delighted us by stating that he has already had talks with his staff regarding this issue and is in full support of the change. It now will have to be financially evaluated to determine the cost

of such a plan and then a further effort to locate funding will be initiated. Again, we'll keep you posted on the progress of this action as it comes available.

RedMan Training Scenarios

In the past year or so, the FDLE Agents Association has raised official concerns over the amount of injuries as well as the seriousness of some of the injuries to Special Agents participating in the RedMan training scenarios within internal FDLE defensive tactic training. While supportive of the professional training staff and overall methods used by our trainers, the dramatic rise in injuries in just a few years was cause for concern. The Department sat down and reviewed the issue with the Association and the final outcome resulted in modifications that I believe will be beneficial to all.

While a complete defensive tactic program will be mandatory for academy agents, the extent of mandatory participation will be relaxed for veteran agents. The exact wordage will come out soon and be placed into effect when agent retread training starts back up in the immediate future. A training class that I'm happy to announce will be held at Pat Thomas Law Enforcement academy rather than the dreaded Camp Swampy.

Although agent participation in RedMan physical contact scenarios will have some agent options included that currently

do not exist, I believe added minor modifications in the application of the program will further help considerably with our concerns for officer safety. The FDLE Agents Association still recommends that all agents participate fully in all RedMan scenarios to the best of their abilities in order to maintain peak physical conditioning and mental alertness. This has always been the goal of a highly skilled FDLE Defensive Tactics Training staff whose number one goal is to keep you alive.

40 Hour Work Week

The Association has approached management over the past several months to explore the possibilities of FDLE going to a 40 hour work week. This effort was approached on behalf of numerous agents who have worked many different scenarios with other state law enforcement agencies, specifically Florida Highway Patrol and Florida DOT Officers who were in fact working 40 hour work weeks. The benefits are obvious over our 160 hour, 28 day current cycle. The opportunity to accrue overtime in a more realistic approach, instead of busting our chops for 2-3 weeks and then being told to go home and take the rest of the cycle off, is very attractive. We have to date been unsuccessful in this goal. FDLE management has assured us that they would like nothing more than to alter the current work cycle to better benefit the FDLE agents earning potential but that it does not appear likely in the immediate future.

After researching the other agencies' methods by FDLE, it was determined that these other agencies, which primarily operate in the "Highway Safety" mode rather than traditional law enforcement, are operating their 40 hour work weeks to "some" of their troopers and officers by utilizing grants and specific funding received from the Federal Government targeted towards highway safety. The structure of the aforementioned funding allows for such distribution in direct conflict with the current state rules all state law enforcement are subjected to. We are now looking at alternative methods to include research into specific Federal funding we receive such as Federal drug grants as well as Domestic Security enhancements. Although nothing promising is surfacing in the immediate future, it is an issue we will maintain a pulse on and be constantly ready to address if an opportunity to do so arises.

Light Duty Policies

Or perhaps I should say...a lack thereof. Several agents have expressed concerns with the Association over the lack of an "Official" light duty policy within the organization. Now I will be the first to admit that overall, this agency is more employee supportive than all other state agencies I've witnessed in this subject. Although some agents have not been totally happy with their light duty assignment as a result of injuries or sickness, I have never seen this agency seek out to hurt anyone in that arena. After discussions on this issue with FDLE, management concurred that it probably would be beneficial to have some sort of official stance on the issue to be able to use as a guideline when these issues surface. FDLE will be exploring its options in this issue and will include the FDLE Agents Association in its efforts to see if we can come to a joint agreement in the formulation of a related policy. We will keep you posted as this issue progresses.

People "Worst"

What can I say? The never ending nightmare continues. If it's any comfort, everyone in FDLE on many levels, sworn and civilian, have serious concerns over this plan. We, the FDLE Agents Association and the Florida PBA, have a very limited legal role in the implementation and operation of this program that has been placed on all state employees. We, as criminal investigators, saw immediate security issues the very first day we opened up our personal profile on an alleged secure (NO SUCH THING) internet computer program. Just what you want to do-go on the internet and in a period of four clicks have your entire family identified by address and Social Security number, not to mention the added thrill of having your bank account number posted. Our predictions were almost immediately noted when a "People Worst" employee from Jacksonville was arrested for taking employee information from the system for purposes of identity theft. All I can tell you is that we will monitor and record problems noted and hope to present it to the proper people at the proper time to remedy our concerns if this thing doesn't become securely

Continued on next page



2nd Annual Ride To Remember May 7, 2005, 9 a.m. At Coachman Park In Clearwater

Everyone with a motorcycle is invited to participate in this ride to honor the memory of fallen officers. A donation of \$15 per person will entitle you to ride with us from Coachman Park in Clearwater along the gulf beaches to beautiful Ft. Desoto Park. You will receive a wristband and grilled lunch at the end of the ride. T- shirts to remember the ride will be available for purchase at the beginning and end of the ride.

The ride will benefit the Armed Services & Law Enforcement Memorial Museum and Pinellas County Law Enforcement Charities, Inc. <u>All contributions and the \$15 registration fee are</u> <u>tax deductible.*</u> For registration information, call **Mona** or **Dianna** at the Pinellas County PBA Office 727-532-1722. * Visa and MasterCard are accepted

BOARD MEETING Continued from Page 13

stable. In the meantime, we will just sit back and see if our next prediction of this program taking the path of other failed attempts in restructuring state government will vanish when the next governor is elected.

The meeting further afforded us the opportunity to address the most recent rash of rumors circulating around. Are we having uniforms issued? Are we getting marked FDLE cars and will we retain back our full traffic authority from days past. Well the answers are No, Kinda and Yes.

No...<u>We are not getting issued uniforms</u>. SAS Vince Weiner had proposed through management that a more updat-

ed "uniform" BDU type outfit much like we already wear on emergency responses and other details be considered. The Commissioner's office is in agreement primarily due to his observation during our recent hurricane duties of the variety of makeshift field force outfits being pieced together throughout the state. Management's desire is to have a more

"Uniform" appearance for ALL FDLE AGENTS to be easily recognized as such. The Commissioner further stated he was personally in support of having the wordage "Florida Department of Law Enforcement" fully written out somewhere on the markings to counter any confusion as to who we are. The FDLE Agents Association has attempted in the past to clarify this rumor when it first surfaced and I hope this can put it to rest once and for all. We are in full agreement with SAS Weiner on the need for such a "Uniform" outfit but continue to be opposed to any "actual police uniform" for a FDLE agent other than what our current DARE officials wear for their specific DARE duties.

Are we getting marked police cars? NO. I have to take responsibility for some of that confusion. When we printed the "scale model" of a marked FDLE police car being offered as a keepsake by a local deputy sheriff in a past newsletter, the phone lines were buzzing by a number of agents who were freaking out due to a failure to read past the headlines and photographs or listening to others who were doing so. It was only a toy, boys and girls. The Commissioner's office has stated, however, that they are contemplating some sort of removable magnetic law enforcement markings to more easily identify our vehicles as police vehicles when being used on certain emergency endeavors such as hurricane response. This, in addition to recent policies assuring emergency equipment on most vehicles, points towards the trend of going back to a more law enforcement oriented unit. Something many agents have been wanting for many many years.

<u>Are we going to regain full traffic authority</u> lost in years past? **Probably yes. Commissioner Tunnell** is planning on addressing the issue with the Florida Legislature to have full traffic authority restored to FDLE Special Agents. As many of you are aware, we at one time had full authority but lost a degree of it when certain laws were restructured. We still retained criminal traffic authority for such offences as reckless driving and DUI as well as DL and some title laws but the everyday traffic infraction authority was lost in translation and never placed on the front burner as a concern for us to regain.

The Commissioner feels that full traffic authority could be a useful investigative tool as well as assist the agent in the occasional unique situation where a traffic incident may need immediate attention but the possibility of getting a traffic enforcement officer on scene is unlikely. The Commissioner further stated, and this Association is in total agreement with him, that some sort of restrictions are going to have to be put into place as far as our agents exercising any traffic authority.

> We DO NOT need to be running around on a regular basis playing traffic cop anytime some screwball speeds by us. Like Superman, we must use our powers only for good. There will be occasions when these full powers will benefit us in felony stop scenarios as well as other investigative purposes but our agents must be cognizant of the need to con-

trol any ridiculous use of this authority. It will distract from our true mission and has the ability to harm the professional investigative reputation we have been slowly but most definitely rebuilding.

I think it's important to note here that the top management in FDLE, specifically Commissioner Tunnell and his immediate staff, have been incredibly receptive and helpful in addressing the concerns of our agents. As **Jim Sewell** once told me...they are "our" agents too. I believe them to be totally sincere in their efforts in dealing with us on employee issues and truly feel they want the same things as we all do for our agents. Although we may not always agree on issues, it's the professionalism and mutual respect demonstrated between managers and this Association that go a long way in positively impacting our possibilities for the future.

And last, but not least, I'd like to welcome **Special Agent Dave Broadway** to the Board of Directors of the FDLE Agents Association. Dave has been around for quite some time and is highly respected for his investigative abilities on a statewide level. He has already been instrumental in the operation of this Association by taking the lead on some off-duty employment issues we are approaching with the agency as well as being involved in the contract negotiation team this year and acting in his PBA Representative role on some employee discipline issues. Dave was unanimously voted in by the Board of Directors at the Board Meeting and assumes all the roles of the FDLE Agents Association Tallahassee Regional Representative immediately.

As always, if you have specific issues you feel need addressed with management at any of our Board Meetings or in a more "official" manner, feel free to contact your FDLE Agents Association Officers or Representatives

"There will be occasions when these full powers will benefit us..."



The Florida PBA "Support Law Enforcement" Tag Selling Fast!

The Florida PBA "Support Law Enforcement" license tag is a hot item. Almost 5,000 tags have been sold so far and it's only been available for a little over a year. The proceeds of this tag are deposited into a charitable fund—Florida PBA

Heart Fund — for the Association's members. The intent of the Heart Fund is to provide financial assistance to the families of members who are killed or injured and permanently disabled in line of duty under certain circumstances. The great thing about the contributions made to the Heart Fund, they are tax-deductible! Please ask for the PBA "Support Law Enforcement" tag when you visit your tag office and purchase this tag for your vehicle(s). Keep showing your support for PBA and your fellow officers.





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