

June 3, 2021

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties, and requires all employees to abide by these rules and regulations. The following rules of conduct and performance standards are applicable to all employees both on and off the job. Some of these rules of conduct are restated in abbreviated form in Rule 33-208.003, F.A.C. However, all rules of conduct, procedures, post orders, regulations, directives and policy statements are enforceable by appropriate disciplinary action.

(1) Each warden, officer-in-charge, circuit administrator, supervisor, or designated central office staff shall be responsible for ensuring that each employee under his or her supervision, before assuming the duties of his or her employment, is familiar with all rules and regulations of the Department that pertain to such employee and to the protection, custody, control, care, and treatment of persons under his or her supervision. Employees shall familiarize themselves with and comply with all such rules, procedures, post orders, regulations, directives and policy statements during his or her employment. Copies of the rules and regulations shall be made available for inspection by all employees.

(2)(a) Each employee shall make a full written report of any of the following within 24 hours or upon reporting to work for his or her next assigned shift, whichever is sooner when:

1. A criminal charge was filed against the employee, or the employee becomes aware that he or she is the principal in a criminal investigation.

2. The employee was arrested or received a Notice to Appear for violation of any criminal law involving a misdemeanor, felony, or ordinance, except minor violations for which the fine or bond forfeiture is \$200 or less.

3. Any status change in any case arising out of circumstances described in subparagraphs (2)(a)1. and (2)(a)2. above, to include any pleadings filed, appearances made, dates set, sanctions ordered, and decisions rendered.

4. Knowledge of any violation of the law, or any rules, directives, or procedures of the Department.

5. Knowledge that a business associate, relative, or co-resident of the employee was placed under Department supervision. "Business associate" means any person or entity engaged in or carrying on a business enterprise with a Department employee as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. "Relative" means any person who is related to a Department employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. "Co-resident" means any person who resides in the same household or residence with a Department employee.

(b) For an employee outside of central office, this report shall be submitted to the warden, regional director, or circuit administrator. For an employee in central office, this report shall be submitted to the employee's bureau chief or director.

(3)(a) All employees shall keep themselves physically fit and mentally alert, shall perform their duties fairly and impartially, and shall conduct themselves both on-duty and off-duty so as to command the respect of fellow employees, inmates, offenders subject to community supervision, and the general public. Each employee's conduct shall at all times maintain proper security and welfare of Department institutions, facilities, grounds, buildings, property, inmates, inmates, offenders subject to community supervision.

(b) Supervisors of employees shall not fraternize or have a dating relationship with employees they directly supervise or who are supervised by subordinate supervisors in their chain of command.

(c) Each employee shall comply with the grooming, clothing, and uniform standards outlined in Rule 33-208.101, F.A.C.

(4) Each employee must immediately report for duty when instructed to do so in time of emergency or potential emergency.

(5) No employee shall solicit or accept a gift or any compensation from, trade or barter with, or present a gift to, an inmate, an inmate's family, a person under the supervision of the Department, his or her family, or any other person on behalf of an inmate or person under supervision, except as deemed appropriate and approved in writing by the warden, officer-in-charge, or circuit administrator, or supervisor.

(6) No employee shall refuse to truthfully answer questions specifically relating to the performance of his or her official duties.

(7) Upon proper notice to an employee occupying state-owned housing, such housing is subject to reasonable inspections at least annually for maintenance and sanitation purposes. "Proper notice" for the purpose of maintenance and sanitation inspections pursuant to this section is notice given at least 12 hours prior to the entry.

(8) No employee shall willfully or negligently treat an inmate in a cruel or inhuman manner, nor shall profane or abusive language be used in dealing with an inmate or person under the employee's supervision.

June 3, 2021

(9) No employee shall report for duty or exercise supervision or control over any person while under the influence of a narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant, or any intoxicant. However, in the event any of the foregoing is legally prescribed and administered to an employee, the employee shall report this to the circuit administrator, officer-in-charge, or supervisor and provide him or her with a prescription receipt detailing the type of medication, the dosage, and the possible side effects. The circuit administrator, officer-in-charge, or supervisor, taking into consideration the potential side effects and their possible impact on the employee's duties, shall then determine whether the employee can perform his or her duties without detrimental effect. No employee shall refuse to submit to a blood alcohol test, ordered by a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question, to measure the employee's alcohol blood level when reporting for duty or while on duty if the circuit administrator, officer-in-charge, or supervisor has reason to believe that the employee is under the influence of alcohol. Such a reason to believe that an employee is under the influence of alcohol is based upon the following factors:

- a. Observable phenomena while at work, such as direct observation of alcohol use or the physical symptoms or manifestations of being under the influence of alcohol including without limitation, slurred speech, bodily odor, inability to walk a straight line/staggered gait, exaggerated or excited state of emotions, abnormal, bizarre or erratic behavior, involvement in a physical or verbal altercation, rapid and/or dramatic mood swings or significant deterioration in work product;
- b. Information obtained from a reliable and credible source which has been independently corroborated, such as through the discovery of physical evidence;
- c. Observation or evidence of the possession, sale, solicitation, transfer, ingestion of alcohol during working hours or while on the Department premises or while operating the Department's vehicles, machinery, or equipment;
- d. Possession of paraphernalia normally associated with improper or unauthorized use of alcohol; and/or
- e. A traffic or occupational accident where one or more of the above factors is present.

(10) No employee shall be insubordinate, neglectful, or unwilling to follow lawful orders or perform officially designated duties.

(11) No employee shall willfully or negligently permit an inmate to escape.

(12) No employee shall falsify reports or records.

(13) No employee shall sleep while on duty.

(14) No employee shall apply physical force to the person of an inmate except as provided in Rule 33-602.210, F.A.C., or to any other person under the employee's supervision except and only to the degree that it reasonably appears to be necessary for self-defense, to prevent escape, to prevent injury to a person or damage to property, to quell a disturbance, or when an inmate exhibits physical resistance to a lawful command. When force becomes necessary, a detailed written report shall be made by the employee to the warden who shall have an investigation made and shall approve or disapprove the force used. The employee's report, together with the warden's written approval or disapproval of the force used and his reasons therefore, shall be forwarded and distributed in accordance with Rule 33-602.210, F.A.C.

(15) No employee shall recommend or furnish any advice concerning the retention of a legal or bonding firm or a specific lawyer or bondsman to an inmate, a person under the employee's supervision, or to anyone else on such individual's behalf.

(16) Violence, fighting, horseplay and threatening or interfering with other employees at any time on Department property, or at any other place while on duty, will not be tolerated.

(17) Gambling of any kind on Department property, or at any other place while on duty, will not be tolerated.

(18) Employees shall not reveal to unauthorized persons confidential information held by the Department.

(19) No employee shall knowingly submit inaccurate or provide untruthful information for or on any Department record, report, or document.

(20) No employee shall be tardy, absent, or depart from work early without the permission of the employee's supervisor. Every employee shall observe time limitations on rest and meal periods. Each employee shall notify his or her immediate supervisor or designated representative prior to the employee's scheduled work shift in the event the employee expects to be absent from duty due to illness or other reason.

(21) No employee shall solicit funds or services, sell tickets, or distribute petitions or literature for any purpose other than official business on Department property, or at any other place while on duty, except that an employee may engage in such activities on Department property when off-duty (before or after work, while on lunch hour, or during breaks) provided advance permission is obtained from the employee's supervisor. Such permission shall be given by the supervisor if such solicitation is legal, if no

June 3, 2021

employee is approached with a solicitation while on duty, and if such solicitations are conducted courteously without pressuring any employee to participate.

(22) Every employee shall comply with safety regulations and must promptly report any illness or injury sustained while on duty to the appropriate supervisor.

(23) Employees shall not use Department materials, equipment, or facilities for personal purposes. No employee shall occupy, use, or operate any Department property, equipment, or facility without prior authorization.

(24) Every employee has the responsibility to protect and safeguard Department property and the person and property of inmates and employees. No employee shall be in unauthorized possession of any property of the Department, its inmates, persons under its supervision, or other employees, regardless of value, or attempt to remove such property from the Department premises.

(25) Unauthorized possession or use of firearms or other weapons on Department property, or at any other place while on duty, is prohibited.

(26) Employees shall maintain a professional relationship with all persons in the custody or under the supervision of the Department and with their immediate family and visitors. No personal or business relationships are permitted. Marriage between employees and inmates is not permitted.

(27)(a) No employee shall refuse to submit to a search or inspection by authorized Department staff of his or her person, personal property, or vehicle when entering, exiting, or otherwise being upon the premises of a Department institution or facility. Refusal to submit to such searches or inspections is considered a serious form of insubordination.

(b) All employee property that is introduced into the secure perimeter such as purses, briefcases, lunch boxes, or bags is subject to search at any time by a Department employee of the rank of a correctional officer or higher.

(c) All employees shall be subject to some form of metal detection search, and items in their possession or on their person shall be inspected prior to entering a Department institution or facility. Employees may also be subject to a clothed pat search as a part of the routine search process. Exterior layers of clothing and accessories such as gloves, scarves, jackets, coats, sweaters, footwear, and any approved head covering shall be removed and inspected upon request during the metal detection process and during clothed pat searches. Clothed pat searches shall include manual and visual inspection of an employee's hair, hair piece, toupee, wig, hair extensions, facial hair, and scalp. Metal detection and clothed pat searches conducted prior to entry to a Department institution or facility shall be performed by an employee of the rank of correctional officer or higher.

(d) Based on the criteria set forth below, when authorized Department staff suspects that an employee is involved in the unauthorized or unlawful possession or movement of any unauthorized item into or out of a Department institution or facility, the officer-in-charge may request authorization from the warden or duty warden to conduct a more intensive search than is normally required. An intensive search may include a search of the employee's person, including the visual inspection of an employee's unclothed body, and the search of the employee's vehicle and any locker, desk, or storage space assigned to or used by the employee.

(e) An intensive search of an employee's vehicle or any locker, desk, or storage space assigned to or used by the employee shall only be authorized by the warden or duty warden based on one or more of the following:

1. A K-9 alert;
2. A drug ion scanner alert;
3. Credible information compiled, analyzed, or disseminated in an effort to anticipate, prevent, or monitor criminal activity obtained from the Department's Office of Intelligence, or a federal, state, or local law enforcement agency that has been vetted through the Department's Office of Inspector General.

(f) An intensive search of an employee's person shall only be authorized by the warden or duty warden based on one or more of the following:

1. An employee's failure to clear approved security devices, including a cell phone tower or metal detector; or
2. The detection of a foreign object during a routine clothed pat search.

(g) When an intensive search of an employee's person, vehicle, or any locker, desk, or storage space assigned to or used by the employee is authorized, the employee shall be informed of the reason for the search and of the name of the official ordering the search before the search begins.

(h) When an intensive search includes the employee's assigned locker, desk, or storage space provided by the Department, the employee should be present during the search. However, if the employee is unavailable and the delay required to wait for his or her presence would jeopardize the effectiveness of the search, or if the employee's presence would jeopardize the effectiveness of the

June 3, 2021

search, the search shall be conducted without the employee present. In such cases, the reasons for conducting the search in the employee's absence shall be documented and submitted by the officer-in-charge to the warden for review.

(i) Before an intensive search of an employee's person that involves the visual inspection of the employee's unclothed body may proceed, the employee must either give his or her consent to the search or a search warrant must be obtained authorizing the search.

(j) Any search of an employee's person that involves the visual inspection of the employee's unclothed body must be approved by the warden or duty warden and shall be conducted in private and out of the sight and hearing of other employees and inmates. Such searches must be conducted, observed, and supervised by at least two employees of the same sex as the employee being searched, one of whom must be at least the rank of correctional officer lieutenant, unless a same sex correctional officer lieutenant or higher is unavailable and the delay required to wait for his or her presence would jeopardize the effectiveness of the search. No more than three staff members shall be involved in the unclothed body search of an employee. Group unclothed body searches of employees are not permitted.

(k) If at any time during any search criminal activity is suspected, the search process shall be suspended and the Office of the Inspector General and, if appropriate, local law enforcement, must be notified to conduct any further investigation.

(l) The results of an intensive search of an employee's person, vehicle, or any locker, desk, or storage space assigned to or used by the employee shall be verbally reported to the officer-in-charge immediately upon completion of the search. This shall be followed with a written report from the officer-in-charge to the warden.

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