

**Acknowledgement of Receipt and Review of
FDLE Policy 402: *Standards of Conduct* & FDLE Policy 408: *Appearance***

I HEREBY ACKNOWLEDGE that I have received a copy of FDLE Policy 402: Standards of Conduct and Policy 408: Appearance. I have reviewed and understand the conditions, limitations, restrictions, obligations of compliance, and the rights and privileges provided therein.

Please initial next to each statement below to acknowledgment receipt and review of the referenced section of policy.

_____ I have read FDLE Policy 408: *Appearance* and understand the general and specific prohibitions on tattoos, piercings and hair coloring.

_____ I have read the *Drug Free Workplace/Drug Screening* section of FDLE Policy 402: *Standards of Conduct* and understand the general and specific prohibitions regarding the illegal use of drugs while employed by FDLE and understand that I must undergo drug testing prior to employment with FDLE.

Printed Name

Signature

Date

Signature Witnessed By:

Printed Name

Signature

Date

Note: The executed original to be retained in applicant's/member's personnel file. A copy will be filed within the applicant's/member's background file.

FDLE POLICY

	408	Appearance
CHAPTER	Conduct	
DISTRIBUTION	All Members	
REVIEWING AUTHORITY	Office of Human Resources	
ORIGINAL EFFECTIVE DATE	5/6/2010	
REVISED DATE	07/31/2025	
ACCREDITATION STANDARDS	CALEA 22.1.6	

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DIRECTIVE STATEMENT

Recognizing a need for consistency, the Florida Department of Law Enforcement (FDLE) has established recognizable and professional sworn and non-sworn response, training and workplace attire standards for all members.

DEFINITIONS

Business Casual Attire – A dress code that blends elements of both business professional and casual clothing.

Business Formal Attire – The most formal dress code for professional settings, characterized by structured and conservative clothing.

Members – All personnel employed by FDLE, including those employed under OPS, interns, and others as identified by the appropriate Special Agent in Charge (SAC) or Division Director.

Response Attire – Worn when the response requires the need for the public or other criminal justice agencies to immediately recognize the FDLE member as a law enforcement professional.

ATTIRE

Members represent the department while on duty and will demonstrate good judgment and a commitment to a professional workplace by dressing appropriately. Business attire, whether business casual or business formal is preferred in most instances; however, certain jobs may require special types of clothing, footwear or gear for health, safety, or security reasons.

Business formal attire includes any standard issued uniform of the department whether long or short sleeve including Capitol Police Class A or B uniforms. Business formal attire does not include response attire. Some members are in business formal attire daily based on the nature of their positions. Others are in business formal for certain events or meetings associated with their position responsibilities. Many members are in business casual attire daily. Other members may be permitted to dress in department casual attire as approved by the appropriate SAC or Division Director.

Categories of attire include:

- Business formal: Traditional business attire that consists of a coat, tie and dress slacks for men. For women, this would include blouses with skirts, pantsuits or professional dresses. Business formal attire is required when representing the Department in an official capacity or presenting at court proceedings, protective operations detail, meetings and trainings with outside customers or other agencies, or any assignment deemed by Command Staff to require business formal attire.
- Business casual: Less formal than traditional business attire that consists of slacks or less formal slacks (e.g., chino or khaki pants) and a collared shirt for men. For women, this would include blouses with slacks, khaki pants or skirts and less formal dresses.
- Department casual: On Fridays, members may dress down unless they are acting in a representative capacity that day and are required to wear business formal attire. Members may wear sneakers, jeans, polos or button-down shirts and casual blouses. At their discretion, supervisors may approve department casual attire on other days for those members performing a significant amount of manual labor. Members working night or weekend shifts or those working in designated work areas with limited public interaction may be permitted to dress in department casual attire daily if previously approved by the appropriate SAC or Division Director.

Inappropriate attire may not be worn under any circumstances. Examples of inappropriate attire include shorts, threadbare jeans, leggings, workout clothes, graphic t-shirts, spaghetti straps, halter tops, midriff baring shirts, hoodies/sweatshirts, hats, or head coverings (except those worn for religious purposes), flip flops, slippers, or similar items. Undergarments should not be visible at any time. Department issued clothing and/or response attire are approved and acceptable to be worn in appropriate settings or situations.

Supervisors may provide more specific guidance regarding appropriate attire consistent with these general guidelines and may send inappropriately dressed members home, to change their clothes utilizing their own leave. Members are encouraged to ask their supervisor in advance if they have questions regarding the appropriateness of their attire. Members who may have to attend meetings without advance notice are encouraged to dress in anticipation of that occurrence or keep a change of clothes in their office.

SWORN MEMBER RESPONSE ATTIRE

Response attire consists of Command Staff approved clothing and accessories purchased by the department and issued to sworn members.

Sworn members will be issued response attire including tactical polo shirts, t-shirts, pants and footwear, a jacket, belt and hat.

Depending upon the nature of assignments, other equipment, such as jumpsuits, gloves and protective gear may be issued. These items are not response attire but may be required to safely perform duties.

Agency identifiers will be consistent on all issued attire. The Investigations and Forensic Science Support Bureau will specify the dimensions, placement of agency identifiers and wording on the attire (Refer to the *Approved Response and Training Attire List*).

Black or tan footwear will be issued. However, a member may purchase personal footwear, which if worn as part of their response attire, must be solid black or tan (including logos, soles, trim and laces).

TRAINING ATTIRE

Sworn members are required to wear issued attire to FDLE-sponsored high liability training.

Previously approved training attire (as noted on the *Approved Response and Training Attire List*) may also be worn during training.

Sworn member instructors conducting high liability training will also be issued red shirts. The red shirts are required during training so that range safety officers, and those conducting high liability training, will be readily identified. Red shirts are not to be worn as response attire.

NON-SWORN MEMBER RESPONSE ATTIRE

Non-sworn response attire will be issued to members assigned to crime scene and evidence intake, public information officer functions, mutual aid/domestic security response and other response activities approved by the Director/Special Agent in Charge.

Non-sworn response attire consists of:

- Light gray, professional polo shirt or t-shirt, tactical pants, tactical footwear, jacket, belt and hat.

Non-sworn crime scene and evidence intake response attire consists of:

- Dark gray, professional polo shirt or t-shirt, tactical pants, tactical footwear, jacket, rain gear, belt and hat.

TATTOOS, BRANDINGS AND/OR MARKINGS

Regardless of placement, tattoos, brandings and/or markings anywhere on the body that promote racism, discrimination, indecency, extremist or supremacist philosophies, lawlessness, violence, contain sexually explicit material, material offensive to the employer or the public are prohibited. Determinations of what constitutes offensive material will be at the discretion of the Commissioner in consultation with the Office of General Counsel.

Tattoos, Brandings and/or Markings Guidelines for Current and Prospective Members:

- FDLE prohibits tattoos, brandings and/or markings on:
 - Your face and scalp (excluding permanent makeup, such as eyeliner, lip-liner and brows).
 - The front and sides of your neck above the t-shirt line.
 - Your hands except for one ring tattoo on each hand, although it must not extend beyond where a ring naturally would rest on your finger (between the lowest knuckle and your hand).
- Members who have visible tattoos, brandings, markings, not prohibited by policy, will be required to have the tattoo covered at all times while they are conducting official department business such as attending professional meetings and functions, court appearances, or interacting with the public during work hours.
- The way tattoos, brandings or markings are to be covered should not draw additional attention to the area being covered. The inadvertent unintentional display of a visible tattoo, branding or marking is not within the scope of this prohibition.

PIERCINGS

Piercings not located in the ear (except small nose studs) must be removed or covered with clothing while working. Small nose jewelry studs no larger than two (2) millimeters in diameter or clear studs are permitted. Nose rings, eyebrow rings, tongue rings, lip rings, or rings attached to other visible body parts (except ears) by piercing are prohibited.

Sworn members earrings must be less than a quarter inch in diameter and may not interfere with job performance or safety regardless of attire.

Jewelry in piercings shall not be visible through clothing.

GROOMING

Hair will be neat, clean, and trimmed to present a well-kept appearance. Non-natural hair coloring, such as blue, purple, orange, green, pink, bright red, bright yellow and fluorescent (or neon) are prohibited.

Facial hair shall represent an overall neat, polished, and professional appearance.

Beards, mustaches, and goatees shall be neatly trimmed and not exceed more than one inch in length.

EXCEPTIONS

FDLE recognizes and respects the religious rights of its members. Our members may request reasonable accommodations to the standard uniform and appearance requirements for sincerely held religious beliefs or practices. Members requesting an accommodation shall make the request to their direct supervisor, who shall report up their chain of command to the Commissioner or designee.

Sworn members working in an undercover capacity may be exempt from these restrictions governing tattoos, piercings, facial hair, and hair color with SAC approval.

Members required to wear Class A or Class B uniforms must adhere to Capitol Police SOP 2.01 – Uniform and Personal Appearance.

The Commissioner or designee may waive policy restrictions on a case-by-case basis.

RELATED REFERENCES

[Approved Response and Training Attire List](#)

[Capitol Police SOP 2.01 - Uniform Personal Appearance](#)

FDLE POLICY

	402	Standards of Conduct
CHAPTER	Conduct	
DISTRIBUTION	All Members	
REVIEWING AUTHORITY	Office of Human Resources	
ORIGINAL EFFECTIVE DATE	05/06/2003	
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ACCREDITATION STANDARDS	CALEA 11.1.1, 12.2.1, 22.1.6, 26.1.1, 26.1.4	

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DIRECTIVE STATEMENT

Florida Department of Law Enforcement (FDLE) members will obey all laws, regulations, always maintain the highest standard of professional and ethical behavior. Members are all personnel employed by FDLE, including those employed under OPS, interns, and others as identified by the appropriate Special Agent in Charge (SAC) or Division Director. For the purpose of this policy, members will also include those contract employees working on site within an FDLE facility. "Integrity" is a fundamental value of FDLE. Members must conduct themselves in a manner that reflects personal and professional integrity and that reflects positively on the Department. In the absence of specific rules or standards of conduct, all members must exercise good judgment, avoiding even the appearance of impropriety.

DEFINITIONS

Amorous Relationship – Intimate, sexual, and/or any other type of affectionate encounter or relationship, whether casual or serious, short-term, or long-term.

Domestic Violence – Is commonly defined broadly to include “all acts of physical, sexual, psychological or economic violence” that may be committed by a family member or intimate partner.

Electronic Cigarette (e-cigarette) - Is a battery-powered device that heats a liquid to produce an aerosol, which is inhaled by the user. E-cigarettes are also commonly referred to as vapes and are designed to simulate the experience of smoking traditional tobacco cigarettes.

Moral Character - Refers to the set of personal qualities and ethical traits that define an individual's behavior and decision-making in moral contexts.

Tobacco Product - Is any product made or derived from tobaccos that is intended for human consumption, including any component, part, or accessory of a tobacco product.

Workplace Violence - Is any act or threat of physical violence, harassment, intimidation, or other threatening behavior that occurs as the work site.

APPLICATION

This directive applies to all members of FDLE who are engaged in official duties. Unless otherwise noted, this order also applies to off duty conduct. Acts of misconduct and work standard violations are described in Section 111-1.011, Florida Administrative Code (FAC), FDLE policies and other administrative rules applicable to state employees. Conduct that is not mentioned under a specific rule, but violates a general principle, is still prohibited.

Members should consult their supervisors if there are questions regarding whether a specific action is proper.

MORAL CHARACTER

Good moral character means a history of honesty, fairness, and respect for the laws and rights of others. Maintaining good moral character members must not engage in:

- Excessive use of force.
- Misuse of official position (Section 112.313(6), F.S.)
- Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controlee.
- Sexual harassment involving physical contact or misuse of official position.
- Engaging in sex while on duty.
- False statements during the employment application process.
- Conduct which subverts or attempts to subvert the Criminal Justice Standards and Training Commission, criminal justice training school, or employing department examination process.
- Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others.
- Any willful and offensive exposure, exhibition of sexual organs in public, on the private premises of another or so near that it is likely to be seen, except in any place provided or set apart for that purpose.

- Willful failure of the Department head to comply with Chapter 943, F.S., as it pertains to Commission rule; and
- Any willful and knowledgeable misuse of electronic databases used to access restricted information for an illegitimate or personal purpose with bad intent.

PROFESSIONAL CONDUCT AND RESPONSIBILITIES

Every member is required to establish and maintain a working knowledge of Department policies, rules, regulations, and laws. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule, or policy in question.

Members shall observe and obey federal and state laws; county and municipal ordinances. Members shall observe and obey Department written directives.

Members shall not engage in any conduct which constitutes neglect of duty, conduct unbecoming, or any act which is likely to adversely affect the discipline, good order, or reputation of the Department.

Members shall treat all superior members/supervisors, subordinates, and others with respect. They shall be courteous and civil at all times in their relationship with one another.

Members must not criticize or ridicule publicly the Department, its policies, or members either verbally, in writing, or in any other manner where such expression is defamatory; is obscene; is unlawful; is made with reckless disregard for truth or falsity; interferes with the ability of supervisor to maintain discipline. This policy is not intended to infringe upon member's rights to express concerns, engage in protected activity, or report misconduct through appropriate channels.

Members shall at all times respond to lawful orders of a superior. Orders from superior to subordinate shall be in clear, understandable language, civil in tone and issued in pursuit of department business. No member is required to obey any order which is contrary to local, state, or federal law. Responsibility for refusal to obey rests with the member. They shall be strictly required to justify their actions. Members who are given an order that they feel to be unjust or contrary to directives must first obey the order to the best of their ability and then may proceed to appeal. Upon receipt of an order conflicting with any previous order or instruction, the member affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order.

All members are required to take appropriate action toward aiding a law enforcement officer exposed to danger or in a situation where danger might be impending.

A member may be determined to have impaired or jeopardized the proper and efficient operation of the Department due to their carelessness, by the member's negligent job performance under this provision where they act or fail to act. Either in a deliberate or willful manner which reflects a reckless or wanton disregard for life, safety, property; or in a manner contrary to acceptable standards of performance, which results or could have resulted in injury, danger, damage to other or their property. Furthermore, repeated incidents of minor carelessness or a pattern of errors, neglect and/or inattentiveness to job performance are of equally serious nature and will not be tolerated. Each case of carelessness or neglect will be evaluated, considered on its merits, and will result in appropriate administrative or disciplinary action up to and including discharge of the member.

A member will be determined to be incompetent in their job performance when the member has shown an inability to meet the minimum standards of job performance or to maintain established

standards of efficiency. Depending upon the circumstances, the Department will undertake appropriate action including counselling, retraining, transfer, demotion, or discharge of such member.

Any member who deliberately refuses or fails to obey any lawful order given by a superior member/supervisor or who engages in mutinous conduct such as showing gross and direct disrespect to a superior member/supervisor shall be guilty of insubordination, and in violation of this regulation may be released from duty.

Any member who learns they are a suspect of a criminal investigation, party of an injunction or a party in a civil action shall report the facts and circumstances known to them of the case to their supervisor without delay.

Members shall not associate with any person known to be of unsavory character, person who is generally known to be a bad reputation, prisoner, convicted felon, habitual convicted misdemeanor, or generally known associate of convicted felon or habitual misdemeanor except as specifically required as matter of law enforcement duty, or where unavoidable due to family relationships.

Members shall not engage in conduct, whether physical or verbal, which constitutes either sexual or racial harassment.

Members must follow medical restrictions issued by a worker's compensation or other physician while on or off duty.

Members knowing of other members violating laws, ordinances, rules of the Department, or disobeying orders, must report to their supervisor or Professional Standards Unit (PSU). The notification shall be no later than then 24 hours of incident.

All members shall abide by the code of ethics, Section 112.311 through 112.326, Florida Statutes entitled "Public Employees' Code of Ethics."

WORKPLACE VIOLENCE

All acts of violence, threats, displays of aggressive behavior, expressed fear of violence or threats at FDLE buildings and parking lots will be reported in a timely manner via the chain-of-command to the Professional Standards Unit or to the Special Agent-in-Charge (SAC). PSU or sworn members assigned by the SAC will investigate such reports and take any enforcement or other action as appropriate.

Supervisors are responsible for reporting potentially violent situations of which they have knowledge and for initiating appropriate action to diffuse and avoid such situations. Possession of weapons by members or visitors inside FDLE facilities is expressly prohibited except for:

- Authorized firearms or weapons issued to sworn members.
- Visiting law enforcement officers in uniform or wearing law enforcement credentials.
- Cases when the Commissioner grants approval per the FDLE weapons policy; or
- Situations when possession is otherwise authorized by state or federal law.

Any member who threatens, harasses, abuses someone at or from the workplace using any state resources such as state time, workplace phones, fax machines, mail, e-mail, or other means will be subject to corrective or disciplinary action up to and including dismissal.

Corrective or disciplinary action up to and including dismissal may also be taken against members who are arrested, convicted, and/or the subject of an injunction for protection as a result of any type of violence, including domestic, repeat violence, dating, or sexual violence.

DOMESTIC VIOLENCE

Any member who becomes the subject of a temporary or final injunction for protection as a result of any type of violence shall notify his/her supervisor and provide the supervisor with a copy of the injunction **promptly** upon being served with such an injunction. The supervisor will **promptly** notify PSU and the Office of General Counsel (OGC) of the injunction and then initiate a supervisory inquiry into the events leading to the injunction being filed and will then notify their chain-of-command of the results of the inquiry. The SAC or Division Director will determine if further investigation is warranted.

Upon determining that a temporary or final injunction prohibits possession of firearms or meets the criteria established in 18 USC, Section 922(g)(8), the SAC or Division Director will complete a memorandum to the member stating such determination and placing the following restrictions upon the member, to become effective immediately upon the injunction being served upon the member.

The member is to surrender all firearms and ammunition in his/her possession to local law enforcement or to a designated sworn FDLE member for safekeeping. A member who receives any firearms or ammunition in accordance with this section will:

1. Document firearms, ammunition and other equipment received;
2. Ensure that all firearms and ammunitions are delivered to a department armorer or evidence custodian for safekeeping.

Sworn members authorized to carry off-duty or secondary weapons will be revoked and all authorizations to work off-duty police employment will be revoked.

Based on the requirements of the injunction and the circumstances that led up to the injunction being filed, a sworn member may be assigned to administrative duties. Such assignment may be based upon the facts outlined in the injunction or as a result of information received at a later time.

Sworn members not placed on administrative duties shall be required to check their firearms and ammunition out prior to duty and leave their firearms and ammunition with their supervisor at the end of their work shift. Supervisors receiving any firearm and/or ammunition in accordance with this section shall document each transfer of such firearm and/or ammunition. All firearms and ammunition shall be stored in a secure area.

GIFTS/REWARDS

Members shall not, under any circumstances, solicit any gift, gratuity, loan, or fee where there is any direct or indirect connection between such solicitation and their department membership or employment. Nothing herein shall prohibit a member from listing their employment status on a bona fide credit or loan application form with any properly licensed concern.

Except as provided above, members shall not accept either directly or indirectly any gift, gratuity, loan, fee, or other thing of value arising from or offered because of department employment, or any activity connected with said employment unless requested via the member's chain of command and authorized by the Commissioner. Members shall not accept any gift, gratuity,

loan, fee, or other thing of value when such acceptance tends to influence directly or indirectly the actions of said member or any other member in any matter of law enforcement business or which might tend to cast an adverse reflection on the department.

Members shall not accept any gift, gratuity, reward in money or other consideration for services rendered in the line of duty to the community, to any person, business, or department except lawful salary and that authorized by these regulations and law. Before accepting any reward or remuneration for services, a member must receive written approval from the Commissioner; the immediate supervisor of the requesting member is responsible for investigating the legitimacy of the claim and endorsing the request to the Commissioner.

Members shall not solicit free admission to theaters and other places of amusement for themselves or others except in the line of duty.

AMOROUS RELATIONSHIPS PROHIBITION

Amorous relationships between supervisors and their subordinate members or volunteers often adversely affect decisions, distort judgment, and undermine workplace morale for all persons, including those not directly engaged in the relationship. Any member who participates in supervisory or administrative decisions concerning a member or volunteer with whom that individual has or had an amorous relationship has a conflict of interest in those situations. These types of relationships, specifically those involving spouses and/or individuals who reside together also may violate State Code of Ethics for Public Officials.

Accordingly, the Department prohibits all members from pursuing or engaging in amorous relationships with members whom they supervise. No supervisor shall initiate or participate in institutional decision involving a direct benefit or penalty (employment, retention, promotion, salary, leave of absence, etc.) to a person with whom that individual has or had an amorous relationship. The individual in a position of authority can be held accountable for creating sexually hostile environment or failing to address a sexually hostile environment and thus should avoid creating or failing to address a situation that adversely impacts the working environment of others.

The Department recognizes that an amorous relationship may exist prior to the time an individual is assigned to a supervisor. Supervisory, decision-making, oversight, evaluative or advisory relationships for someone with whom there exists or previously has existed an amorous relationship is unacceptable unless effective steps have been taken to eliminate any potential conflict of interest in accordance with this directive. The current or prior existence of such a relationship (when known) must be disclosed by the member in a position of authority prior to accepting supervision of the subordinate member or volunteer to the Chief of Human Resources. Once HR has determined that the disclosed relationship constitutes a conflict of interest, in consultation with appropriate executive staff, the Chief of Human Resources will determine how the conflict of interest can be eliminated.

If, despite these warnings, a member enters into an amorous relationship with someone over whom that individual has supervisory, decision-making, oversight, evaluative, or advisory responsibilities in violation of this policy, then that member must disclose the existence of the relationship immediately to the Chief of Human Resources. Once Chief of Human Resources has determined a conflict of interest, the Chief of Human Resources shall consult with executive staff to determine how the conflict of interest can be eliminated.

A supervisor's failure to report the existence of a relationship with a subordinate member is also violation of this policy.

POLITICAL ACTIVITIES

FDLE will not publicly or privately endorse any candidate for public office. No FDLE member acting as a representative of the department may expressly or implicitly endorse any candidate for public office. Members interested in holding local public office must request authorization from the Commissioner. Members are not authorized to run for statewide elective office.

Members shall not permit their name or photographs to be used to endorse any product or service if they are identified as members of the Department without permission of the Commissioner or designee.

Each member, as an individual voter, is urged to vote in all elections. Members may express their opinions on any candidate or issues, i.e., campaign contributions, and may participate in any political campaign during their off-duty hours and while not in uniform. While on-duty, members shall not campaign, nor wear any campaign material nor display any campaign material on any department vehicle. Members shall not solicit any assessments, contributions, or services for any political candidate or party from any other member, while either the member is on duty, or in uniform. Members shall not require political service of any subordinate. Members shall have the right to hold membership in and support political party, to vote as they choose, to express an opinion on all political subjects and candidates.

USE OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES

Use of tobacco products by members is limited while in the workplace or on duty, excluding sworn members working in an undercover capacity when such actions are deemed necessary during the course of an investigation. The Florida Clean Indoor Air Act strictly prohibits the use of any tobacco products, electronic smoking devices, or vapor-generating electronic devices within state buildings or state-owned vehicles. The use of smokeless tobacco detracts from the professional image expected of FDLE members.

All facilities occupied by FDLE are designated as nonsmoking areas. Smoking tobacco or use of an electronic cigarette is prohibited inside FDLE facilities. Members are not permitted to use smokeless tobacco inside FDLE facilities. For purposes of this policy, “electronic cigarette” includes electronic cigars, electronic cigarillos, electronic pipes, or other similar devices or products, but does not include a nicotine patch or a chewing gum, lozenge, nasal spray or inhaler containing nicotine.

Administrators at each field facility will ensure that “No Smoking” and “No Use of Tobacco Products” signs are posted at all entrances to field facilities.

No smoking is allowed in the vicinity of the main entrance or the side entrances (and covered parking areas) of an FDLE building (including sidewalks and loading dock area) or inside of any FDLE building (including courtyard areas).

Waste receptacles placed near the (front/main) entrances are for the use of visitors to extinguish tobacco products and do not imply that these areas are designated as smoking areas for FDLE members.

The designated smoking areas at headquarters are located:

- East of the Quad A garage vehicle entrance
- West of the Quad C garage vehicle entrance

Members should contact the appropriate regional Business Manager for authorized locations of designated smoking areas located at the Regional Operation Centers and Field Offices. This policy is in effect 24 hours per day and seven days per week.

Tobacco waste receptacles are located within the designated smoking areas to extinguish and discard tobacco products. Members should only discard tobacco products into these receptacles and utilize trash receptacles for other objects such as paper, cans, etc. Members should not discard tobacco waste on the ground.

Harassment aimed at any FDLE member for any reason, including their choice to use tobacco, will not be tolerated. Members wishing to make a tobacco use complaint may contact the Headquarters Building Security Unit at (850)410-7474.

DRUG-FREE WORKPLACE/DRUG SCREENING

FDLE will employ and retain only persons free of illegal use of controlled substances or other drugs. Drug testing is required of all job applicants. FDLE members may be required to undergo drug testing upon reasonable suspicion of illegal use of controlled substances or other drugs, to determine fitness for duty, to investigate unlawful drug use, or as otherwise authorized by law. Follow-up drug testing may be required of any member as allowed by law. Drug testing will ensure that members and applicants meet the character, integrity and suitability standards set by the Department.

FDLE prohibits the unlawful manufacture, distribution, dispensing, possession, or use by any FDLE member of a controlled substance (any substance listed in Section 893.03, Florida Statutes) or drug (alcohol (including distilled spirits, wine, malt beverages, and intoxicating liquors), amphetamines, cannabis, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the above).

Analysis of specimens (tissue or product of the human body, including, but not limited to, urine or blood, capable of revealing the presence of drugs or their metabolites) may be utilized to evaluate whether evidence of illegal controlled substance or other drug use by prospective members exists. Drug testing methods shall be fair and reasonable and may include job applicant testing, reasonable suspicion testing, fitness for duty testing, or follow-up testing. Illegal use of controlled substances or other drugs is a crime, and FDLE members are to avoid all criminal conduct.

Human Resource Management (HR), in conjunction with the Special Agent in Charge of the Office of Executive Investigations (OEI) is responsible for the implementation, coordination, and maintenance of a drug-free workplace program. The OEI SAC is responsible for the drug testing (any chemical, biological or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites) program as a component of the background investigation of the finalist(s) for authorized positions, including OPS members, interns, volunteers, and others identified by the appropriate SAC or Division Director, and for submitting required notices of violations of this policy/procedure to the appropriate federal agencies as may be required by law or as a condition to the receipt of grants.

Any SAC or Division Director, after consultation with the OEI SAC and OGC, may request an investigation of any suspected violation of this policy/procedure and such investigation may, in a manner consistent with the standards stated herein, include drug testing on current members when reasonable suspicion of illegal drug use exists.

An FDLE member found to have violated this prohibition shall be terminated from employment in a manner consistent with applicable law and regulations. Any applicant for employment found to have violated the standards articulated in this policy/procedure shall, consistent with existing law and regulation, be disqualified. Nothing in this policy/procedure may be construed to prevent or

otherwise limit FDLE from discharging a member for violation of law or rules when such termination is based upon evidence other than the results of a drug test.

Under Rule 11I-1.011(9), FAC, FDLE members are required to immediately submit a written report that any member of the department, including oneself, is under investigation by any criminal justice agency. This requirement includes any investigation of suspected illegal involvement (to include but not limited to possession, use, sale, delivery, etc.) with controlled substances or other drugs.

FDLE's Professional Standards Investigations/Disciplinary Actions Policy requires any member who observes, becomes aware of, or receives a complaint from any source in any manner alleging misconduct by an FDLE member shall promptly submit a report to their supervisor. Any suspicion or allegation of violation of FDLE's drug-free policy by a member shall be considered a complaint alleging member misconduct. All suspected violations of FDLE's drug-free policy shall be promptly reported, via chain-of-command, to the Office of Inspector General (OIG).

The drug-free awareness program, implemented, coordinated, and maintained by HR, shall inform members about the dangers of drug abuse in the workplace and elsewhere; FDLE's drug-free policy/procedure; the availability of counseling and employee assistance programs to help members avoid involvement in the illegal manufacture, distribution, dispensing, possession or use of a controlled substance or other drug; and FDLE's policy/procedure that any member found to have been involved in any illegal manufacture, distribution, dispensing, possession or use of a controlled substance or other drug will, in a manner consistent with law and regulation, be terminated.

Any member or other person associated with this Department in an employment, intern, or volunteer capacity must, in addition to the other requirements of this policy/procedure, advise FDLE of conviction of any criminal drug statute violation within one workday after such conviction. As utilized within this policy/procedure, "conviction" means a defendant was found guilty after trial, or pled guilty or "no contest," without regard to whether adjudication was withheld or sentence was suspended, and regardless of whether an appeal from the "conviction" is being pursued.

Upon receipt of any notification that a member employed by reason of a federally-funded grant has been convicted for a violation of a criminal drug statute, the OEI SAC shall notify the grantor federal agency of such conviction within 10 calendar days. Any member engaged in the performance of a federally funded grant shall receive a copy of this policy.

Pursuant to s. 112.0455(11)(a), FS, Florida's Drug-Free Workplace Act, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by FDLE solely through its drug testing program are confidential communications and are exempt from the provisions of Florida's Public Records Law (s. 119.07(1), FS) and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Drug-Free Workplace Act.

Members of FDLE who receive or have access to information concerning drug tests results shall keep all information confidential. Any release of such information shall be in a manner authorized by and consistent with s. 112.0455(11)(b), Florida Statutes. By reason of that section, information on drug test results shall not be released in any criminal proceeding against a member or job applicant.

The restrictions provided above shall not be construed to prohibit members of FDLE or other persons specified in s. 112.0455(11)(e), FS, from having access to member drug test information when consulting with legal counsel in connection with actions brought under or related to the Florida Drug-Free Workplace Act or where the information is relevant to FDLE's defense in a civil or administrative matter.

All information, interviews, reports, statements, memoranda, and documentation received or generated by FDLE independent of the drug testing program is NOT normally confidential and will be utilized to the fullest extent allowed by law and regulations in disciplinary actions and criminal prosecutions. Most of such non-confidential material will become, at some point in time, a public record.

The drug testing procedures provided by this policy/procedure, by the Florida Drug-Free Workplace Act and associated rules or regulations do not restrict more extensive drug testing pursuant to federal law or regulations that specifically preempt state and local regulation of drug testing; that have been enacted or implemented in connection with the operation or use of federally regulated facilities; that require, as a part of a federal contract, drug testing for safety, or protection of sensitive or proprietary data or national security, or that otherwise require drug testing as a part of federally regulated activity.

Note: In 1989, s. 112.0455, FS, Florida's "Drug-Free Workplace Act" (hereafter referred to as the "Act") became law. Prior to the Act, FDLE maintained a drug-free policy and drug-testing program. FDLE continues to maintain that policy and, consistent with applicable law and regulations, engages in its drug testing program. "Drug" as defined in the Act means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids (including marijuana and hashish); cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the above substances.

Section 112.0455(6)(b) of the Act requires, prior to drug testing, that all members and job applicants be given this written notice. At the same time, such members will receive a copy of the current FDLE Standards of Conduct Policy 402.

FDLE considers all positions within the Department to be either "safety-sensitive" as used in the Drug-Free Workplace Act or special risk. All finalists for full or part-time employment, contract employment, internships, and certain designated volunteer positions must submit to a "job applicant" drug test. Refusal by a finalist to submit to the drug test, refusal to participate in the drug test in the manner required, or a positive confirmed drug test result indicating the illegal use of a controlled substance or other drug will be a basis for rejecting the finalist.

FDLE may require a member to submit to drug testing when there is a belief drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience that a member is illegally using or has illegally used a controlled substance or other drug in violation of FDLE's Drug-Free Policy. Reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the member in question and receives approval by the Commissioner or designee. FDLE may, consistent with applicable law or regulations, require a member to submit to a drug test conducted as part of a routinely scheduled member fitness-for-duty medical examination that is part of FDLE policy or that is scheduled routinely for all members in an employment classification or group, or as may be required as part of a fitness-for-duty medical examination initiated when there is a concern that a member is incapable of performing their assigned duties. As a follow-up to an approved employee assistance rehabilitation program for drug or alcohol related problems that have not resulted in the termination of a member, FDLE will require the member to submit to a drug test on a quarterly basis for two years thereafter.

FDLE Action Based Upon a Positive Drug Test Result:

FOR SPECIAL RISK MEMBERS: Termination of Employment (Discharge).

If a disciplinary action is based solely on the first positive confirmation drug test indicating illegal use of a controlled substance or other drug, the Drug-Free Workplace Act allows an opportunity to be provided for the member to participate in an employee assistance program, alcohol, or drug rehabilitation program. Any such participation will be at the member's expense unless covered

under the member's health insurance plan. The member may be placed on leave while participating in such a program and will be subject to follow-up drug testing on a quarterly basis for two years thereafter. However, if any evidence independent from that derived from a drug test supports a sustained disciplinary finding of a violation of FDLE's Drug-Free Workplace/Drug Screening Policy, the department will discharge the member.

Members, job applicants, and other persons required to be drug tested will be able to confidentially report the use of prescription or non-prescription medications both before and after being tested. A form will be provided for this purpose which will provide notice of the most common medications by brand name, and/or common name, as well as by chemical name, which may alter or affect a drug test.

If a member, job applicant, or other person required to be drug tested refuses to submit to a drug test when requested, the department will not be barred from discharging the member, or from refusing to hire the job applicant or allow the other person to be associated with the department. Failure to participate in the drug test in the method or manner required shall constitute a refusal to submit to the drug test.

The names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs are available from HR and will be provided to members upon request. The list is not exhaustive. Further information may be found in the local Yellow Page telephone listings under categories such as "Alcoholism Information and Treatment Centers," or "Drug Abuse and Addiction Information and Treatment."

A member or applicant receiving a positive confirmed drug test may contest or explain the result to the OEI SAC within five working days after written notification of the positive test result. If the contest or explanation is not satisfactory to FDLE, the member or applicant may contest the drug test result in the manner provided by s. 112.0455 (14), FS. If a member or applicant initiates civil or administrative action pursuant to the Act, the member or applicant is responsible for notifying the laboratory which maintains the specimen sample so that the sample may be retained by the lab until the case or administrative action has been concluded (See s. 112.0455(8)(h), FS, for further detail). FDLE will conduct a drug test (10 Panel Test) for the following:

- Cocaine (including "crack")
- Cannabinoids (including marijuana, hashish, "pot," "grass")
- Opiates (including codeine, morphine, heroin)
- Barbiturates
- Amphetamines (including methamphetamines, "ice")
- Phencyclidine (PCP)
- Benzodiazepines (including "Librium," "Valium," "Serax," and "Dalmane")
- Methaqualone ("Quaaludes," "ludes")
- Methadone and Propoxyphene.

FDLE may test for hallucinogens, synthetic narcotics, designer drugs, or a metabolite of these or any of the above-listed substances. In addition, FDLE may require a blood alcohol test if reasonable suspicion of alcohol impairment or abuse exists for a member, job applicant, or other person associated with the department.

A member who is disciplined or who is discharged, and a job applicant for a special risk or safety-sensitive position who is not hired by FDLE pursuant to drug testing done under the Drug-Free Workplace Act but who already is a member of the Career Service or who is covered by an applicable collective bargaining agreement may file an appeal with the Public Employees Relations Commission (PERC) within 30 calendar days of receipt of the final notice of discipline or discharge or the refusal to hire. The notice will inform the member of the right to file an appeal, or if applicable, the right to file a collective bargaining grievance pursuant to s. 447.401, FS. Any person (including Senior Management, Selected Exempt, or Other Personal Service (OPS) members or job applicants) alleging a violation of the Drug-Free Workplace Act that is not remediable by PERC or an arbitrator and who seeks relief must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation.

Members and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medication. FDLE will notify members and applicants of the approved clinical laboratories.

Note: A copy of this section (Drug-Free Workplace/Drug Screening) will be provided to all applicants and members and be posted on all FDLE bulletin boards containing human resource related information. The applicants/members shall review the documents and sign a department affidavit indicating receipt. The affidavit will be filed within the applicant's/member's personnel file with a copy being maintained within the department background file.

RELATED REFERENCES

[401 Values and Ethics](#)

[405 Inspector General Complaints Intake and Investigations](#)

[Acknowledgement of Receipt and Review Policy 3.4](#)

[Americans with Disabilities Act, 42 U.S.C. 12101](#)

[Capitol Police SOP 2.01 - Uniform and Personal Appearance](#)

[Chapter 59A-24; Rules 60L-34.0061\(2\), 11I-1.011, Florida Administrative Code \(FAC\)](#)

[Code of Federal Regulations, Title 28, Part 67, Subpart F, Government Wide Requirements for Drug-Free Workplace \(Grants\)](#)

[Law Enforcement Code of Ethics \(Chapter 112, Part III, FS\)](#)

[Policy 3.1 - Background Investigations](#)

[Policy 3.2 - Personnel Recruitment, Selection, Promotion and Assignment](#)

[Policy 3.6 - Dual Employment](#)

[The Florida Clean Indoor Air Act](#)

[Sections 112.0455, 112.313, 112.531, 119.07\(1\), 447.401 and 893.03, FS](#)

[8370050, 11B-27.0011 - Florida Administrative Rules, Law, Code, Register - FAC, FAR, eRulemaking](#)