



Office of the General Counsel
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Ron DeSantis, Governor
Pedro Allende, Secretary

November 3, 2022

Sharon Jones, Chief Attorney
The Florida Legislature
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400

RECEIVED
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE
3:34 pm, November 3 2022

Re: Proposed Rules 60H-6.004, .005, .007, .008, .0085, and .011, F.A.C.

Dear Ms. Jones:

Thank you for your letter dated October 24, 2022, regarding the above-referenced rules. Please see the responses below.

60H-6.005(4): The portions of the rule identified as (1) and (2) will be changed to (a) and (b) via technical change at adoption.

It is the intent that demonstrations and other forms of speech in areas other than traditional public forums may be limited or prohibited as specified in the rule. Pursuant to subsection 60H-6.005(2), the Department, the Government Entity leasing the space, or the Capitol Police (when the Capitol Complex is involved) may cause people violating the rule to be removed. This rule does not infringe on freedom of speech provisions found in the Florida and Federal Constitutions as the areas in which demonstrations or other forms of speech may be limited or prohibited are limited public forums, and are therefore subject to reasonable time, place, and manner restrictions. This language is similar to subsection 60H-6.011(4) of the existing rules.

60H-6.008(1): A determination that visual displays, sounds, or other actions in the Capitol Complex are indecent will be made by Capitol Police. These will be case-by-case determinations, but indecent visual displays, sounds, or other actions may include those which depict gratuitous violence, gore, material that arouses prurient interest, or material that is obscene or harmful to minors as defined in sections 847.001(12) and (7), Florida Statutes, respectively.

Buildings in the Florida Facilities Pool are nonpublic forums except those portions of public sidewalks, streets, parks, outdoor memorials, or similar public spaces that qualify as traditional public forums. The

proposed rule text does not seek to impose any restrictions on lawful speech within traditional public forums.

The rule does impose permissible and reasonable time, manner, and place restrictions on visual displays, sounds, and other actions that take place within the limited public forums of the Capitol Complex, which include the areas available for reservation. Children frequently visit and tour the Capitol Complex grounds, particularly the Rotunda and Historic Capitol. The restrictions on indecent materials serve the compelling state interest of protecting minors.

Should you require any additional information, please contact me at 850-412-6051 or Rebecca.McGinn@dms.fl.gov.

Sincerely,

Rebecca McGinn

Rebecca McGinn
Assistant General Counsel

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