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Ron DeSantis, Governor
Pedro Allende, Secretary

January 12, 2023

Kenneth J. Plante, Coordinator
The Florida Legislature
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400

RECEIVED
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE
2:39 pm, Jan 12 2023

Re: Department of Management Services, Division of Facilities Management Proposed Rule Number 60H-6.004

Dear Mr. Plante:

Thank you for your letter dated December 20, 2022, regarding proposed Rule Chapter 60H-6, F.A.C. Please see the responses below.

60H-6.004: This issue has been addressed in the Notice of Change, which will publish on January 13, 2023 (“NOC”).

60H-6.005: “Pool” is defined in section 255.502(11), F.S., as “the Florida Facilities Pool created in s. 255.505.” “Buildings in the Florida Facilities Pool” is defined in proposed rule 60H-6.004(2), F.A.C., as published in the NOC, as “buildings in the pool established by the Department pursuant to section 255.505, Florida Statutes, all portions of the Capitol Complex Space, and any associated state-owned lands.”

60H-6.005(1): “Buildings in the Florida Facilities Pool” was defined in proposed rule 60H-6.004(2), F.A.C., as published in the Notice of Proposed Rule, and is still defined in proposed rule 60H-6.004(2), F.A.C., as published in the NOC.

Rule 60H-6.005, F.A.C., currently provides the authority to close buildings as the result of a valid emergency. However, additional clarity has been provided. Please see the revised language as published in the NOC.

As defined, the term “Buildings in the Florida Facilities Pool” includes the land associated with the buildings. However, there is a distinction between indoor and outdoor spaces. Additional restrictions apply to indoor spaces. Please see the revised language as published in the NOC.

- 60H-6.008(1): Please see the revised language as published in the NOC.
- 60H-6.005(2): Please see the revised language as published in the NOC.
- 60H-6.005(4): Please see the revised language as published in the NOC.
- 60H-6.005(6): Proposed Rule 60H-6.011(2)(e), F.A.C., as published in the NOC describes solicitations as “offering items or services for sale, or soliciting fares, alms, or contributions” unless authorized by law.
- The definition of “Buildings in the Florida Facilities Pool” as published in the NOC includes any associated state-owned lands.
- 60H-6.008(4): The jurisdiction of Capitol Police is independent of DMS’s rules. A link to information regarding Capitol Police’s requirements is provided in the Use of Capitol Complex Guidelines, Page 5, IV. C.
- 60H-6.0085: Lighting of the Capitol is government speech and as such is appropriately directed at the discretion of the Governor. Please see the revised language as published in the NOC.
- 60H-6.011(2): Please see the revised language as published in the NOC.

Use of Capitol Complex Guidelines

- Page 4, B.ii.: Please see revised language as published in the NOC.
- Page 6, V.: Please see revised language as published in the NOC.
- Page 6, V: Please see revised language as published in the NOC.
- Page 9, X.: Please see revised language as published in the NOC.

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

Sincerely,

/s/ Rebecca McGinn

Rebecca McGinn
Assistant General Counsel

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