

**SUBJECT
USE OF DEPARTMENT
REAL ESTATE – NEIL
KIRKMAN BUILDING**

**POLICY NUMBER
6.07**



POLICY MAINTENANCE ADMINISTRATORS: The Division of Administrative Services' Chief of the Bureau of Office Services.

PURPOSE/SCOPE: To establish policy regarding the use of the department's Neil Kirkman Building real estate.

I. AUTHORITY

Article VII, Section 10, Florida Constitution

Perry Educ. Association v. Perry Educators' Association, 460 U.S. 37 (1983)

U.S. v. Kokinda, 497 U.S. 720 (1990)

Minnesota Voters Alliance v. Mansky, 138 S. Ct. 1876, 1885 (2018)

Section 810.09, Florida Statutes, Trespass on property other than structure or conveyance.

II. RELATED POLICIES <http://hsmvsafetynet/hsmvpolicies/Pages/PolicyIndex.aspx>

MP 6.06, Workplace Safety and Security

MP 8.09, Interactions with Media Organizations

III. DEFINITIONS

- A. Department Real Estate or Grounds – All real property located at 2900 Apalachee Parkway, Tallahassee, Florida 32399-0500 (Neil Kirkman Building) under the control and/or management of the Department of Highway Safety and Motor Vehicles, including buildings, facilities, grounds, and lands.
- B. Designated Location – Public sidewalks adjacent to the department's real estate or grounds or other public right-of-way.

Executive Director SIGNED ORIGINAL ON FILE	Origination Date 04/28/21
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IV. POLICY

Individuals who enter department real estate or grounds may only do so for the purpose of conducting official department business. Individuals violating this policy will be advised of the violation and directed to remove themselves from the department real estate or grounds. Individuals engaging in first amendment speech shall be directed to a designated location.

V. ROLES AND RESPONSIBILITIES

A. Chief of the Bureau of Office Services

1. Distributes information and provides assistance to department supervisors, managers, and members regarding the use of department real estate or grounds.
2. Receives and processes reports, sent through the chain of command, regarding violations of this policy.
3. Responds to questions and concerns, in consultation with the Office of General Counsel, as needed, relating to the issues covered by this policy.
4. Maintains this policy and performs updates in consultation with the Office of General Counsel.
5. Assists supervisors, managers, and members to ensure full compliance with this policy.

B. Supervisors/Managers

1. Document and report violations of this policy to the Chief of the Bureau of Office Services through the chain of command.
2. Take action or designate subordinates to take action in situations involving violations of this policy, including:
 - a. providing a copy of this policy to individuals in violation of this policy;
 - b. requesting that individuals in violation of this policy relocate to a public right-of-way or public sidewalks adjacent to the department's real estate or grounds that shall be considered a designated location; and
 - c. providing individuals in violation of this policy with contact information for the Chief of the Bureau of Office Services upon request.
3. Report all actions personally taken in response to violations of this policy to the Chief of the Bureau of Office Services through the chain of command.

C. Members

1. Report violations of this policy to their supervisor/manager.

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2. May take action, upon approval by supervisor/manager, in situations involving violations of this policy, including:
 - a. providing a copy of this policy to individuals in violation of this policy;
 - b. requesting that individuals in violation of this policy relocate to a public right-of-way or public sidewalks adjacent to the department's real estate or grounds that shall be considered a designated location; and
 - c. providing individuals in violation of this policy with contact information for the Chief of the Bureau of Office Services upon request.
3. Must report to their supervisor/manager all action taken by the member in response to any situation involving a violation of this policy.

VI. ENFORCEMENT PROCEDURES

The department will strictly enforce this policy at all times, which will require supervisors, managers and members to take appropriate action in situations involving attempts to use the department's real estate or grounds (excluding public right-of-way or public sidewalks adjacent to the department's real estate or grounds that shall be considered a designated location) for purposes other than the department's official business. Appropriate action may include, but is not limited to:

- A. Determining if the use of the department's real estate or grounds is in violation of this policy;
- B. Directly addressing individuals suspected of using the department's real estate or grounds (not including public right-of-way or public sidewalks adjacent to the department's real estate or grounds that shall be considered a designated location) for purposes other than the department's official business;
- C. Requesting individuals using the department's real estate or grounds in violation of this policy to relocate to public right-of-way or sidewalks adjacent to the department's real estate or grounds that shall be considered a designated location in order to comply with this policy;
- D. Providing a copy of this policy to the individuals using the department's real estate or grounds in violation of this policy;
- E. Providing contact information for the Chief of the Bureau of Office Services (see *section VII below*) to individuals upon request;
- F. Documenting any situation involving an attempt to use the department's real estate or grounds for purposes other than the department's official business and reporting through the chain of command to the Chief of the Bureau of Office Services;
- G. As necessary, providing notice to individuals previously advised to relocate to a designated location that continued violations of the department's real estate or grounds (excluding the use of public right-of-way or public sidewalks adjacent to the department's real estate or grounds that shall be considered a designated

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location) will result in a formal notice of trespass pursuant to [section 810.09](#), Florida Statutes; and

- H. Documenting previous formal notices of trespass pursuant to [section 810.09](#), Florida Statutes, and contacting law enforcement if the individuals continue to use the department's real estate or grounds for purposes other than the department's official business, in violation of this policy.

No enforcement action shall be taken without approval from the Chief of the Bureau of Office Services, or their designee.

VII. Contact Information

For questions or concerns regarding this policy, individuals may contact the Chief of the Bureau of Office Services:

Bureau of Office Services, Attn: Bureau Chief
Neil Kirkman Building, MS 27
2900 Apalachee Parkway, Tallahassee, FL 32399-0500
Telephone (850) 617-3309