

# CHAPTER 81-180

## Senate Bill No. 19

An act relating to the Administrative Procedure Act; adding s. 120.52(14) (f), Florida Statutes; excluding certain law enforcement policies and procedures from the definition of "rule"; amending s. 120.60(6), Florida Statutes, revising the notice requirements with respect to the revocation, suspension, annulment or withdrawal of any license subject to the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) is added to subsection (14) of section 120.52, Florida Statutes, to read:

120.52 Definitions.--As used in this act:

(14) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

(f) Law Enforcement policies and procedures of the Florida Department of Law Enforcement which relate to:

1. Collection, management, and dissemination of active criminal intelligence information, active criminal investigative information, management of criminal investigations, and management of undercover investigations and the selection, assignment, and fictitious identity of undercover personnel

2. Recruitment, management, identity, and remuneration of confidential informants or sources.

3. Surveillance techniques, that selection of surveillance personnel, and electronic surveillance including court ordered and consensual interceptions of communication conducted pursuant to chapter 934.

4. The safety and release of hostages.

5. Providing of security and protection to public figures.

6. Witness protection.

Section 2. Subsection (6) of section 120.60, Florida Statutes, is amended to read:

120.60 Licensing

(6) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the entry of a final order, the agency has served, by personal service or certified mail, an administrative complaint which affords reasonable notice to the licensee of fact or conduct which warrant the intended action, and the licensee has been given an adequate opportunity to request a proceeding pursuant to s. 120.57. When personal service cannot be made and the certified mail notice is returned undelivered, the agency shall cause a short, simple notice to the licensee to be published once each week for 4 consecutive weeks in a newspaper published in the county of the licensee's last known address as it appears on the records of the board. If no newspaper is published in that county, the notice may be published in a newspaper of general circulation in that county., If the address is in some state other than this state or is in a foreign territory or country, the notice may be published in Leon County. Prior to the institution of agency proceedings, the agency has given reasonable notice by certified mail or actual service to the licensee of facts or conduct which warrant the intended action and the licensee has been given an opportunity to show that he has complied with all lawful requirements for the retention of the license. If the agency is unable to obtain service by certified mailer by actual service, constructive service may be made in the same manner as is provided in chapter 49.

Section 3. This act shall take effect July 1, 1981.