

2022850er

1
2 An act relating to the Florida Statutes; repealing ss.
3 27.401, 112.24(6), 197.318, 216.181(11)(d),
4 255.065(15), 288.1226(9), 316.066(2)(f), 331.326,
5 339.63(6), 381.0068, 381.83, 393.0661, 395.1055(1)(f),
6 403.7046(2), 403.73, 409.968(6), 420.0005(2),
7 420.9079(3), 499.0121(7)(b), 499.051(7)(b), 499.931,
8 502.222, 570.48(3), 573.123(2), 601.10(8)(b), 601.76,
9 815.04(3), 893.055(17), 1004.33, 1004.335, and
10 1004.34, F.S., and amending ss. 125.0104(9)(d),
11 216.292(2)(a), 403.7046(3)(b), 601.15(7)(d), and
12 601.152(8)(c), F. S., to delete provisions which have
13 become inoperative by noncurrent repeal or expiration
14 and, pursuant to s. 11.242(5)(b) and (i), F.S., may be
15 omitted from the 2022 Florida Statutes only through a
16 reviser's bill duly enacted by the Legislature;
17 amending ss. 194.032, 395.1065, 603.011, 601.80,
18 721.071, 815.045, and 921.0022, F.S., and repealing s.
19 218.131, F.S., to conform to changes made by the act;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 27.401, Florida Statutes, is repealed.
25 Reviser's note.—The cited section establishes the Cross-Circuit
26 Conflict Representation Pilot Program and provides for its
27 expiration, effective June 30, 2016.

28 Section 2. Subsection (6) of section 112.24, Florida
29 Statutes, is repealed.

2022850er

30 Reviser's note.—The cited subsection, which relates to
31 assignment of a state agency employee pursuant to
32 intergovernmental interchange of public employees under
33 specified recommendations and approval, for the 2020-2021
34 fiscal year only, expired pursuant to its own terms,
35 effective July 1, 2021.

36 Section 3. Paragraph (d) of subsection (9) of section
37 125.0104, Florida Statutes, is amended to read:

38 125.0104 Tourist development tax; procedure for levying;
39 authorized uses; referendum; enforcement.—

40 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any
41 other powers and duties provided for agencies created for the
42 purpose of tourism promotion by a county levying the tourist
43 development tax, such agencies are authorized and empowered to:

44 (d) Undertake marketing research and advertising research
45 studies and provide reservations services and convention and
46 meetings booking services consistent with the authorized uses of
47 revenue as set forth in subsection (5).

48 1. Information given to a county tourism promotion agency
49 which, if released, would reveal the identity of persons or
50 entities who provide data or other information as a response to
51 a sales promotion effort, an advertisement, or a research
52 project or whose names, addresses, meeting or convention plan
53 information or accommodations or other visitation needs become
54 booking or reservation list data, is exempt from s. 119.07(1)
55 and s. 24(a), Art. I of the State Constitution.

56 2. The following information, when held by a county tourism
57 promotion agency, is exempt from s. 119.07(1) and s. 24(a), Art.
58 I of the State Constitution:

2022850er

59 a. Booking business records, as defined in s. 255.047.

60 b. Trade secrets and commercial or financial information
61 gathered from a person and privileged or confidential, as
62 defined and interpreted under 5 U.S.C. s. 552(b)(4), or any
63 amendments thereto.

64 ~~3. A trade secret, as defined in s. 812.081, held by a~~
65 ~~county tourism promotion agency is exempt from s. 119.07(1) and~~
66 ~~s. 24(a), Art. I of the State Constitution. This subparagraph is~~
67 ~~subject to the Open Government Sunset Review Act in accordance~~
68 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
69 ~~unless reviewed and saved from repeal through reenactment by the~~
70 ~~Legislature.~~

71 Reviser's note.—Amended to conform to the repeal of subparagraph
72 3. pursuant to its own terms, effective October 2, 2021.

73 Section 4. Section 197.318, Florida Statutes, is repealed.

74 Reviser's note.—The cited section, which relates to abatement of
75 taxes for residential improvements damaged or destroyed by
76 Hurricane Hermine, Hurricane Matthew, or Hurricane Irma,
77 expired pursuant to its own terms, effective January 1,
78 2021.

79 Section 5. Paragraph (d) of subsection (11) of section
80 216.181, Florida Statutes, is repealed.

81 Reviser's note.—The cited paragraph, which provided that the
82 Legislative Budget Commission may increase the amounts
83 appropriated to the Fish and Wildlife Conservation
84 Commission or the Department of Environmental Protection
85 for fixed capital outlay projects using funds from
86 specified sources, for the 2020-2021 fiscal year only,
87 expired pursuant to its own terms, effective July 1, 2021.

2022850er

88 Section 6. Paragraph (a) of subsection (2) of section
89 216.292, Florida Statutes, is amended to read:

90 216.292 Appropriations nontransferable; exceptions.—

91 (2) The following transfers are authorized to be made by
92 the head of each department or the Chief Justice of the Supreme
93 Court whenever it is deemed necessary by reason of changed
94 conditions:

95 (a) The transfer of appropriations funded from identical
96 funding sources, except appropriations for fixed capital outlay,
97 and the transfer of amounts included within the total original
98 approved budget and plans of releases of appropriations as
99 furnished pursuant to ss. 216.181 and 216.192, as follows:

100 1. Between categories of appropriations within a budget
101 entity, if no category of appropriation is increased or
102 decreased by more than 5 percent of the original approved budget
103 or \$250,000, whichever is greater, by all action taken under
104 this subsection.

105 2. Between budget entities within identical categories of
106 appropriations, if no category of appropriation is increased or
107 decreased by more than 5 percent of the original approved budget
108 or \$250,000, whichever is greater, by all action taken under
109 this subsection.

110 3. Any agency exceeding salary rate established pursuant to
111 s. 216.181(8) on June 30th of any fiscal year shall not be
112 authorized to make transfers pursuant to subparagraphs 1. and 2.
113 in the subsequent fiscal year.

114 4. Notice of proposed transfers under subparagraphs 1. and
115 2. shall be provided to the Executive Office of the Governor and
116 the chairs of the legislative appropriations committees at least

2022850er

117 3 days prior to agency implementation in order to provide an
118 opportunity for review. The review shall be limited to ensuring
119 that the transfer is in compliance with the requirements of this
120 paragraph.

121 ~~5. For the 2020-2021 fiscal year, the review shall ensure~~
122 ~~that transfers proposed pursuant to this paragraph comply with~~
123 ~~this chapter, maximize the use of available and appropriate~~
124 ~~trust funds, and are not contrary to legislative policy and~~
125 ~~intent. This subparagraph expires July 1, 2021.~~

126 Reviser's note.—Amended to conform to the expiration of
127 subparagraph 5. pursuant to its own terms, effective July
128 1, 2021.

129 Section 7. Subsection (15) of section 255.065, Florida
130 Statutes, is repealed.

131 Reviser's note.—The cited subsection, which provides an
132 exemption from open government requirements for specified
133 unsolicited proposals received by a responsible public
134 entity, was repealed pursuant to its own terms, effective
135 October 2, 2021.

136 Section 8. Subsection (9) of section 288.1226, Florida
137 Statutes, is repealed.

138 Reviser's note.—The cited subsection, which provides an
139 exemption from open government requirements for the
140 identity of any person who responds to a marketing project
141 or advertising research project conducted by the Florida
142 Tourism Industry Marketing Corporation conducted by the
143 corporation in the performance of its duties on behalf of
144 Enterprise Florida, Inc., or trade secrets obtained
145 pursuant thereto, was repealed pursuant to its own terms,

2022850er

146 effective October 2, 2021.

147 Section 9. Paragraph (f) of subsection (2) of section
148 316.066, Florida Statutes, is repealed.

149 Reviser's note.—The cited paragraph, which provides for an
150 exemption from open government requirements for requests
151 for phone numbers and addresses of parties in an automobile
152 crash report, by specified free newspapers, was repealed
153 pursuant to its own terms, effective October 2, 2019.

154 Section 10. Section 331.326, Florida Statutes, is repealed.

155 Reviser's note.—The cited section, which provides an exemption
156 from open government requirements for trade secrets in the
157 records of Space Florida, was repealed pursuant to its own
158 terms, effective October 2, 2021.

159 Section 11. Subsection (6) of section 339.63, Florida
160 Statutes, is repealed.

161 Reviser's note.—The cited subsection, which directs the
162 Department of Transportation to fully fund projects on
163 facilities that were designated as part of the Strategic
164 Intermodal System before the most recent designation
165 change, which were approved by the Secretary of
166 Transportation in May 2019, and for which construction has
167 commenced but is not completed, expired pursuant to its own
168 terms, effective July 1, 2021.

169 Section 12. Section 381.0068, Florida Statutes, is
170 repealed.

171 Reviser's note.—The cited section, which relates to a technical
172 review and advisory panel to assist the Department of
173 Health with rule adoption, was repealed by s. 9, ch. 2020-
174 150, Laws of Florida, effective July 1, 2021. Since the

2022850er

175 section was not repealed by a "current session" of the
176 Legislature, it may be omitted from the 2022 Florida
177 Statutes only through a reviser's bill duly enacted by the
178 Legislature. See s. 11.242(5)(b) and (i).

179 Section 13. Section 381.83, Florida Statutes, is repealed.

180 Reviser's note.—The cited section, which provides an exemption
181 from open government requirements for trade secrets
182 obtained under chapter 381, was repealed pursuant to its
183 own terms, effective October 2, 2021.

184 Section 14. Section 393.0661, Florida Statutes, is
185 repealed.

186 Reviser's note.—The cited section, which relates to a
187 comprehensive redesign of the home and community-based
188 services delivery system, was repealed by s. 3, ch. 2020-
189 71, Laws of Florida, effective July 1, 2021. Since the
190 section was not repealed by a "current session" of the
191 Legislature, it may be omitted from the 2022 Florida
192 Statutes only through a reviser's bill duly enacted by the
193 Legislature. See s. 11.242(5)(b) and (i).

194 Section 15. Paragraph (f) of subsection (1) of section
195 395.1055, Florida Statutes, is repealed.

196 Reviser's note.—The cited paragraph, which relates to submittal
197 of such data as necessary to conduct certificate-of-need
198 reviews required under part I of chapter 408 by hospitals,
199 was repealed by s. 3, ch. 2019-136, Laws of Florida,
200 effective July 1, 2021. Since the paragraph was not
201 repealed by a "current session" of the Legislature, it may
202 be omitted from the 2022 Florida Statutes only through a
203 reviser's bill duly enacted by the Legislature. See s.

2022850er

204 11.242(5) (b) and (i).

205 Section 16. Subsection (2) of section 403.7046, Florida
206 Statutes, is repealed, and paragraph (b) of subsection (3) of
207 that section is amended to read:

208 403.7046 Regulation of recovered materials.—

209 (3) Except as otherwise provided in this section or
210 pursuant to a special act in effect on or before January 1,
211 1993, a local government may not require a commercial
212 establishment that generates source-separated recovered
213 materials to sell or otherwise convey its recovered materials to
214 the local government or to a facility designated by the local
215 government, nor may the local government restrict such a
216 generator's right to sell or otherwise convey such recovered
217 materials to any properly certified recovered materials dealer
218 who has satisfied the requirements of this section. A local
219 government may not enact any ordinance that prevents such a
220 dealer from entering into a contract with a commercial
221 establishment to purchase, collect, transport, process, or
222 receive source-separated recovered materials.

223 (b)~~1~~. Before engaging in business within the jurisdiction
224 of the local government, a recovered materials dealer or
225 pyrolysis facility must provide the local government with a copy
226 of the certification provided for in this section. In addition,
227 the local government may establish a registration process
228 whereby a recovered materials dealer or pyrolysis facility must
229 register with the local government before engaging in business
230 within the jurisdiction of the local government. Such
231 registration process is limited to requiring the dealer or
232 pyrolysis facility to register its name, including the owner or

2022850er

233 operator of the dealer or pyrolysis facility, and, if the dealer
234 or pyrolysis facility is a business entity, its general or
235 limited partners, its corporate officers and directors, its
236 permanent place of business, evidence of its certification under
237 this section, and a certification that the recovered materials
238 or post-use polymers will be processed at a recovered materials
239 processing facility or pyrolysis facility satisfying the
240 requirements of this section. The local government may not use
241 the information provided in the registration application to
242 compete unfairly with the recovered materials dealer until 90
243 days after receipt of the application. All counties, and
244 municipalities whose population exceeds 35,000 according to the
245 population estimates determined pursuant to s. 186.901, may
246 establish a reporting process that must be limited to the
247 regulations, reporting format, and reporting frequency
248 established by the department pursuant to this section, which
249 must, at a minimum, include requiring the dealer or pyrolysis
250 facility to identify the types and approximate amount of
251 recovered materials or post-use polymers collected, recycled, or
252 reused during the reporting period; the approximate percentage
253 of recovered materials or post-use polymers reused, stored, or
254 delivered to a recovered materials processing facility or
255 pyrolysis facility or disposed of in a solid waste disposal
256 facility; and the locations where any recovered materials or
257 post-use polymers were disposed of as solid waste. The local
258 government may charge the dealer or pyrolysis facility a
259 registration fee commensurate with and no greater than the cost
260 incurred by the local government in operating its registration
261 program. Registration program costs are limited to those costs

2022850er

262 associated with the activities described in this paragraph
263 ~~subparagraph~~. Any reporting or registration process established
264 by a local government with regard to recovered materials or
265 post-use polymers is governed by this section and department
266 rules adopted pursuant thereto.

267 ~~2. Information reported under this subsection which, if~~
268 ~~disclosed, would reveal a trade secret, as defined in s.~~
269 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~
270 ~~24(a), Art. I of the State Constitution. This subparagraph is~~
271 ~~subject to the Open Government Sunset Review Act in accordance~~
272 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
273 ~~unless reviewed and saved from repeal through reenactment by the~~
274 ~~Legislature.~~

275 Reviser's note.—Amended to conform to the repeal of subsection
276 (2) and subparagraph (3)(b)2., which were repealed pursuant
277 to their own terms, effective October 2, 2021.

278 Section 17. Section 403.73, Florida Statutes, is repealed.

279 Reviser's note.—The cited section, which provides an exemption
280 from open government requirements for trade secrets within
281 specified records, reports, or information under part IV of
282 chapter 403, was repealed pursuant to its own terms,
283 effective October 2, 2021.

284 Section 18. Subsection (6) of section 409.968, Florida
285 Statutes, is repealed.

286 Reviser's note.—The cited subsection, which requires the Agency
287 for Health Care Administration to withhold and set aside a
288 portion of the managed care rates from the rate cells for
289 special needs and home health services in managed medical
290 assistance and managed long-term care programs to implement

2022850er

291 a home health performance incentive program, expired
292 pursuant to its own terms, effective July 1, 2021.

293 Section 19. Subsection (2) of section 420.0005, Florida
294 Statutes, is repealed.

295 Reviser's note.—The cited subsection, which relates to use of
296 funds as provided in the General Appropriations Act for the
297 State Housing Trust Fund and the State Housing Fund for the
298 2020-2021 fiscal year, expired pursuant to its own terms,
299 effective July 1, 2021.

300 Section 20. Subsection (3) of section 420.9079, Florida
301 Statutes, is repealed.

302 Reviser's note.—The cited subsection, which relates to use of
303 funds as provided in the General Appropriations Act for the
304 Local Government Housing Trust Fund for the 2020-2021
305 fiscal year, expired pursuant to its own terms, effective
306 July 1, 2021.

307 Section 21. Paragraph (b) of subsection (7) of section
308 499.0121, Florida Statutes, is repealed.

309 Reviser's note.—The cited paragraph, which provides an exemption
310 from open government requirements for information
311 constituting a trade secret within prescription drug
312 purchase lists, was repealed pursuant to its own terms,
313 effective October 2, 2021.

314 Section 22. Paragraph (b) of subsection (7) of section
315 499.051, Florida Statutes, is repealed.

316 Reviser's note.—The cited paragraph, which provides an exemption
317 from open government requirements for information
318 constituting a trade secret contained in a complaint or
319 obtained by the Department of Business and Professional

2022850er

320 Regulation pursuant to an investigation, was repealed
321 pursuant to its own terms, effective October 2, 2021.

322 Section 23. Section 499.931, Florida Statutes, is repealed.

323 Reviser's note.—The cited section, which provides an exemption
324 from open government requirements for trade secret
325 information submitted under part III of chapter 499, was
326 repealed pursuant to its own terms, effective October 2,
327 2021.

328 Section 24. Section 502.222, Florida Statutes, is repealed.

329 Reviser's note.—The cited section, which provides an exemption
330 from open government requirements for information in
331 Department of Agriculture and Consumer Services records
332 regarding matters encompassed by chapter 502 that would
333 reveal a trade secret, was repealed pursuant to its own
334 terms, effective October 2, 2021.

335 Section 25. Subsection (3) of section 570.48, Florida
336 Statutes, is repealed.

337 Reviser's note.—The cited subsection, which provides an
338 exemption from open government requirements for trade
339 secret information within records of the Division of Fruit
340 and Vegetables, was repealed pursuant to its own terms,
341 effective October 2, 2021.

342 Section 26. Subsection (2) of section 573.123, Florida
343 Statutes, is repealed.

344 Reviser's note.—The cited subsection, which provides an
345 exemption from open government requirements for trade
346 secret information relating to marketing orders, was
347 repealed pursuant to its own terms, effective October 2,
348 2021.

2022850er

349 Section 27. Paragraph (b) of subsection (8) of section
350 601.10, Florida Statutes, is repealed.

351 Reviser's note.—The cited paragraph, which provides an exemption
352 from open government requirements for trade secret
353 information provided to the Department of Citrus, was
354 repealed pursuant to its own terms, effective October 2,
355 2021.

356 Section 28. Paragraph (d) of subsection (7) of section
357 601.15, Florida Statutes, is amended to read:

358 601.15 Advertising campaign; methods of conducting;
359 assessments; emergency reserve fund; citrus research.—

360 (7) All assessments levied and collected under this chapter
361 shall be paid into the State Treasury on or before the 15th day
362 of each month. Such moneys shall be accounted for in a special
363 fund to be designated as the Florida Citrus Advertising Trust
364 Fund, and all moneys in such fund are appropriated to the
365 department for the following purposes:

366 (d)~~1~~. The pro rata portion of moneys allocated to each type
367 of citrus product in noncommodity programs shall be used by the
368 department to encourage substantial increases in the
369 effectiveness, frequency, and volume of noncommodity
370 advertising, merchandising, publicity, and sales promotion of
371 such citrus products through rebates and incentive payments to
372 handlers and trade customers for these activities. The
373 department shall adopt rules providing for the use of such
374 moneys. The rules shall establish alternate incentive programs,
375 including at least one incentive program for product sold under
376 advertised brands, one incentive program for product sold under
377 private label brands, and one incentive program for product sold

2022850er

378 in bulk. For each incentive program, the rules must establish
379 eligibility and performance requirements and must provide
380 appropriate limitations on amounts payable to a handler or trade
381 customer for a particular season. Such limitations may relate to
382 the amount of citrus assessments levied and collected on the
383 citrus product handled by such handler or trade customer during
384 a 12-month representative period.

385 ~~2. The department may require from participants in~~
386 ~~noncommodity advertising and promotional programs commercial~~
387 ~~information necessary to determine eligibility for and~~
388 ~~performance in such programs. Any information required which~~
389 ~~constitutes a trade secret as defined in s. 812.081 is~~
390 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
391 ~~of the State Constitution. This subparagraph is subject to the~~
392 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
393 ~~and shall stand repealed on October 2, 2021, unless reviewed and~~
394 ~~saved from repeal through reenactment by the Legislature.~~

395 Reviser's note.—Amended to conform to the repeal of subparagraph
396 2. pursuant to its own terms, effective October 2, 2021.

397 Section 29. Paragraph (c) of subsection (8) of section
398 601.152, Florida Statutes, is amended to read:

399 601.152 Special marketing orders.—

400 (8)

401 (c)~~1~~. Every handler shall, at such times as the department
402 may require, file with the department a return, not under oath,
403 on forms to be prescribed and furnished by the department,
404 certified as true and correct, stating the quantity of the type,
405 variety, and form of citrus fruit or citrus product specified in
406 the marketing order first handled in the primary channels of

2022850er

407 trade in the state by such handler during the period of time
408 specified in the marketing order. Such returns must contain any
409 further information deemed by the department to be reasonably
410 necessary to properly administer or enforce this section or any
411 marketing order implemented under this section.

412 ~~2. Information that, if disclosed, would reveal a trade~~
413 ~~secret, as defined in s. 812.081, of any person subject to a~~
414 ~~marketing order is confidential and exempt from s. 119.07(1) and~~
415 ~~s. 24(a), Art. I of the State Constitution. This subparagraph is~~
416 ~~subject to the Open Government Sunset Review Act in accordance~~
417 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
418 ~~unless reviewed and saved from repeal through reenactment by the~~
419 ~~Legislature.~~

420 Reviser's note.—Amended to conform to the repeal of subparagraph
421 2. pursuant to its own terms, effective October 2, 2021.

422 Section 30. Section 601.76, Florida Statutes, is repealed.

423 Reviser's note.—The cited section, which provides an exemption
424 from open government requirements for formulas, which are
425 deemed trade secrets, required to be filed with the
426 Department of Agriculture under the section, was repealed
427 pursuant to its own terms, effective October 2, 2021.

428 Section 31. Subsection (3) of section 815.04, Florida
429 Statutes, is repealed.

430 Reviser's note.—The cited subsection, which provides an
431 exemption from open government requirements for data,
432 programs, or supporting documentation constituting a trade
433 secret as defined in s. 812.081, held by an agency as
434 defined in chapter 119 and that resides on specified
435 electronic devices, was repealed pursuant to its own terms,

2022850er

436 effective October 2, 2021.

437 Section 32. Subsection (17) of section 893.055, Florida
438 Statutes, is repealed.

439 Reviser's note.—The cited subsection, which prohibits the
440 Attorney General and the Department of Health from using
441 funds received as part of a settlement agreement to
442 administer the prescription drug monitoring program,
443 expired pursuant to its own terms, effective July 1, 2021.

444 Section 33. Sections 1004.33 and 1004.34, Florida Statutes,
445 are repealed.

446 Reviser's note.—The cited sections, which relate to University
447 of South Florida St. Petersburg and the University of South
448 Florida Sarasota, respectively, were repealed by s. 8, ch.
449 2018-4, Laws of Florida, effective July 1, 2020. Since the
450 sections were not repealed by a "current session" of the
451 Legislature, they may be omitted from the 2022 Florida
452 Statutes only through a reviser's bill duly enacted by the
453 Legislature. See s. 11.242(5)(b) and (i).

454 Section 34. Section 1004.335, Florida Statutes, is
455 repealed.

456 Reviser's note.—The cited section, which relates to
457 accreditation consolidation of South Florida branch
458 campuses, expired pursuant to its own terms, effective July
459 1, 2020.

460 Section 35. Paragraph (b) of subsection (1) of section
461 194.032, Florida Statutes, is amended to read:

462 194.032 Hearing purposes; timetable.—

463 (1)

464 (b) Notwithstanding the provisions of paragraph (a), the

2022850er

465 value adjustment board may meet prior to the approval of the
466 assessment rolls by the Department of Revenue, but not earlier
467 than July 1, to hear appeals pertaining to the denial by the
468 property appraiser of exemptions, ~~tax abatements under s.~~
469 ~~197.318~~, agricultural and high-water recharge classifications,
470 classifications as historic property used for commercial or
471 certain nonprofit purposes, and deferrals under subparagraphs
472 (a)2., 3., and 4. In such event, however, the board may not
473 certify any assessments under s. 193.122 until the Department of
474 Revenue has approved the assessments in accordance with s.
475 193.1142 and all hearings have been held with respect to the
476 particular parcel under appeal.

477 Reviser's note.—Amended to conform to the repeal of s. 197.318
478 by this act.

479 Section 36. Section 218.131, Florida Statutes, is repealed.

480 Reviser's note.—The cited section, which relates to offset for
481 tax loss associated with reductions in value of certain
482 residences due to specified hurricanes for the 2019-2020
483 fiscal year, occurring as a direct result of the
484 implementation of s. 197.318, is obsolete and intricately
485 tied to s. 197.318, which is repealed by this act.

486 Section 37. Subsection (5) of section 395.1065, Florida
487 Statutes, is amended to read:

488 395.1065 Criminal and administrative penalties;
489 moratorium.—

490 (5) The agency shall impose a fine of \$500 for each
491 instance of the facility's failure to provide the information
492 required by rules adopted pursuant to s. 395.1055(1)(f)

493 ~~395.1055(1)(g)~~.

2022850er

494 Reviser's note.—Amended to conform to the repeal of s.
495 395.1055(1)(f) by this act.

496 Section 38. Subsection (2) of section 603.011, Florida
497 Statutes, is amended to read:

498 603.011 Fruit and vegetable inspection fees; penalty.—

499 (2) All fees collected by the department under this section
500 shall be deposited into the Citrus Inspection Trust Fund, except
501 that fees collected pursuant to paragraph (1)(b) and s.

502 570.48(3) ~~570.48(4)~~ shall be deposited in the General Inspection
503 Trust Fund.

504 Reviser's note.—Amended to conform to the repeal of s. 570.48(3)
505 by this act.

506 Section 39. Section 601.80, Florida Statutes, is amended to
507 read:

508 601.80 Unlawful to use uncertified coloring matter.—It is
509 unlawful for any person to use on oranges or citrus hybrids any
510 coloring matter which has not first received the approval of the
511 Department of Agriculture ~~as provided under s. 601.76.~~

512 Reviser's note.—Amended to conform to the repeal of s. 601.76 by
513 this act.

514 Section 40. Subsection (1) of section 721.071, Florida
515 Statutes, is amended to read:

516 721.071 Trade secrets.—

517 (1) If a developer or any other person filing material with
518 the division pursuant to this chapter expects the division to
519 keep the material confidential on grounds that the material
520 constitutes a trade secret, as that term is defined in s.

521 812.081, the developer or other person shall file the material
522 together with an affidavit of confidentiality. "Filed material"

2022850er

523 for purposes of this section shall mean material that is filed
524 with the division with the expectation that the material will be
525 kept confidential and that is accompanied by an affidavit of
526 confidentiality. Filed material that is trade secret information
527 includes, but is not limited to, service contracts relating to
528 the operation of reservation systems ~~and those items and matters~~
529 ~~described in s. 815.04(3).~~

530 Reviser's note.—Amended to conform to the repeal of s. 815.04(3)
531 by this act.

532 Section 41. Section 815.045, Florida Statutes, is amended
533 to read:

534 815.045 Trade secret information.—The Legislature finds
535 that it is a public necessity that trade secret information as
536 defined in s. 812.081, ~~and as provided for in s. 815.04(3),~~ be
537 expressly made confidential and exempt from the public records
538 law because it is a felony to disclose such records. Due to the
539 legal uncertainty as to whether a public employee would be
540 protected from a felony conviction if otherwise complying with
541 chapter 119, and with s. 24(a), Art. I of the State
542 Constitution, it is imperative that a public records exemption
543 be created. The Legislature in making disclosure of trade
544 secrets a crime has clearly established the importance attached
545 to trade secret protection. Disclosing trade secrets in an
546 agency's possession would negatively impact the business
547 interests of those providing an agency such trade secrets by
548 damaging them in the marketplace, and those entities and
549 individuals disclosing such trade secrets would hesitate to
550 cooperate with that agency, which would impair the effective and
551 efficient administration of governmental functions. Thus, the

2022850er

552 public and private harm in disclosing trade secrets
553 significantly outweighs any public benefit derived from
554 disclosure, and the public's ability to scrutinize and monitor
555 agency action is not diminished by nondisclosure of trade
556 secrets.

557 Reviser's note.—Amended to conform to the repeal of s. 815.04(3)
558 by this act.

559 Section 42. Paragraphs (a) and (c) of subsection (3) of
560 section 921.0022, Florida Statutes, are amended to read:

561 921.0022 Criminal Punishment Code; offense severity ranking
562 chart.—

563 (3) OFFENSE SEVERITY RANKING CHART

564 (a) LEVEL 1

565

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.

569

316.1935(1) 3rd Fleeing or attempting to

2022850er

570			elude law enforcement officer.
571	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
572	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
573	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
574	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
575	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
576	322.212 (5) (a)	3rd	False application for driver license or identification card.

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577	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
578	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
579	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
580	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
581	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
582	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
	<u>815.04 (4) (a)</u>	3rd	Offense against intellectual property (i.e., computer
	815.04 (5) (a)		

2022850er

583

programs, data).

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

584

817.569 (2)

3rd

Use of public record or public records information or providing false information to facilitate commission of a felony.

585

826.01

3rd

Bigamy.

586

828.122 (3)

3rd

Fighting or baiting animals.

587

831.04 (1)

3rd

Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

588

831.31 (1) (a)

3rd

Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

589

832.041 (1)

3rd

Stopping payment with intent to defraud \$150 or more.

590

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591	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
592	838.15 (2)	3rd	Commercial bribe receiving.
593	838.16	3rd	Commercial bribery.
594	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
595	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
596	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
597	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
	849.25 (2)	3rd	Engaging in bookmaking.

2022850er

598	860.08	3rd	Interfere with a railroad signal.
599	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
600	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
601	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
602	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
603			
604	(c) LEVEL 3		
605			
	Florida	Felony	
	Statute	Degree	Description
606	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
607	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.

2022850er

608	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
609	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
610	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
611	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
612	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
613	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
614	327.35 (2) (b)	3rd	Felony BUI.

2022850er

615 328.05 (2) 3rd Possess, sell, or
counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of
vessels.

616 328.07 (4) 3rd Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

617 376.302 (5) 3rd Fraud related to
reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

618 379.2431 3rd Taking, disturbing,
(1) (e) 5. mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

619

2022850er

620	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
621	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
622	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
623	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
624	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.

2022850er

625	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
626	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
627	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
628	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
629	697.08	3rd	Equity skimming.
630	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

2022850er

631	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
632	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
633	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
634	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
635	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
636	812.081 (2)	3rd	Theft of a trade secret.
637	<u>815.04 (4) (b)</u> 815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
638	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida

2022850er

			Communications Fraud Act), property valued at less than \$20,000.
639	817.233	3rd	Burning to defraud insurer.
640	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
641	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
642	817.236	3rd	Filing a false motor vehicle insurance application.
643	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
644	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
645	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or

2022850er

permanent disability.

646

831.28 (2) (a)

3rd

Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

647

831.29

2nd

Possession of instruments for counterfeiting driver licenses or identification cards.

648

838.021 (3) (b)

3rd

Threatens unlawful harm to public servant.

649

843.19

2nd

Injure, disable, or kill police, fire, or SAR canine or police horse.

650

860.15 (3)

3rd

Overcharging for repairs and parts.

651

870.01 (2)

3rd

Riot.

652

870.01 (4)

3rd

Inciting a riot.

653

893.13 (1) (a) 2.

3rd

Sell, manufacture, or

2022850er

654	893.13 (1) (d) 2.	2nd	deliver cannabis (or other s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs).
655	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs within 1,000 feet of university.
656	893.13 (4) (c)	3rd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs within 1,000 feet of public housing facility. Use or hire of minor; deliver to minor other

2022850er

controlled substances.

657

893.13 (6) (a)

3rd

Possession of any controlled substance other than felony possession of cannabis.

658

893.13 (7) (a) 8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

659

893.13 (7) (a) 9.

3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

660

893.13 (7) (a) 10.

3rd

Affix false or forged label to package of controlled substance.

661

893.13 (7) (a) 11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

662

893.13 (8) (a) 1.

3rd

Knowingly assist a patient, other person, or owner of

2022850er

an animal in obtaining a
controlled substance
through deceptive, untrue,
or fraudulent
representations in or
related to the
practitioner's practice.

663

893.13(8)(a)2.

3rd

Employ a trick or scheme in
the practitioner's practice
to assist a patient, other
person, or owner of an
animal in obtaining a
controlled substance.

664

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

665

893.13(8)(a)4.

3rd

Write a prescription for a
controlled substance for a
patient, other person, or
an animal if the sole
purpose of writing the
prescription is a monetary
benefit for the
practitioner.

666

2022850er

667 918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

668 944.47 3rd Introduce contraband to
(1)(a)1. & 2. correctional facility.

669 944.47(1)(c) 2nd Possess contraband while
upon the grounds of a
correctional institution.

670 985.721 3rd Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

671 Reviser's note.—Amended to conform to the repeal of s. 815.04(3)
672 by this act.

673 Section 43. This act shall take effect on the 60th day
674 after adjournment sine die of the session of the Legislature in
675 which enacted.