

1 A reviser's bill to be entitled
 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 Section 27.401, Florida Statutes, is repealed.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 29 Statutes, is repealed.

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

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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
57 tourism promotion agency, is exempt from s. 119.07(1) and s.
58 24(a), Art. I of the State Constitution:

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.

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

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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
111 to 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
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,
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
155 repealed.

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158 records of Space Florida, was repealed pursuant to its own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

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161 Statutes, is repealed.

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

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171 repealed.

172 Reviser's note.—The cited section, which relates to a technical
173 review and advisory panel to assist the Department of
174 Health with rule adoption, was repealed by s. 9, ch. 2020-
175 150, Laws of Florida, effective July 1, 2021. Since the

176 section was not repealed by a "current session" of the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

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 Section 381.83, Florida Statutes, is repealed.

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 183 obtained under chapter 381, was repealed pursuant to its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

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

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

195 Section 15. Paragraph (f) of subsection (1) of section
 196 395.1055, Florida Statutes, is repealed.

197 Reviser's note.—The cited paragraph, which relates to submittal
 198 of such data as necessary to conduct certificate-of-need
 199 reviews required under part I of chapter 408 by hospitals,
 200 was repealed by s. 3, ch. 2019-136, Laws of Florida,

201 effective July 1, 2021. Since the paragraph was not
 202 repealed by a "current session" of the Legislature, it may
 203 be omitted from the 2022 Florida Statutes only through a
 204 reviser's bill duly enacted by the Legislature. See s.
 205 11.242(5) (b) and (i).

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

209 403.7046 Regulation of recovered materials.—

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

224 (b)~~1~~. Before engaging in business within the jurisdiction
 225 of the local government, a recovered materials dealer or

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226 | pyrolysis facility must provide the local government with a copy
227 | of the certification provided for in this section. In addition,
228 | the local government may establish a registration process
229 | whereby a recovered materials dealer or pyrolysis facility must
230 | register with the local government before engaging in business
231 | within the jurisdiction of the local government. Such
232 | registration process is limited to requiring the dealer or
233 | pyrolysis facility to register its name, including the owner or
234 | operator of the dealer or pyrolysis facility, and, if the dealer
235 | or pyrolysis facility is a business entity, its general or
236 | limited partners, its corporate officers and directors, its
237 | permanent place of business, evidence of its certification under
238 | this section, and a certification that the recovered materials
239 | or post-use polymers will be processed at a recovered materials
240 | processing facility or pyrolysis facility satisfying the
241 | requirements of this section. The local government may not use
242 | the information provided in the registration application to
243 | compete unfairly with the recovered materials dealer until 90
244 | days after receipt of the application. All counties, and
245 | municipalities whose population exceeds 35,000 according to the
246 | population estimates determined pursuant to s. 186.901, may
247 | establish a reporting process that must be limited to the
248 | regulations, reporting format, and reporting frequency
249 | established by the department pursuant to this section, which
250 | must, at a minimum, include requiring the dealer or pyrolysis

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251 facility to identify the types and approximate amount of
252 recovered materials or post-use polymers collected, recycled, or
253 reused during the reporting period; the approximate percentage
254 of recovered materials or post-use polymers reused, stored, or
255 delivered to a recovered materials processing facility or
256 pyrolysis facility or disposed of in a solid waste disposal
257 facility; and the locations where any recovered materials or
258 post-use polymers were disposed of as solid waste. The local
259 government may charge the dealer or pyrolysis facility a
260 registration fee commensurate with and no greater than the cost
261 incurred by the local government in operating its registration
262 program. Registration program costs are limited to those costs
263 associated with the activities described in this paragraph
264 ~~subparagraph~~. Any reporting or registration process established
265 by a local government with regard to recovered materials or
266 post-use polymers is governed by this section and department
267 rules adopted pursuant thereto.

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

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

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

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

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

287 Reviser's note.—The cited subsection, which requires the Agency
288 for Health Care Administration to withhold and set aside a
289 portion of the managed care rates from the rate cells for
290 special needs and home health services in managed medical
291 assistance and managed long-term care programs to implement
292 a home health performance incentive program, expired
293 pursuant to its own terms, effective July 1, 2021.

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

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

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

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

308 Section 21. Paragraph (b) of subsection (7) of section
309 499.0121, Florida Statutes, is repealed.

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

315 Section 22. Paragraph (b) of subsection (7) of section
316 499.051, Florida Statutes, is repealed.

317 Reviser's note.—The cited paragraph, which provides an exemption
318 from open government requirements for information
319 constituting a trade secret contained in a complaint or
320 obtained by the Department of Business and Professional
321 Regulation pursuant to an investigation, was repealed
322 pursuant to its own terms, effective October 2, 2021.

323 Section 23. Section 499.931, Florida Statutes, is
324 repealed.

325 Reviser's note.—The cited section, which provides an exemption

326 from open government requirements for trade secret
 327 information submitted under part III of chapter 499, was
 328 repealed pursuant to its own terms, effective October 2,
 329 2021.

330 Section 24. Section 502.222, Florida Statutes, is
 331 repealed.

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

338 Section 25. Subsection (3) of section 570.48, Florida
 339 Statutes, is repealed.

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

345 Section 26. Subsection (2) of section 573.123, Florida
 346 Statutes, is repealed.

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

351 2021.

352 Section 27. Paragraph (b) of subsection (8) of section
 353 601.10, Florida Statutes, is repealed.

354 Reviser's note.—The cited paragraph, which provides an exemption
 355 from open government requirements for trade secret
 356 information provided to the Department of Citrus, was
 357 repealed pursuant to its own terms, effective October 2,
 358 2021.

359 Section 28. Paragraph (d) of subsection (7) of section
 360 601.15, Florida Statutes, is amended to read:

361 601.15 Advertising campaign; methods of conducting;
 362 assessments; emergency reserve fund; citrus research.—

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

369 (d)~~1-~~ The pro rata portion of moneys allocated to each
 370 type of citrus product in noncommodity programs shall be used by
 371 the department to encourage substantial increases in the
 372 effectiveness, frequency, and volume of noncommodity
 373 advertising, merchandising, publicity, and sales promotion of
 374 such citrus products through rebates and incentive payments to
 375 handlers and trade customers for these activities. The

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376 department shall adopt rules providing for the use of such
377 moneys. The rules shall establish alternate incentive programs,
378 including at least one incentive program for product sold under
379 advertised brands, one incentive program for product sold under
380 private label brands, and one incentive program for product sold
381 in bulk. For each incentive program, the rules must establish
382 eligibility and performance requirements and must provide
383 appropriate limitations on amounts payable to a handler or trade
384 customer for a particular season. Such limitations may relate to
385 the amount of citrus assessments levied and collected on the
386 citrus product handled by such handler or trade customer during
387 a 12-month representative period.

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

398 Reviser's note.—Amended to conform to the repeal of subparagraph

399 2. pursuant to its own terms, effective October 2, 2021.

400 Section 29. Paragraph (c) of subsection (8) of section

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401 601.152, Florida Statutes, is amended to read:

402 601.152 Special marketing orders.—

403 (8)

404 (c)~~1~~. Every handler shall, at such times as the department
405 may require, file with the department a return, not under oath,
406 on forms to be prescribed and furnished by the department,
407 certified as true and correct, stating the quantity of the type,
408 variety, and form of citrus fruit or citrus product specified in
409 the marketing order first handled in the primary channels of
410 trade in the state by such handler during the period of time
411 specified in the marketing order. Such returns must contain any
412 further information deemed by the department to be reasonably
413 necessary to properly administer or enforce this section or any
414 marketing order implemented under this section.

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

423 Reviser's note.—Amended to conform to the repeal of subparagraph

424 2. pursuant to its own terms, effective October 2, 2021.

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

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

431 Section 31. Subsection (3) of section 815.04, Florida
432 Statutes, is repealed.

433 Reviser's note.—The cited subsection, which provides an
434 exemption from open government requirements for data,
435 programs, or supporting documentation constituting a trade
436 secret as defined in s. 812.081, held by an agency as
437 defined in chapter 119 and that resides on specified
438 electronic devices, was repealed pursuant to its own terms,
439 effective October 2, 2021.

440 Section 32. Subsection (17) of section 893.055, Florida
441 Statutes, is repealed.

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

447 Section 33. Sections 1004.33 and 1004.34, Florida
448 Statutes, are repealed.

449 Reviser's note.—The cited sections, which relate to University
450 of South Florida St. Petersburg and the University of South

451 Florida Sarasota, respectively, were repealed by s. 8, ch.
 452 2018-4, Laws of Florida, effective July 1, 2020. Since the
 453 sections were not repealed by a "current session" of the
 454 Legislature, they may be omitted from the 2022 Florida
 455 Statutes only through a reviser's bill duly enacted by the
 456 Legislature. See s. 11.242(5)(b) and (i).

457 Section 34. Section 1004.335, Florida Statutes, is
 458 repealed.

459 Reviser's note.—The cited section, which relates to
 460 accreditation consolidation of South Florida branch
 461 campuses, expired pursuant to its own terms, effective July
 462 1, 2020.

463 Section 35. Paragraph (b) of subsection (1) of section
 464 194.032, Florida Statutes, is amended to read:

465 194.032 Hearing purposes; timetable.—

466 (1)

467 (b) Notwithstanding the provisions of paragraph (a), the
 468 value adjustment board may meet prior to the approval of the
 469 assessment rolls by the Department of Revenue, but not earlier
 470 than July 1, to hear appeals pertaining to the denial by the
 471 property appraiser of exemptions, ~~tax abatements under s.~~
 472 ~~197.318,~~ agricultural and high-water recharge classifications,
 473 classifications as historic property used for commercial or
 474 certain nonprofit purposes, and deferrals under subparagraphs
 475 (a)2., 3., and 4. In such event, however, the board may not

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476 certify any assessments under s. 193.122 until the Department of
477 Revenue has approved the assessments in accordance with s.
478 193.1142 and all hearings have been held with respect to the
479 particular parcel under appeal.

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

482 Section 36. Section 218.131, Florida Statutes, is
483 repealed.

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

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

492 395.1065 Criminal and administrative penalties;
493 moratorium.—

494 (5) The agency shall impose a fine of \$500 for each
495 instance of the facility's failure to provide the information
496 required by rules adopted pursuant to s. 395.1055(1)(f) ~~s.~~
497 ~~395.1055(1)(g)~~.

498 Reviser's note.—Amended to conform to the repeal of s.
499 395.1055(1)(f) by this act.

500 Section 38. Subsection (2) of section 603.011, Florida

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501 Statutes, is amended to read:

502 603.011 Fruit and vegetable inspection fees; penalty.—

503 (2) All fees collected by the department under this
 504 section shall be deposited into the Citrus Inspection Trust
 505 Fund, except that fees collected pursuant to paragraph (1) (b)
 506 and s. 570.48(3) ~~s. 570.48(4)~~ shall be deposited in the General
 507 Inspection Trust Fund.

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

510 Section 39. Section 601.80, Florida Statutes, is amended
 511 to read:

512 601.80 Unlawful to use uncertified coloring matter.—It is
 513 unlawful for any person to use on oranges or citrus hybrids any
 514 coloring matter which has not first received the approval of the
 515 Department of Agriculture ~~as provided under s. 601.76.~~

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

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

520 721.071 Trade secrets.—

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

525 812.081, the developer or other person shall file the material

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

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

536 Section 41. Section 815.045, Florida Statutes, is amended
537 to read:

538 815.045 Trade secret information.—The Legislature finds
539 that it is a public necessity that trade secret information as
540 defined in s. 812.081, ~~and as provided for in s. 815.04(3),~~ be
541 expressly made confidential and exempt from the public records
542 law because it is a felony to disclose such records. Due to the
543 legal uncertainty as to whether a public employee would be
544 protected from a felony conviction if otherwise complying with
545 chapter 119, and with s. 24(a), Art. I of the State
546 Constitution, it is imperative that a public records exemption
547 be created. The Legislature in making disclosure of trade
548 secrets a crime has clearly established the importance attached
549 to trade secret protection. Disclosing trade secrets in an
550 agency's possession would negatively impact the business

551 interests of those providing an agency such trade secrets by
 552 damaging them in the marketplace, and those entities and
 553 individuals disclosing such trade secrets would hesitate to
 554 cooperate with that agency, which would impair the effective and
 555 efficient administration of governmental functions. Thus, the
 556 public and private harm in disclosing trade secrets
 557 significantly outweighs any public benefit derived from
 558 disclosure, and the public's ability to scrutinize and monitor
 559 agency action is not diminished by nondisclosure of trade
 560 secrets.

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

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

565 921.0022 Criminal Punishment Code; offense severity
 566 ranking chart.—

567 (3) OFFENSE SEVERITY RANKING CHART

568 (a) LEVEL 1

569

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.

570

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572	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
573	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
574	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
575	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
576	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
577	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license;

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possession of simulated
identification.

578

322.212 (4) 3rd Supply or aid in supplying
unauthorized driver license or
identification card.

579

322.212 (5) (a) 3rd False application for driver
license or identification card.

580

414.39 (3) (a) 3rd Fraudulent misappropriation of
public assistance funds by
employee/official, value more
than \$200.

581

443.071 (1) 3rd False statement or
representation to obtain or
increase reemployment
assistance benefits.

582

509.151 (1) 3rd Defraud an innkeeper, food or
lodging value \$1,000 or more.

583

517.302 (1) 3rd Violation of the Florida
Securities and Investor

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Protection Act.

584

713.69 3rd Tenant removes property upon
which lien has accrued, value
\$1,000 or more.

585

812.014 (3) (c) 3rd Petit theft (3rd conviction);
theft of any property not
specified in subsection (2).

586

815.04 (4) (a) 3rd Offense against intellectual
~~815.04 (5) (a)~~ property (i.e., computer
programs, data).

587

817.52 (2) 3rd Hiring with intent to defraud,
motor vehicle services.

588

817.569 (2) 3rd Use of public record or public
records information or
providing false information to
facilitate commission of a
felony.

589

826.01 3rd Bigamy.

590

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591	828.122 (3)	3rd	Fighting or baiting animals.
592	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
593	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
594	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
595	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.
596	838.15 (2)	3rd	Commercial bribe receiving.
597	838.16	3rd	Commercial bribery.

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598	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
599	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
600	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.
601	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
602	849.25 (2)	3rd	Engaging in bookmaking.
603	860.08	3rd	Interfere with a railroad signal.
604	860.13(1) (a)	3rd	Operate aircraft while under the influence.

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605	893.13(2)(a)2.	3rd	Purchase of cannabis.
606	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
607	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
608	(c) LEVEL 3		
609	Florida Statute	Felony Degree	Description
610	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
611	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
612	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
613	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in

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patrol vehicle with siren and
lights activated.

614

319.30(4) 3rd Possession by junkyard of motor
vehicle with identification
number plate removed.

615

319.33(1) (a) 3rd Alter or forge any certificate
of title to a motor vehicle or
mobile home.

616

319.33(1) (c) 3rd Procure or pass title on stolen
vehicle.

617

319.33(4) 3rd With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

618

327.35(2) (b) 3rd Felony BUI.

619

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

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620	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
621	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
622	379.2431 (1) (e) 5.	3rd	Taking, disturbing, 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.
623	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.

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624	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
625	400.9935(4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
626	400.9935(4) (e)	3rd	Filing a false license application or other required information or failing to report information.
627	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
628	501.001(2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
629			

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630	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
631	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
632	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
633	697.08	3rd	Equity skimming.
634	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
635	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
636	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

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637	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
638	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
639	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
640	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
641	812.081(2)	3rd	Theft of a trade secret.
642	<u>815.04(4)(b)</u> 815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
643	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

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644	817.233	3rd	Burning to defraud insurer.
645	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
646	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
647	817.236	3rd	Filing a false motor vehicle insurance application.
648	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
649	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.

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650	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
651	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
652	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
653	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
654	860.15(3)	3rd	Overcharging for repairs and parts.
655	870.01(2)	3rd	Riot.
656	870.01(4)	3rd	Inciting a riot.
657			

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658	893.13(1)(a)2.	3rd	Sell, manufacture, or 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).
659	893.13(1)(d)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.
660	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 public housing facility.
	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled

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substances.

661

893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.

662

893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

663

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

664

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

665

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

666

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- 667 893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.
- 668 893.13(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.
- 669 893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.
- 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

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monetary benefit for the
practitioner.

670

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

671

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

672

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

673

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

674

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

677 Section 43. This act shall take effect on the 60th day
678 after adjournment sine die of the session of the Legislature in
679 which enacted.