

CHAPTER 2022-5

Senate Bill No. 850

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

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

Section 1. Section 27.401, Florida Statutes, is repealed.

Reviser's note.—The cited section establishes the Cross-Circuit Conflict Representation Pilot Program and provides for its expiration, effective June 30, 2016.

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 Subsection (6) of section 112.24, Florida Statutes, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

216.292 Appropriations nontransferable; exceptions.—

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

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

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

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

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

4. Notice of proposed transfers under subparagraphs 1. and 2. shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 days prior to agency implementation in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.

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

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

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

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

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

Reviser's note.—The cited subsection, which provides an exemption from open government requirements for the identity of any person who responds to a marketing project or advertising research project conducted by the Florida Tourism Industry Marketing Corporation conducted by the corporation in the performance of its duties on behalf of Enterprise Florida, Inc., or trade secrets obtained pursuant thereto, was repealed pursuant to its own terms, effective October 2, 2021.

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

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

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

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

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

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

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

Reviser's note.—The cited section, which relates to a technical review and advisory panel to assist the Department of Health with rule adoption, was repealed by s. 9, ch. 2020-150, Laws of Florida, effective July 1, 2021. Since the section was not repealed by a "current session" of the Legislature, it may be omitted from the 2022 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

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

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

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

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

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

Reviser's note.—The cited paragraph, which relates to submittal of such data as necessary to conduct certificate-of-need reviews required under part I of chapter 408 by hospitals, was repealed by s. 3, ch. 2019-136, Laws of Florida, effective July 1, 2021. Since the paragraph was not repealed by a “current session” of the Legislature, it may be omitted from the 2022 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

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

403.7046 Regulation of recovered materials.—

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

(b)~~1~~. Before engaging in business within the jurisdiction of the local government, a recovered materials dealer or pyrolysis facility must provide the local government with a copy of the certification provided for in this section. In addition, the local government may establish a registration process whereby a recovered materials dealer or pyrolysis facility must register with the local government before engaging in business within the jurisdiction of the local government. Such registration process is limited to requiring the dealer or pyrolysis facility to register its name, including the owner or operator of the dealer or pyrolysis facility, and, if the dealer or pyrolysis facility is a business entity, its general or limited partners, its corporate officers and directors, its permanent place of business, evidence of

its certification under this section, and a certification that the recovered materials or post-use polymers will be processed at a recovered materials processing facility or pyrolysis facility satisfying the requirements of this section. The local government may not use the information provided in the registration application to compete unfairly with the recovered materials dealer until 90 days after receipt of the application. All counties, and municipalities whose population exceeds 35,000 according to the population estimates determined pursuant to s. 186.901, may establish a reporting process that must be limited to the regulations, reporting format, and reporting frequency established by the department pursuant to this section, which must, at a minimum, include requiring the dealer or pyrolysis facility to identify the types and approximate amount of recovered materials or post-use polymers collected, recycled, or reused during the reporting period; the approximate percentage of recovered materials or post-use polymers reused, stored, or delivered to a recovered materials processing facility or pyrolysis facility or disposed of in a solid waste disposal facility; and the locations where any recovered materials or post-use polymers were disposed of as solid waste. The local government may charge the dealer or pyrolysis facility a registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program. Registration program costs are limited to those costs associated with the activities described in this paragraph ~~subparagraph~~. Any reporting or registration process established by a local government with regard to recovered materials or post-use polymers is governed by this section and department rules adopted pursuant thereto.

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

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

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

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

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

Reviser's note.—The cited subsection, which requires the Agency for Health Care Administration to withhold and set aside a portion of the

managed care rates from the rate cells for special needs and home health services in managed medical assistance and managed long-term care programs to implement a home health performance incentive program, expired pursuant to its own terms, effective July 1, 2021.

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

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

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

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

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

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

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

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

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

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

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

Reviser's note.—The cited section, which provides an exemption from open government requirements for information in Department of Agriculture and Consumer Services records regarding matters

encompassed by chapter 502 that would reveal a trade secret, was repealed pursuant to its own terms, effective October 2, 2021.

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

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

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

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

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

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

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

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

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

(d)1. The pro rata portion of moneys allocated to each type of citrus product in noncommodity programs shall be used by the department to encourage substantial increases in the effectiveness, frequency, and volume of noncommodity advertising, merchandising, publicity, and sales promotion of such citrus products through rebates and incentive payments to handlers and trade customers for these activities. The department shall adopt rules providing for the use of such moneys. The rules shall establish alternate incentive programs, including at least one incentive program for product sold under advertised brands, one incentive program for product sold under private label brands, and one incentive program for product sold in bulk. For each incentive program, the rules must establish eligibility and performance requirements and must provide appropriate limitations on amounts payable

to a handler or trade customer for a particular season. Such limitations may relate to the amount of citrus assessments levied and collected on the citrus product handled by such handler or trade customer during a 12-month representative period.

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

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

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

601.152 Special marketing orders.—

(8)

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

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

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

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

Reviser’s note.—The cited section, which provides an exemption from open government requirements for formulas, which are deemed trade

secrets, required to be filed with the Department of Agriculture under the section, was repealed pursuant to its own terms, effective October 2, 2021.

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

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

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

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

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

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

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

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

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

194.032 Hearing purposes; timetable.—

(1)

(b) Notwithstanding the provisions of paragraph (a), the value adjustment board may meet prior to the approval of the assessment rolls by the Department of Revenue, but not earlier than July 1, to hear appeals pertaining to the denial by the property appraiser of exemptions, tax abatements ~~under s. 197.318~~, agricultural and high-water recharge

classifications, classifications as historic property used for commercial or certain nonprofit purposes, and deferrals under subparagraphs (a)2., 3., and 4. In such event, however, the board may not certify any assessments under s. 193.122 until the Department of Revenue has approved the assessments in accordance with s. 193.1142 and all hearings have been held with respect to the particular parcel under appeal.

Reviser’s note.—Amended to conform to the repeal of s. 197.318 by this act.

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

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

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

395.1065 Criminal and administrative penalties; moratorium.—

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

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

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

603.011 Fruit and vegetable inspection fees; penalty.—

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

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

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

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

Reviser’s note.—Amended to conform to the repeal of s. 601.76 by this act.

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

721.071 Trade secrets.—

(1) If a developer or any other person filing material with the division pursuant to this chapter expects the division to keep the material confidential on grounds that the material constitutes a trade secret, as that term is defined in s. 812.081, the developer or other person shall file the material together with an affidavit of confidentiality. “Filed material” for purposes of this section shall mean material that is filed with the division with the expectation that the material will be kept confidential and that is accompanied by an affidavit of confidentiality. Filed material that is trade secret information includes, but is not limited to, service contracts relating to the operation of reservation systems ~~and those items and matters described in s. 815.04(3).~~

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

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

815.045 Trade secret information.—The Legislature finds that it is a public necessity that trade secret information as defined in s. 812.081, ~~and as provided for in s. 815.04(3),~~ be expressly made confidential and exempt from the public records law because it is a felony to disclose such records. Due to the legal uncertainty as to whether a public employee would be protected from a felony conviction if otherwise complying with chapter 119, and with s. 24(a), Art. I of the State Constitution, it is imperative that a public records exemption be created. The Legislature in making disclosure of trade secrets a crime has clearly established the importance attached to trade secret protection. Disclosing trade secrets in an agency’s possession would negatively impact the business interests of those providing an agency such trade secrets by damaging them in the marketplace, and those entities and individuals disclosing such trade secrets would hesitate to cooperate with that agency, which would impair the effective and efficient administration of governmental functions. Thus, the public and private harm in disclosing trade secrets significantly outweighs any public benefit derived from disclosure, and the public’s ability to scrutinize and monitor agency action is not diminished by nondisclosure of trade secrets.

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

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.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
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; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322.212(5)(a)	3rd	False application for driver license or identification card.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).

Florida Statute	Felony Degree	Description
815.04(4)(a) <u>815.04(5)(a)</u>	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
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.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
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.
849.23	3rd	Gambling-related machines; “common offender” as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.

Florida Statute	Felony Degree	Description
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

Florida Statute	Felony Degree	Description
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.
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.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
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.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.

Florida Statute	Felony Degree	Description
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b) 815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
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.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.

Florida Statute	Felony Degree	Description
843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
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).
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.
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 substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
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.

Florida Statute	Felony Degree	Description
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.
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 monetary benefit for the practitioner.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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

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

Approved by the Governor February 24, 2022.

Filed in Office Secretary of State February 24, 2022.