

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Commerce Committee

BILL: CS/SB 2774

INTRODUCER: Commerce Committee and Senator Atwater

SUBJECT: Late night business security

DATE: April 8, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Earlywine	Cooper	CM	Fav/CS
2.			CJ	
3.			FT	
4.			GA	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This committee substitute creates a pilot project in Broward and Palm Beach counties to establish a grant program to provide funding for the purchase and installation of parking lot surveillance systems for late-night businesses.

If a felony has occurred at a late-night business after January 1, 2008, that business may apply to the county sheriff's office to receive reimbursement of up to \$1,000 for expenditures related to the purchase and installation of a surveillance system. Grants funds will be provided by The Florida Department of Law Enforcement with funds from the Byrne Memorial Local Law Enforcement Assistance Program.

This committee substitute creates an undesignated section of Florida law.

II. Present Situation:

Section 812.173, F.S., requires that convenience businesses be equipped with the following security devices and standards:

- A security camera system capable of recording and retrieving an image to assist in offender identification and apprehension.
- A drop safe or cash management device for restricted access to cash receipts.
- A lighted parking lot illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface.
- A conspicuous notice at the entrance which states that the cash register contains \$50 or less.
- Window signage that allows a clear and unobstructed view from outside the building and in a normal line of sight of the cash register and sales transaction area.
- Height markers at the entrance of the convenience business which display height measures.
- A cash management policy to limit the cash on hand at all times after 11 p.m.

A convenience business may not have window tinting that reduces exterior or interior view in a normal line of sight.¹ Every convenience business must be equipped with a silent alarm to law enforcement or a private security agency, unless application for an exemption is made to and granted by the Attorney General.²

If a murder, robbery, sexual battery, aggravated assault, aggravated battery, or kidnapping or false imprisonment, occurs or has occurred at a convenience business since July 1, 1989, and arises out of the operation of the convenience business, that convenience business must implement at least one of the following security measures:

- Provide at least two employees on the premises at all times after 11 p.m. and before 5 a.m.
- Install for use by employees at all times after 11 p.m. and before 5 a.m. a secured safety enclosure of transparent polycarbonate or other material that meets minimum standards.
- Provide a security guard on the premises at all times after 11 p.m. and before 5 a.m.
- Lock the business premises throughout the hours of 11 p.m. to 5 a.m., and only transact business through an indirect pass-through trough, trapdoor, or window.
- Close the business at all times after 11 p.m. and before 5 a.m.³

A convenience business may be exempt from the above requirements in certain circumstances.⁴

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Sergeant Chris Reyka Memorial Crime Prevention Act.”

Section 2 creates a pilot project in Broward and Palm Beach counties to establish a grant program to provide funding for the purchase and installation of parking lot surveillance systems for late-night businesses. Specifically, if a felony has occurred at a late-night business after

¹ Section 812.173(2), F.S.

² Section 812.173(3), F.S.

³ Section 812.173(4), F.S.

⁴ Section 812.173(5), F.S.

January 1, 2008, that business may apply to the county sheriff's office to receive reimbursement of up to \$1,000 for expenditures related to the purchase and installation of a surveillance system. The application must include receipts relating to the costs of the purchase and installation of the equipment, and the sheriff's office may establish additional qualifications criteria.

Subject to appropriation, grants will be funded by the Florida Department of Law Enforcement with funds from the Byrne Memorial Local Law Enforcement Assistance Program.

This section provides the following definitions:

- "Late-night business" means a business in Broward or Palm Beach county that is open to the general public between the hours of 11 p.m. and 5 a.m. on a regular basis.
- "Regular basis" means a minimum of 200 days per year.
- "Surveillance system" means a digital video security camera system that meets the specifications established by the applicable county sheriff's office.

Section 3 provides an effective date of July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be indeterminate costs to the Broward and Palm Beach counties sheriff's office for the administration of the grant program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce Committee on April 8, 2008:

This committee substitute creates a pilot project in Broward and Palm Beach counties to establish a grant program to provide funding for the purchase and installation of parking lot surveillance systems for late-night businesses.

- B. **Amendments:**

None.