

1 A bill to be entitled
2 An act relating to duties of the Attorney General;
3 repealing s. 16.10, F.S., relating to the receipt of
4 Supreme Court decisions by the Attorney General;
5 repealing s. 16.101, F.S., relating to the Supreme
6 Court reporter; amending s. 163.503, F.S.; revising
7 the definition of "department" to conform to changes
8 made by the act; amending s. 163.504, F.S.; deleting
9 provisions relating to the Safe Neighborhoods Program;
10 amending ss. 163.5055, 163.506, 163.508, and 163.511,
11 F.S.; relieving the Department of Legal Affairs from
12 certain duties associated with specified neighborhood
13 improvement districts; repealing s. 163.517, F.S.,
14 relating to the Safe Neighborhoods Program; repealing
15 s. 163.519, F.S., defining the duties of the
16 Department of Legal Affairs; repealing s. 163.521,
17 F.S., relating to funding of neighborhood improvement
18 districts inside enterprise zones; repealing s.
19 163.5215, F.S., relating to the construction of the
20 Safe Neighborhoods Act; repealing s. 163.522, F.S.,
21 relating to state redevelopment programs; repealing s.
22 163.523, F.S., relating to the cooperation and
23 involvement of community organizations to create safe
24 neighborhood districts; amending s. 163.524, F.S.;
25 conforming a provision to changes made by the act;

26 | amending s. 376.84, F.S.; conforming a cross-
27 | reference; amending s. 402.181, F.S.; requiring
28 | certain claims for restitution to be filed with
29 | specified entities; removing the Department of Legal
30 | Affairs as an entity for such filings; requiring the
31 | Department of Children and Families, the Department of
32 | Health, the Department of Juvenile Justice, the
33 | Department of Corrections, and the Agency for Persons
34 | with Disabilities to adopt rules to process specified
35 | claims; amending s. 501.160, F.S.; authorizing certain
36 | declarations during a state of emergency to be
37 | extended by executive order; amending s. 775.083 F.S.;
38 | conforming a provision to changes made by the act;
39 | amending s. 812.173, F.S.; requiring certain
40 | convenience businesses to use applications for
41 | exemption adopted by rule of the Division of Alcoholic
42 | Beverages and Tobacco within the Department of
43 | Business and Professional Regulation under specified
44 | circumstances; requiring convenience businesses to
45 | contact the division in writing after certain crimes
46 | have occurred on the property and specifying time
47 | frames for implementing specified security measures;
48 | authorizing the division to conduct certain
49 | investigations of convenience business licensees to
50 | determine their status as convenience businesses;

51 amending ss. 812.171, 812.174, 812.175, and 812.176,
 52 F.S.; revising provisions to require the Division of
 53 Alcoholic Beverages and Tobacco and not the Attorney
 54 General to regulate convenience businesses; amending
 55 ch. 2019-127, Laws of Florida; extending the timeframe
 56 for the Attorney General to have access to records
 57 when ordered by a court under specified provisions;
 58 postponing the scheduled repeal of amendments until a
 59 specified date unless reviewed and saved from repeal
 60 through reenactment by the Legislature; providing an
 61 effective date.

62

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

64

65 Section 1. Section 16.10, Florida Statutes, is repealed.

66 Section 2. Section 16.101, Florida Statutes, is repealed.

67 Section 3. Subsection (3) of section 163.503, Florida
 68 Statutes, is amended to read:

69 163.503 Definitions.—

70 (3) "Department" means the Department of Economic
 71 Opportunity ~~Legal Affairs~~.

72 Section 4. Section 163.504, Florida Statutes, is amended
 73 to read:

74 163.504 Safe neighborhood improvement districts; ~~planning~~
 75 ~~funds~~.—

76 ~~(1)~~ The governing body of any municipality or county may
 77 authorize the formation of safe neighborhood improvement
 78 districts through the adoption of a planning ordinance which
 79 specifies that such districts may be created by one or more of
 80 the methods established in ss. 163.506, 163.508, 163.511, and
 81 163.512. No district may overlap the jurisdictional boundaries
 82 of a municipality and the unincorporated area of a county,
 83 except by interlocal agreement.

84 ~~(2) If the governing body of a municipality or county~~
 85 ~~elects to create a safe neighborhood improvement district, it~~
 86 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
 87 ~~Program, created pursuant to s. 163.517 and administered by the~~
 88 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
 89 ~~improvement plan for the district.~~

90 ~~(3) Municipalities and counties may implement the~~
 91 ~~provisions of this section without planning funds from the~~
 92 ~~Department of Legal Affairs. However, nothing in this section~~
 93 ~~shall be construed to exempt any district from the requirements~~
 94 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
 95 ~~163.516.~~

96 Section 5. Subsection (1) of section 163.5055, Florida
 97 Statutes, is amended to read:

98 163.5055 Registration of district establishment; notice of
 99 dissolution.—

100 (1) (a) Each neighborhood improvement district authorized

101 and established under this part shall within 30 days thereof
 102 register with ~~both~~ the Department of Economic Opportunity ~~and~~
 103 ~~the Department of Legal Affairs~~ by providing the department
 104 ~~these departments~~ with the district's name, location, size, and
 105 type, and such other information as the department ~~departments~~
 106 may require.

107 (b) Each local governing body that authorizes the
 108 dissolution of a district shall notify ~~both~~ the Department of
 109 Economic Opportunity ~~and the Department of Legal Affairs~~ within
 110 30 days after the dissolution of the district.

111 Section 6. Paragraph (h) of subsection (1) of section
 112 163.506, Florida Statutes, is amended to read:

113 163.506 Local government neighborhood improvement
 114 districts; creation; advisory council; dissolution.—

115 (1) After a local planning ordinance has been adopted
 116 authorizing the creation of local government neighborhood
 117 improvement districts, the local governing body of a
 118 municipality or county may create local government neighborhood
 119 improvement districts by the enactment of a separate ordinance
 120 for each district, which ordinance:

121 (h) Requires the district to notify the ~~Department of~~
 122 ~~Legal Affairs and the~~ Department of Economic Opportunity in
 123 writing of its establishment within 30 days thereof pursuant to
 124 s. 163.5055.

125 Section 7. Paragraph (g) of subsection (1) of section

126 | 163.508, Florida Statutes, is amended to read:

127 | 163.508 Property owners' association neighborhood
128 | improvement districts; creation; powers and duties; duration.—

129 | (1) After a local planning ordinance has been adopted
130 | authorizing the creation of property owners' association
131 | neighborhood improvement districts, the local governing body of
132 | a municipality or county may create property owners' association
133 | neighborhood improvement districts by the enactment of a
134 | separate ordinance for each district, which ordinance:

135 | (g) Requires the district to notify the ~~Department of~~
136 | ~~Legal Affairs and the~~ Department of Economic Opportunity in
137 | writing of its establishment within 30 days thereof pursuant to
138 | s. 163.5055.

139 | Section 8. Paragraph (i) of subsection (1) of section
140 | 163.511, Florida Statutes, is amended to read:

141 | 163.511 Special neighborhood improvement districts;
142 | creation; referendum; board of directors; duration; extension.—

143 | (1) After a local planning ordinance has been adopted
144 | authorizing the creation of special neighborhood improvement
145 | districts, the governing body of a municipality or county may
146 | declare the need for and create special residential or business
147 | neighborhood improvement districts by the enactment of a
148 | separate ordinance for each district, which ordinance:

149 | (i) Requires the district to notify the ~~Department of~~
150 | ~~Legal Affairs and the~~ Department of Economic Opportunity in

151 writing of its establishment within 30 days thereof pursuant to
 152 s. 163.5055.

153 Section 9. Section 163.517, Florida Statutes, is repealed.

154 Section 10. Section 163.519, Florida Statutes, is
 155 repealed.

156 Section 11. Section 163.521, Florida Statutes, is
 157 repealed.

158 Section 12. Section 163.5215, Florida Statutes, is
 159 repealed.

160 Section 13. Section 163.522, Florida Statutes, is
 161 repealed.

162 Section 14. Section 163.523, Florida Statutes, is
 163 repealed.

164 Section 15. Subsection (5) of section 163.524, Florida
 165 Statutes, is amended to read:

166 163.524 Neighborhood Preservation and Enhancement Program;
 167 participation; creation of Neighborhood Preservation and
 168 Enhancement Districts; creation of Neighborhood Councils and
 169 Neighborhood Enhancement Plans.—

170 (5) The Neighborhood Council and local government planning
 171 agency shall be eligible to receive grants ~~from the Safe~~
 172 ~~Neighborhoods Program as provided in s. 163.517.~~

173 Section 16. Paragraph (c) of subsection (1) of section
 174 376.84, Florida Statutes, is amended to read:

175 376.84 Brownfield redevelopment economic incentives.—It is

176 the intent of the Legislature that brownfield redevelopment
 177 activities be viewed as opportunities to significantly improve
 178 the utilization, general condition, and appearance of these
 179 sites. Different standards than those in place for new
 180 development, as allowed under current state and local laws,
 181 should be used to the fullest extent to encourage the
 182 redevelopment of a brownfield. State and local governments are
 183 encouraged to offer redevelopment incentives for this purpose,
 184 as an ongoing public investment in infrastructure and services,
 185 to help eliminate the public health and environmental hazards,
 186 and to promote the creation of jobs in these areas. Such
 187 incentives may include financial, regulatory, and technical
 188 assistance to persons and businesses involved in the
 189 redevelopment of the brownfield pursuant to this act.

190 (1) Financial incentives and local incentives for
 191 redevelopment may include, but not be limited to:

192 (c) Safe neighborhood improvement districts as provided in
 193 ss. 163.501-163.516 ~~ss. 163.501-163.523~~.

194 Section 17. Subsections (2) and (3) of section 402.181,
 195 Florida Statutes, are amended to read:

196 402.181 State Institutions Claims Program.—

197 (2) Claims for restitution may be filed with the
 198 Department of Children and Families, the Department of Health,
 199 the Department of Juvenile Justice, the Department of
 200 Corrections, or the Agency for Persons with Disabilities. The

201 claim must be filed with the department or agency responsible
202 for monitoring the person that caused the medical injury or the
203 property damage ~~Legal Affairs at its office in accordance with~~
204 ~~regulations prescribed by the Department of Legal Affairs.~~ The
205 departments and agencies ~~Department of Legal Affairs shall~~ have
206 the full power and authority to approve or deny ~~hear,~~
207 ~~investigate, and determine all questions in respect to such~~
208 ~~claims and~~ may ~~is authorized,~~ within the limits of current
209 appropriations, ~~to~~ pay individual claims up to \$1,000 or, with
210 respect to children in foster care and their families,
211 individual claims up to \$1,500. Claims in excess of these
212 amounts shall continue to require legislative approval.

213 (3) ~~(a)~~ The Department of Children and Families, the
214 Department of Health, the Department of Juvenile Justice, the
215 Department of Corrections, and the Agency for Persons with
216 Disabilities shall adopt rules to process claims and to ensure
217 that eligible claimants receive restitution within a reasonable
218 time. ~~The Department of Legal Affairs shall make or cause to be~~
219 ~~made such investigations as it considers necessary in respect to~~
220 ~~such claims. Hearings shall be held in accordance with chapter~~
221 ~~120.~~

222 ~~(b)~~ ~~The Department of Legal Affairs shall work with the~~
223 ~~Department of Children and Families, the Department of Health,~~
224 ~~the Department of Juvenile Justice, the Department of~~
225 ~~Corrections, and the Agency for Persons with Disabilities to~~

226 ~~streamline the process of investigations, hearings, and~~
 227 ~~determinations with respect to claims under this section, to~~
 228 ~~ensure that eligible claimants receive restitution within a~~
 229 ~~reasonable time.~~

230 Section 18. Subsections (4) through (9) of section
 231 501.160, Florida Statutes, are renumbered as subsections (3)
 232 through (8), respectively, and subsection (2) and present
 233 subsection (3) of that section are amended to read:

234 501.160 Rental or sale of essential commodities during a
 235 declared state of emergency; prohibition against unconscionable
 236 prices.—

237 (2) Upon a declaration of a state of emergency by the
 238 Governor, it is unlawful and a violation of s. 501.204 for a
 239 person or her or his agent or employee to rent or sell or offer
 240 to rent or sell at an unconscionable price within the area for
 241 which the state of emergency is declared:—

242 (a) Any essential commodity including, but not limited to,
 243 supplies, services, provisions, or equipment that is necessary
 244 for consumption or use as a direct result of the emergency.

245 (b) Any dwelling unit or self-storage facility that is
 246 necessary for inhabitation or use as a direct result of the
 247 emergency.

248
 249 This prohibition is effective not to exceed 60 days under the
 250 initial declared state of emergency as defined in s. 252.36(2)

251 and may be extended by an executive order issued by the Governor
 252 specifically referencing this section ~~shall be renewed by~~
 253 ~~statement in any subsequent renewals of the declared state of~~
 254 ~~emergency by the Governor.~~

255 ~~(3) It is unlawful and a violation of s. 501.204 for any~~
 256 ~~person to impose unconscionable prices for the rental or lease~~
 257 ~~of any dwelling unit or self-storage facility during a period of~~
 258 ~~declared state of emergency.~~

259 Section 19. Subsection (2) of section 775.083, Florida
 260 Statutes, is amended to read:

261 775.083 Fines.—

262 (2) In addition to the fines set forth in subsection (1),
 263 court costs shall be assessed and collected in each instance a
 264 defendant pleads nolo contendere to, or is convicted of, or
 265 adjudicated delinquent for, a felony, a misdemeanor, or a
 266 criminal traffic offense under state law, or a violation of any
 267 municipal or county ordinance if the violation constitutes a
 268 misdemeanor under state law. The court costs imposed by this
 269 section shall be \$50 for a felony and \$20 for any other offense
 270 and shall be deposited by the clerk of the court into an
 271 appropriate county account for disbursement for the purposes
 272 provided in this subsection. A county shall account for the
 273 funds separately from other county funds as crime prevention
 274 funds. The county, in consultation with the sheriff, must expend
 275 such funds for crime prevention programs in the county.

276 ~~including safe neighborhood programs under ss. 163.501-163.523.~~

277 Section 20. Section 812.171, Florida Statutes, is amended
278 to read:

279 812.171 Definition.—As used in this act, the term
280 "convenience business" means any place of business that is
281 primarily engaged in the retail sale of groceries, or both
282 groceries and gasoline, and that is open for business at any
283 time between the hours of 11 p.m. and 5 a.m., and is licensed by
284 the Division of Alcoholic Beverages and Tobacco within the
285 Department of Business and Professional Regulation pursuant to
286 chapter 210, chapter 561, chapter 562, chapter 563, chapter 564,
287 chapter 565, or chapter 569. The term "convenience business"
288 does not include:

289 (1) A business that is solely or primarily a restaurant.

290 (2) A business that always has at least five employees on
291 the premises after 11 p.m. and before 5 a.m.

292 (3) A business that has at least 10,000 square feet of
293 retail floor space.

294 (4) A ~~The term "convenience business" does not include any~~
295 business in which the owner or members of his or her family work
296 between the hours of 11 p.m. and 5 a.m.

297 Section 21. Subsections (3), (4), and (5) of section
298 812.173, Florida Statutes, are amended, and subsection (6) is
299 added to that section, to read:

300 812.173 Convenience business security.—

301 (3) Every convenience business shall be equipped with a
 302 silent alarm to law enforcement or a private security agency,
 303 unless an application for an exemption, adopted by rule by the
 304 Division of Alcoholic Beverages and Tobacco, is made to and
 305 granted by the Division of Alcoholic Beverages and Tobacco
 306 ~~Attorney General~~. An application for exemption must be in
 307 writing and must be accompanied by an administrative fee of \$25
 308 for each store for which an exemption would apply.

309 (4) If a murder, robbery, sexual battery, aggravated
 310 assault, aggravated battery, or kidnapping or false
 311 imprisonment, as those crimes are identified and defined by
 312 Florida Statutes, occurs or has occurred at a convenience
 313 business since July 1, 1989, and arises out of the operation of
 314 the convenience business, that convenience business shall notify
 315 the Division of Alcoholic Beverages and Tobacco in writing and
 316 shall implement at least one of the following security measures
 317 within 30 days of a judicial determination that one or more of
 318 the aforementioned identified crimes occurred at the convenience
 319 business:

320 (a) Provide at least two employees on the premises at all
 321 times after 11 p.m. and before 5 a.m.;

322 (b) Install for use by employees at all times after 11
 323 p.m. and before 5 a.m. a secured safety enclosure of transparent
 324 polycarbonate or other material that meets at least one of the
 325 following minimum standards:

326 1. American Society for Testing and Materials Standard
 327 D3935 (classification PC110 B 3 0800700) and that has a
 328 thickness of at least 0.375 inches and has an impact strength of
 329 at least 200 foot pounds; or

330 2. Underwriters Laboratory Standard UL 752 for medium
 331 power small arms (level one), Bullet Resisting Equipment;

332 (c) Provide a security guard on the premises at all times
 333 after 11 p.m. and before 5 a.m.;

334 (d) Lock the business premises throughout the hours of 11
 335 p.m. to 5 a.m., and only transact business through an indirect
 336 pass-through trough, trapdoor, or window; or

337 (e) Close the business at all times after 11 p.m. and
 338 before 5 a.m.

339 (5) For purposes of this section, any convenience business
 340 that by law implemented any of the security measures set forth
 341 in paragraphs (4) (a)-(e) and has maintained said measures as
 342 required by the Division of Alcoholic Beverages and Tobacco
 343 ~~Department of Legal Affairs~~ without any occurrence or incidence
 344 of the crimes identified by subsection (4) for a period of no
 345 less than 24 months immediately preceding the filing of a notice
 346 of exemption, may file with the department a notice of exemption
 347 from these enhanced security measures. In no event shall this
 348 exemption be interpreted to preclude full compliance with the
 349 security measures set forth in subsection (4) should any
 350 occurrence or incidence of the crimes identified by subsection

351 (4) cause subsection (4) to be statutorily applicable. As of
352 July 1, 2021, the Division of Alcoholic Beverages and Tobacco
353 ~~the date this act becomes law, the Department of Legal Affairs~~
354 will provide notice to any convenience business to which a
355 subsection (4) incident ~~has previously occurred~~ between July 1,
356 2019, and July 1, 2021. In no event shall the state or the
357 Division of Alcoholic Beverages and Tobacco ~~Department of Legal~~
358 ~~Affairs~~ incur any liability for the regulation and enforcement
359 of this act.

360 (6) The Division of Alcoholic Beverages and Tobacco may
361 investigate the premises and records of any licensee to
362 determine whether the licensee is a convenience business and
363 subject to the provisions of this act.

364 Section 22. Section 812.174, Florida Statutes, is amended
365 to read:

366 812.174 Training of employees.—The owner or principal
367 operator of a convenience business or convenience businesses
368 shall provide proper robbery deterrence and safety training by
369 an approved curriculum to its retail employees within 60 days of
370 employment. ~~Existing retail employees shall receive training~~
371 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
372 submitted in writing to the Division of Alcoholic Beverages and
373 Tobacco ~~Attorney General~~ with an administrative fee not to
374 exceed \$100. The Division of Alcoholic Beverages and Tobacco
375 ~~Attorney General~~ shall review and approve or disapprove the

376 curriculum in writing within 60 days after receipt. The state
377 shall have no liability for approving or disapproving a training
378 curriculum under this section. Approval shall be given to a
379 curriculum which trains and familiarizes retail employees with
380 the security principles, devices, and measures required by s.
381 812.173. Disapproval of a curriculum shall be subject to the
382 provisions of chapter 120. No person shall be liable for
383 ordinary negligence due to implementing an approved curriculum
384 if the training was actually provided. A curriculum shall be
385 submitted for reapproval biennially on or before the date
386 established by rule by the Division of Alcoholic Beverages and
387 Tobacco and shall be accompanied with an administrative fee not
388 to exceed \$100. ~~Any curriculum approved by the Attorney General~~
389 ~~since September 1990 shall be subject to reapproval 2 years from~~
390 ~~the anniversary of initial approval and biennially thereafter.~~

391 Section 23. Section 812.175, Florida Statutes, is amended
392 to read:

393 812.175 Enforcement; civil fine.—

394 (1) The violation of any provision of this act by any
395 owner or principal operator of a convenience business shall
396 result in a notice of violation from the Division of Alcoholic
397 Beverages and Tobacco ~~Attorney General~~. Violators shall have 30
398 days after receipt of the notice to provide proof of compliance
399 to the Division of Alcoholic Beverages and Tobacco ~~Attorney~~
400 ~~General's office~~. If the violation continues after the 30-day

401 period, the Division of Alcoholic Beverages and Tobacco ~~Attorney~~
402 ~~General~~ may impose a civil fine not to exceed \$5,000. The
403 Division of Alcoholic Beverages and Tobacco ~~Attorney General~~ has
404 the authority to investigate any alleged violation and may
405 compromise any alleged violation by accepting from the owner or
406 principal operator an amount not to exceed \$5,000. The Division
407 of Alcoholic Beverages and Tobacco ~~Attorney General~~ may suspend
408 the imposition of any fine conditioned upon terms the Division
409 of Alcoholic Beverages and Tobacco ~~Attorney General's office~~ in
410 its discretion deems appropriate. Notices of violation and civil
411 fines shall be subject to the provisions of chapter 120.

412 (2) Moneys received by the Division of Alcoholic Beverages
413 and Tobacco ~~Attorney General~~ pursuant to this act shall be
414 deposited in the General Revenue Fund.

415 (3) The Division of Alcoholic Beverages and Tobacco
416 ~~Attorney General~~ is given full power and authority to petition
417 for an injunction when it is determined that the health, safety,
418 and public welfare is threatened by continued operation of a
419 convenience business in violation of this act. In any action for
420 injunction, the Division of Alcoholic Beverages and Tobacco
421 ~~Attorney General~~ may seek a civil penalty not to exceed \$5,000
422 per violation, plus attorney's fees and costs.

423 (4) The Division of Alcoholic Beverages and Tobacco
424 ~~Attorney General~~ may enter into agreements with local
425 governments to assist in the enforcement of ss. 812.1701-

426 812.175. Such agreements may include provision for reimbursement
427 of investigative and enforcement costs incurred by such local
428 governments.

429 Section 24. Section 812.176, Florida Statutes, is amended
430 to read:

431 812.176 Rulemaking authority.—The Division of Alcoholic
432 Beverages and Tobacco ~~Department of Legal Affairs~~ shall have the
433 power to adopt rules pursuant to chapter 120 as necessary to
434 implement the provisions of the Convenience Business Security
435 Act. The security measures and training provisions of ss.
436 812.173 and 812.174 shall meet the requirements of the
437 department as set forth by rule.

438 Section 25. Section 3 of chapter 2019-127, Laws of
439 Florida, is amended to read:

440 Section 3. The amendments to ss. 893.055 and 893.0551,
441 Florida Statutes, made by this act shall stand repealed on June
442 30, 2023 ~~June 30, 2021~~, unless reviewed and saved from repeal
443 through reenactment by the Legislature. If such amendments are
444 not saved from repeal, the text of ss. 893.055 and 893.0551,
445 Florida Statutes, shall revert to that in existence on June 30,
446 2019, except that any amendments to such text other than by this
447 act shall be preserved and continue to operate to the extent
448 that such amendments are not dependent upon the portions of text
449 which expire pursuant to this section.

450 Section 26. This act shall take effect June 30, 2021.