

HB 755

2015

1 A bill to be entitled

2 An act relating to convenience business security;
3 amending s. 812.171, F.S.; revising the definition of
4 the term "convenience business" to delete an exception
5 for certain businesses in which the owner or family
6 members work between specified hours; amending s.
7 812.173, F.S.; exempting certain businesses in which
8 the owner or family members work between specified
9 hours from specified requirements; amending s.
10 812.174, F.S.; deleting obsolete provisions; deleting
11 administrative fees required to be submitted to the
12 Attorney General with proposed and biennial robbery
13 deterrence and safety training curriculum for
14 convenience store employees; deleting a requirement
15 for the Attorney General to biennially reapprove such
16 curriculum; providing an effective date.

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

19
20 Section 1. Section 812.171, Florida Statutes, is amended
21 to read:

22 812.171 Definition.—As used in ss. 812.1701-812.175 ~~this~~
23 ~~act~~, the term "convenience business" means any place of business
24 that is primarily engaged in the retail sale of groceries, or
25 both groceries and gasoline, and that is open for business at
26 any time between the hours of 11 p.m. and 5 a.m. The term

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 "convenience business" does not include:

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

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

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

33

34 ~~The term "convenience business" does not include any business in~~
35 ~~which the owner or members of his or her family work between the~~
36 ~~hours of 11 p.m. and 5 a.m.~~

37 Section 2. Subsection (4) of section 812.173, Florida
38 Statutes, is amended to read:

39 812.173 Convenience business security.—

40 (4) If a murder, robbery, sexual battery, aggravated
41 assault, aggravated battery, or kidnapping or false
42 imprisonment, as those crimes are identified and defined by
43 Florida Statutes, occurs or has occurred at a convenience
44 business since July 1, 1989, and arises out of the operation of
45 the convenience business, that convenience business, unless it
46 is a convenience business in which the owner or members of his
47 or her family work between the hours of 11 p.m. and 5 a.m.,
48 shall implement at least one of the following security measures:

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

51 (b) Install for use by employees at all times after 11
52 p.m. and before 5 a.m. a secured safety enclosure of transparent

53 polycarbonate or other material that meets at least one of the
 54 following minimum standards:

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

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

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

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

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

68 Section 3. Section 812.174, Florida Statutes, is amended
 69 to read:

70 812.174 Training of employees.—

71 (1) The owner or principal operator of a convenience
 72 business or convenience businesses shall provide proper robbery
 73 deterrence and safety training by an approved curriculum to its
 74 retail employees within 60 days after ~~of~~ employment. ~~Existing~~
 75 ~~retail employees shall receive training within 6 months of April~~
 76 ~~8, 1992.~~

77 (2) A proposed curriculum shall be submitted in writing to
 78 the Attorney General ~~with an administrative fee not to exceed~~

79 ~~\$100.~~ The Attorney General shall review and approve or
80 disapprove the curriculum in writing within 60 days after
81 receipt. The state shall have no liability for approving or
82 disapproving a training curriculum under this section. Approval
83 shall be given to a curriculum that ~~which~~ trains and
84 familiarizes retail employees with the security principles,
85 devices, and measures required by s. 812.173. Disapproval of a
86 curriculum shall be subject to ~~the provisions of~~ chapter 120.

87 (3) ~~A~~ No person shall not be liable for ordinary
88 negligence due to implementing an approved curriculum if the
89 training was actually provided. ~~A curriculum shall be submitted~~
90 ~~for reapproval biennially with an administrative fee not to~~
91 ~~exceed \$100. Any curriculum approved by the Attorney General~~
92 ~~since September 1990 shall be subject to reapproval 2 years from~~
93 ~~the anniversary of initial approval and biennially thereafter.~~

94 Section 4. This act shall take effect July 1, 2015.