

551-137AX-06

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Heyman offered the following:

**Amendment (with title amendment)**

On page 31, line 30,

insert:

Section 20. Section 812.173, Florida Statutes, is amended to read:

812.173 Convenience business security.--

(1) Every convenience business shall be equipped with the following security devices and standards:

(a) A security camera system capable of recording and retrieving an identifiable image to assist in offender identification and apprehension.

(b) A drop safe or cash management device for restricted access to cash receipts.

(c) Areas of the parking lot accessible to the public and available for public use shall be ~~A lighted parking lot~~ illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface.

(d) A conspicuous notice ~~at the entrance~~ which states

1 that the cash register contains \$50 or less.

2 (e) Window signage that allows a clear and  
3 unobstructed view from outside the building and in a normal  
4 line of sight of the cash register and sales transaction area.

5 (f) Height markers at the entrance of the convenience  
6 business which display height measures.

7 (g) A cash management policy to limit the cash on hand  
8 at all times after 11 p.m.

9 (2) A convenience business shall not have window  
10 tinting or covering that reduces exterior or interior view in  
11 a normal line of sight.

12 ~~(3) Every convenience business shall be equipped with~~  
13 ~~a silent alarm to law enforcement or a private security~~  
14 ~~agency, unless application for an exemption is made to and~~  
15 ~~granted by the Attorney General. An application for exemption~~  
16 ~~must be in writing and must be accompanied by an~~  
17 ~~administrative fee of \$25 for each store for which an~~  
18 ~~exemption would apply.~~

19 (3)~~(4)~~ If a murder, robbery, sexual battery,  
20 aggravated assault, aggravated battery, or kidnapping or false  
21 imprisonment, as those crimes are identified and defined by  
22 Florida Statutes, occurs or has occurred at a convenience  
23 business site ~~since July 1, 1989~~, and arises out of the  
24 operation of the convenience business, that convenience  
25 business shall implement at least one of the following  
26 security measures:

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

29 (b) Install for use by employees at all times after 11  
30 p.m. and before 5 a.m. a secured safety enclosure of  
31 transparent polycarbonate or other material that meets at

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1 least one of the following minimum standards:

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

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

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

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

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

16 ~~(4)(5)~~ For purposes of this section, any convenience  
17 business that by law implemented any of the security measures  
18 set forth in paragraphs ~~(3)(4)~~(a) through (e) and has  
19 maintained said measures as required by the Department of  
20 Legal Affairs without any occurrence or incidence of the  
21 crimes identified by subsection ~~(3)(4)~~ for a period of no  
22 less than 24 months may discontinue any immediately preceding  
23 the filing of a notice of exemption, may file with the  
24 department a notice of exemption from these enhanced security  
25 measure measures. In no event shall this exemption be  
26 interpreted to preclude full compliance with the security  
27 measures set forth in subsection ~~(3)(4)~~ should any occurrence  
28 or incidence of the crimes identified by subsection ~~(3)(4)~~  
29 cause subsection ~~(3)(4)~~ to be statutorily applicable. As of  
30 the date this act becomes revised, it is the duty of law, the  
31 Department of Legal Affairs will provide notice to any

1 convenience business to which a subsection ~~(3)~~(4) incident  
2 has previously occurred to determine through local law  
3 enforcement what criminal incidents have occurred at that  
4 convenience business site. In no event shall the state or the  
5 Department of Legal Affairs incur any liability for the  
6 regulation and enforcement of this act.

7 Section 21. Section 812.174, Florida Statutes, is  
8 amended to read:

9 812.174 Training of employees.--The owner or principal  
10 operator of a convenience business or convenience businesses  
11 shall provide proper robbery deterrence and safety training  
12 that incorporates industry standards and state requirements by  
13 ~~an approved curriculum~~ to its retail employees within 30 ~~60~~  
14 days after ~~of~~ employment. Existing retail employees shall  
15 receive training within 60 days after the effective date of  
16 this revision ~~6 months of April 8, 1992.~~ A proposed  
17 curriculum shall be submitted in writing to the Attorney  
18 General within 60 days after the effective date of this  
19 revision with an administrative fee not to exceed \$100. ~~The~~  
20 curriculum shall include material that trains and familiarizes  
21 retail employees with the security principles, devices, and  
22 measures required by s. 812.173. ~~The Attorney General shall~~  
23 ~~review and approve or disapprove the curriculum in writing~~  
24 ~~within 60 days after receipt.~~ ~~The state shall have no~~  
25 ~~liability for approving or disapproving a training curriculum~~  
26 ~~under this section.~~ ~~Approval shall be given to a curriculum~~  
27 ~~which trains and familiarizes retail employees with the~~  
28 ~~security principles, devices, and measures required by s.~~  
29 ~~812.173.~~ ~~Disapproval of a curriculum shall be subject to the~~  
30 ~~provisions of chapter 120.~~ No person shall be liable for  
31 ordinary negligence due to implementing an approved curriculum

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1 if the training was actually provided. A curriculum shall be  
 2 submitted ~~for reapproval~~ biennially and whenever substantial  
 3 revisions are made with an administrative fee not to exceed  
 4 \$100. The Attorney General shall keep the curriculum on file.  
 5 ~~Any curriculum approved by the Attorney General since~~  
 6 ~~September 1990 shall be subject to reapproval 2 years from the~~  
 7 ~~anniversary of initial approval and biennially thereafter.~~

===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 4, line 4, after the semicolon,  
 13  
 14 insert:  
 15 amending s. 812.173, F.S.; revising  
 16 requirements with respect to convenience  
 17 business security; amending s. 812.174, F.S.;  
 18 revising language with respect to the training  
 19 of employees; eliminating a fee;

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