

By Senator Grimsley

21-01093-15

2015684\_\_

1                                   A bill to be entitled  
2       An act relating to convenience businesses; amending s.  
3       812.171, F.S.; revising the term "convenience  
4       business"; amending s. 812.173, F.S.; conforming a  
5       provision to a change made by the act; amending s.  
6       812.174, F.S.; deleting an obsolete provision;  
7       removing the requirement that a curriculum be  
8       submitted for reapproval biennially with a specified  
9       administrative fee; removing a requirement that  
10      specified curriculum be subject to reapproval 2 years  
11      from initial approval and biennially thereafter;  
12      making technical changes; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16       Section 1. Section 812.171, Florida Statutes, is amended to  
17      read:

18       812.171 Definition.—As used in this act, the term  
19      "convenience business" means any place of business that is  
20      primarily engaged in the retail sale of groceries, or both  
21      groceries and gasoline, and that is open for business at any  
22      time between the hours of 11 p.m. and 5 a.m. The term  
23      "convenience business" does not include:

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

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

27           (3) A business that has at least 10,000 square feet of  
28      retail floor space.  
29

21-01093-15

2015684\_\_

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

33 Section 2. Subsection (5) of section 812.173, Florida  
34 Statutes, is amended to read:

35 812.173 Convenience business security.—

36 (5) For purposes of this section, subsection (4) does not  
37 apply to a convenience business in which the owner or the  
38 members of the owner's family work between the hours of 11 p.m.  
39 and 5 a.m. A ~~Any~~ convenience business that was required by law  
40 to implement ~~implemented~~ any of the security measures specified  
41 ~~set forth~~ in paragraphs (4) (a)-(e) and has maintained those said  
42 measures as required by the Department of Legal Affairs without  
43 any occurrence ~~or incidence~~ of the crimes specified in  
44 ~~identified by~~ subsection (4) for a period of at least no less  
45 ~~than~~ 24 months immediately preceding the filing of a notice of  
46 exemption, may file with the department a notice of exemption  
47 from these enhanced security measures. ~~In no event shall~~ This  
48 exemption may not be interpreted as precluding to preclude full  
49 compliance with the security measures specified set forth in  
50 subsection (4) should any occurrence ~~or incidence~~ of the crimes  
51 specified in that subsection ~~identified by subsection (4)~~ cause  
52 that subsection (4) to be statutorily applicable. ~~As of the date~~  
53 ~~this act becomes law, the Department of Legal Affairs will~~  
54 ~~provide notice to any convenience business to which a subsection~~  
55 ~~(4) incident has previously occurred. In no event shall~~ The  
56 state or the Department of Legal Affairs does not incur any  
57 liability for the regulation and enforcement of this act.

58 Section 3. Section 812.174, Florida Statutes, is amended to

21-01093-15

2015684\_\_

59 read:

60 812.174 Training of employees.—

61 (1) The owner or principal operator of a convenience  
62 business ~~or convenience businesses~~ shall provide proper robbery  
63 deterrence and safety training by an approved curriculum to its  
64 retail employees within 60 days after ~~of~~ employment. ~~Existing~~  
65 ~~retail employees shall receive training within 6 months of April~~  
66 ~~8, 1992.~~

67 (2) A proposed curriculum shall be submitted in writing to  
68 the Attorney General, who ~~with an administrative fee not to~~  
69 ~~exceed \$100. The Attorney General~~ shall review and approve or  
70 disapprove the curriculum in writing within 60 days after  
71 receipt. The state does not incur liability ~~shall have no~~  
72 ~~liability~~ for approving or disapproving a training curriculum  
73 under this section. Approval shall be given to a curriculum that  
74 ~~which~~ trains and familiarizes retail employees with the security  
75 principles, devices, and measures required by s. 812.173.  
76 Disapproval of a curriculum is ~~shall be~~ subject to ~~the~~  
77 ~~provisions of~~ chapter 120.

78 (3) ~~A No~~ person is not ~~shall be~~ liable for ordinary  
79 negligence if he or she implements ~~due to implementing~~ an  
80 approved curriculum and if the training is ~~was~~ actually  
81 provided. ~~A curriculum shall be submitted for reapproval~~  
82 ~~biennially with an administrative fee not to exceed \$100. Any~~  
83 ~~curriculum approved by the Attorney General since September 1990~~  
84 ~~shall be subject to reapproval 2 years from the anniversary of~~  
85 ~~initial approval and biennially thereafter.~~

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