

By Senator Legg

17-01499-16

20161302\_\_

1                   A bill to be entitled  
2           An act relating to convenience businesses; amending s.  
3           812.171, F.S.; revising the definition of the term  
4           "convenience business"; amending s. 812.173, F.S.;  
5           revising the dollar amount that a convenience business  
6           must post on a conspicuous notice at the entrance;  
7           exempting convenience businesses from specified  
8           requirements under certain circumstances; amending s.  
9           812.174, F.S.; deleting an obsolete provision;  
10          deleting the administrative fee for a convenience  
11          business' proposed training curriculum; deleting  
12          provisions requiring the periodic reapproval of a  
13          training curriculum and the accompanying  
14          administrative fee; reenacting s. 893.13(1)(e), F.S.,  
15          relating to prohibited acts and penalties, to  
16          incorporate the amendment made to s. 812.171, F.S., in  
17          a reference thereto; reenacting ss. 768.0705,  
18          812.1725, and 812.176, F.S., relating to limitation on  
19          premises liability, preemption, and rulemaking  
20          authority, respectively, to incorporate the amendments  
21          made to ss. 812.173 and 812.174, F.S., in references  
22          thereto; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Section 812.171, Florida Statutes, is amended to  
27   read:

28           812.171 Definition.—As used in this act, the term  
29   "convenience business" means any place of business that is  
30   primarily engaged in the retail sale of groceries, or both  
31   groceries and gasoline, and that is open for business at any  
32   time between the hours of 11 p.m. and 5 a.m. The term

17-01499-16

20161302\_\_

33 "convenience business" does not include:

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

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

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

39

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

43 Section 2. Subsection (1) of section 812.173, Florida  
44 Statutes, is amended, present subsection (5) of that section is  
45 redesignated as subsection (6), and a new subsection (5) is  
46 added to that section, to read:

47 812.173 Convenience business security.-

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

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

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

55 (c) A lighted parking lot illuminated at an intensity of at  
56 least 2 foot-candles per square foot at 18 inches above the  
57 surface.

58 (d) A conspicuous notice at the entrance which states that  
59 the cash register contains \$100 ~~\$50~~ or less.

60 (e) Window signage that allows a clear and unobstructed  
61 view from outside the building and in a normal line of sight of

17-01499-16

20161302\_\_

62 the cash register and sales transaction area.

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

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

67 (5) The security devices, standards, and measures required  
68 by subsections (1)-(4) do not apply to a convenience business in  
69 which the owner or members of the owner's immediate family work  
70 on the premises of the convenience business between the hours of  
71 11 p.m. and 5 a.m.

72 Section 3. Section 812.174, Florida Statutes, is amended to  
73 read:

74 812.174 Training of employees.—

75 (1) The owner or principal operator of a convenience  
76 business or convenience businesses shall provide proper robbery  
77 deterrence and safety training by an approved curriculum to its  
78 retail employees within 60 days after ~~of~~ employment. ~~Existing~~  
79 ~~retail employees shall receive training within 6 months of April~~  
80 ~~8, 1992.~~

81 (2) A proposed curriculum shall be submitted in writing to  
82 the Attorney General ~~with an administrative fee not to exceed~~  
83 ~~\$100~~. The Attorney General shall review and approve or  
84 disapprove the curriculum in writing within 60 days after  
85 receipt. The state shall have no liability for approving or  
86 disapproving a training curriculum under this section. Approval  
87 shall be given to a curriculum that ~~which~~ trains and  
88 familiarizes retail employees with the security principles,  
89 devices, and measures required by s. 812.173. Disapproval of a  
90 curriculum shall be subject to ~~the provisions of~~ chapter 120.

17-01499-16

20161302\_\_

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

98       Section 4. For the purpose of incorporating the amendment  
99 made by this act to section 812.171, Florida Statutes, in a  
100 reference thereto, paragraph (e) of subsection (1) of section  
101 893.13, Florida Statutes, is reenacted to read:

102       893.13 Prohibited acts; penalties.—

103       (1)

104       (e) Except as authorized by this chapter, a person may not  
105 sell, manufacture, or deliver, or possess with intent to sell,  
106 manufacture, or deliver, a controlled substance not authorized  
107 by law in, on, or within 1,000 feet of a physical place for  
108 worship at which a church or religious organization regularly  
109 conducts religious services or within 1,000 feet of a  
110 convenience business as defined in s. 812.171. A person who  
111 violates this paragraph with respect to:

112       1. A controlled substance named or described in s.  
113 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
114 commits a felony of the first degree, punishable as provided in  
115 s. 775.082, s. 775.083, or s. 775.084.

116       2. A controlled substance named or described in s.  
117 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
118 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
119 the second degree, punishable as provided in s. 775.082, s.

17-01499-16

20161302\_\_

120 775.083, or s. 775.084.

121 3. Any other controlled substance, except as lawfully sold,  
122 manufactured, or delivered, must be sentenced to pay a \$500 fine  
123 and to serve 100 hours of public service in addition to any  
124 other penalty prescribed by law.

125 Section 5. For the purpose of incorporating the amendments  
126 made by this act to sections 812.173 and 812.174, Florida  
127 Statutes, in references thereto, section 768.0705, Florida  
128 Statutes, is reenacted to read:

129 768.0705 Limitation on premises liability.—The owner or  
130 operator of a convenience business that substantially implements  
131 the applicable security measures listed in ss. 812.173 and  
132 812.174 shall gain a presumption against liability in connection  
133 with criminal acts that occur on the premises and that are  
134 committed by third parties who are not employees or agents of  
135 the owner or operator of the convenience business.

136 Section 6. For the purpose of incorporating the amendments  
137 made by this act to sections 812.173 and 812.174, Florida  
138 Statutes, in references thereto, section 812.1725, Florida  
139 Statutes, is reenacted to read:

140 812.1725 Preemption.—A political subdivision of this state  
141 may not adopt, for convenience businesses, security standards  
142 which differ from those contained in ss. 812.173 and 812.174,  
143 and all such differing standards, whether existing or proposed,  
144 are hereby preempted and superseded by general law.

145 Section 7. For the purpose of incorporating the amendments  
146 made by this act to sections 812.173 and 812.174, Florida  
147 Statutes, in references thereto, section 812.176, Florida  
148 Statutes, is reenacted to read:

17-01499-16

20161302\_\_

149           812.176 Rulemaking authority.—The Department of Legal  
150 Affairs shall have the power to adopt rules pursuant to chapter  
151 120 as necessary to implement the provisions of the Convenience  
152 Business Security Act. The security measures and training  
153 provisions of ss. 812.173 and 812.174 shall meet the  
154 requirements of the department as set forth by rule.  
155           Section 8. This act shall take effect May 1, 2016.