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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2021	.	
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	.	

The Committee on Appropriations (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 164 - 398

and insert:

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

376.84 Brownfield redevelopment economic incentives.—It is the intent of the Legislature that brownfield redevelopment activities be viewed as opportunities to significantly improve the utilization, general condition, and appearance of these



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11 sites. Different standards than those in place for new
12 development, as allowed under current state and local laws,
13 should be used to the fullest extent to encourage the
14 redevelopment of a brownfield. State and local governments are
15 encouraged to offer redevelopment incentives for this purpose,
16 as an ongoing public investment in infrastructure and services,
17 to help eliminate the public health and environmental hazards,
18 and to promote the creation of jobs in these areas. Such
19 incentives may include financial, regulatory, and technical
20 assistance to persons and businesses involved in the
21 redevelopment of the brownfield pursuant to this act.

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

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

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

28 402.181 State Institutions Claims Program.-

29 (2) Claims for restitution may be filed with the Department
30 of Children and Families, the Department of Health, the
31 Department of Juvenile Justice, the Department of Corrections,
32 or the Agency for Persons with Disabilities. The claim must be
33 filed with the department or agency responsible for monitoring
34 the person who caused the medical injury or the property damage
35 ~~Legal Affairs at its office in accordance with regulations~~
36 ~~prescribed by the Department of Legal Affairs. The departments~~
37 ~~and agencies Department of Legal Affairs shall have the full~~
38 ~~power and authority to approve or deny hear, investigate, and~~
39 ~~determine all questions in respect to such claims and may is~~



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40 ~~authorized~~, within the limits of current appropriations, ~~to~~ pay
41 individual claims up to \$1,000 or, with respect to children in
42 foster care and their families, individual claims up to \$1,500.
43 Claims in excess of these amounts shall continue to require
44 legislative approval.

45 ~~(3)(a)~~ The Department of Children and Families, the
46 Department of Health, the Department of Juvenile Justice, the
47 Department of Corrections, and the Agency for Persons with
48 Disabilities shall adopt rules to process claims and to ensure
49 that eligible claimants receive restitution within a reasonable
50 timeframe ~~The Department of Legal Affairs shall make or cause to~~
51 ~~be made such investigations as it considers necessary in respect~~
52 ~~to such claims. Hearings shall be held in accordance with~~
53 ~~chapter 120.~~

54 ~~(b)~~ ~~The Department of Legal Affairs shall work with the~~
55 ~~Department of Children and Families, the Department of Health,~~
56 ~~the Department of Juvenile Justice, the Department of~~
57 ~~Corrections, and the Agency for Persons with Disabilities to~~
58 ~~streamline the process of investigations, hearings, and~~
59 ~~determinations with respect to claims under this section, to~~
60 ~~ensure that eligible claimants receive restitution within a~~
61 ~~reasonable time.~~

62 Section 18. Subsections (2) and (3) of section 501.160,
63 Florida Statutes, are amended to read:

64 501.160 Rental or sale of essential commodities during a
65 declared state of emergency; prohibition against unconscionable
66 prices.—

67 (2) Upon a declaration of a state of emergency by the
68 Governor, it is unlawful and a violation of s. 501.204 for a



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69 person or her or his agent or employee to rent or sell or offer
70 to rent or sell at an unconscionable price within the area for
71 which the state of emergency is declared:⁷

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

75 (b) Any dwelling unit or self-storage facility that is
76 necessary for habitation or use as a direct result of the
77 emergency.

78
79 This prohibition is effective not to exceed 60 days under the
80 initial declared state of emergency as defined in s. 252.36(2)
81 and may be extended by an executive order issued by the Governor
82 specifically referencing this section shall be renewed by
83 statement in any subsequent renewals of the declared state of
84 emergency by the Governor.

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

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

91 775.083 Fines.—

92 (2) In addition to the fines set forth in subsection (1),
93 court costs shall be assessed and collected in each instance a
94 defendant pleads nolo contendere to, or is convicted of, or
95 adjudicated delinquent for, a felony, a misdemeanor, or a
96 criminal traffic offense under state law, or a violation of any
97 municipal or county ordinance if the violation constitutes a



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98 misdemeanor under state law. The court costs imposed by this
99 section shall be \$50 for a felony and \$20 for any other offense
100 and shall be deposited by the clerk of the court into an
101 appropriate county account for disbursement for the purposes
102 provided in this subsection. A county shall account for the
103 funds separately from other county funds as crime prevention
104 funds. The county, in consultation with the sheriff, must expend
105 such funds for crime prevention programs in the county,
106 ~~including safe neighborhood programs under ss. 163.501-163.523.~~

107 Section 20. Section 812.171, Florida Statutes, is amended
108 to read:

109 812.171 Definition.—As used in this act, the term
110 “convenience business” means any place of business that is
111 primarily engaged in the retail sale of groceries, or both
112 groceries and gasoline, ~~and~~ that is open for business at any
113 time between the hours of 11 p.m. and 5 a.m., and that is
114 licensed by the Division of Alcoholic Beverages and Tobacco
115 within the Department of Business and Professional Regulation
116 pursuant to chapter 210, chapter 561, chapter 562, chapter 563,
117 chapter 564, chapter 565, or chapter 569, as applicable. The
118 term “convenience business” does not include:

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

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

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

124 (4) A ~~The term “convenience business” does not include any~~
125 business in which the owner or members of his or her family work
126 between the hours of 11 p.m. and 5 a.m.



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127 Section 21. Subsections (3), (4), and (5) of section
128 812.173, Florida Statutes, are amended, and subsection (6) is
129 added to that section, to read:

130 812.173 Convenience business security.-

131 (3) Every convenience business shall be equipped with a
132 silent alarm to law enforcement or a private security agency,
133 unless an application for an exemption, adopted by rule by the
134 Division of Alcoholic Beverages and Tobacco, is made to and
135 granted by the Division of Alcoholic Beverages and Tobacco
136 Attorney General. An application for exemption must be in
137 writing and must be accompanied by an administrative fee of \$25
138 for each store for which an exemption would apply.

139 (4) If a murder, robbery, sexual battery, aggravated
140 assault, aggravated battery, or kidnapping or false
141 imprisonment, as those crimes are identified and defined by
142 Florida Statutes, occurs or has occurred at a convenience
143 business since July 1, 1989, and arises out of the operation of
144 the convenience business, that convenience business shall notify
145 the Division of Alcoholic Beverages and Tobacco in writing and
146 shall implement at least one of the following security measures
147 within 30 days after a judicial determination that one or more
148 of the aforementioned identified crimes occurred at the
149 convenience business:

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

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



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

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

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

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

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

169 (5) For purposes of this section, any convenience business
170 that by law implemented any of the security measures set forth
171 in paragraphs (4) (a)-(e) and has maintained said measures as
172 required by the Division of Alcoholic Beverages and Tobacco
173 ~~Department of Legal Affairs~~ without any occurrence or incidence
174 of the crimes identified by subsection (4) for a period of no
175 less than 24 months immediately preceding the filing of a notice
176 of exemption, may file with the department a notice of exemption
177 from these enhanced security measures. In no event shall this
178 exemption be interpreted to preclude full compliance with the
179 security measures set forth in subsection (4) should any
180 occurrence or incidence of the crimes identified by subsection
181 (4) cause subsection (4) to be statutorily applicable. As of
182 July 1, 2021, the Division of Alcoholic Beverages and Tobacco
183 ~~the date this act becomes law, the Department of Legal Affairs~~
184 will provide notice to any convenience business to which a



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185 subsection (4) incident ~~has previously~~ occurred between July 1,
186 2019, and July 1, 2021. In no event shall the state or the
187 Division of Alcoholic Beverages and Tobacco ~~Department of Legal~~
188 ~~Affairs~~ incur any liability for the regulation and enforcement
189 of this act.

190 (6) The Division of Alcoholic Beverages and Tobacco has the
191 authority to investigate the premises and records of any
192 licensee in order to determine whether the licensee is a
193 convenience business and subject to this act.

194 Section 22. Section 812.174, Florida Statutes, is amended
195 to read:

196 812.174 Training of employees.—The owner or principal
197 operator of a convenience business or convenience businesses
198 shall provide proper robbery deterrence and safety training by
199 an approved curriculum to its retail employees within 60 days of
200 employment. ~~Existing retail employees shall receive training~~
201 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
202 submitted in writing to the Division of Alcoholic Beverages and
203 Tobacco ~~Attorney General~~ with an administrative fee not to
204 exceed \$100. The Division of Alcoholic Beverages and Tobacco
205 ~~Attorney General~~ shall review and approve or disapprove the
206 curriculum in writing within 60 days after receipt. The state
207 shall have no liability for approving or disapproving a training
208 curriculum under this section. Approval shall be given to a
209 curriculum which trains and familiarizes retail employees with
210 the security principles, devices, and measures required by s.
211 812.173. Disapproval of a curriculum shall be subject to the
212 provisions of chapter 120. No person shall be liable for
213 ordinary negligence due to implementing an approved curriculum



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214 if the training was actually provided. A curriculum must ~~shall~~
215 be submitted for reapproval biennially on or before the date
216 established by rule by the Division of Alcoholic Beverages and
217 Tobacco and must be accompanied by ~~with~~ an administrative fee
218 not to exceed \$100. ~~Any curriculum approved by the Attorney~~
219 ~~General since September 1990 shall be subject to reapproval 2~~
220 ~~years from the anniversary of initial approval and biennially~~
221 ~~thereafter.~~

222 Section 23. Section 812.175, Florida Statutes, is amended
223 to read:

224 812.175 Enforcement; civil fine.—

225 (1) The violation of any provision of this act by any owner
226 or principal operator of a convenience business shall result in
227 a notice of violation from the Division of Alcoholic Beverages
228 and Tobacco ~~Attorney General~~. Violators shall have 30 days after
229 receipt of the notice to provide proof of compliance to the
230 Division of Alcoholic Beverages and Tobacco ~~Attorney General's~~
231 ~~office~~. If the violation continues after the 30-day period, the
232 Division of Alcoholic Beverages and Tobacco ~~Attorney General~~ may
233 impose a civil fine not to exceed \$5,000. The Division of
234 Alcoholic Beverages and Tobacco ~~Attorney General~~ has the
235 authority to investigate any alleged violation and may
236 compromise any alleged violation by accepting from the owner or
237 principal operator an amount not to exceed \$5,000. The Division
238 of Alcoholic Beverages and Tobacco ~~Attorney General~~ may suspend
239 the imposition of any fine conditioned upon terms the Division
240 of Alcoholic Beverages and Tobacco ~~Attorney General's office~~ in
241 its discretion deems appropriate. Notices of violation and civil
242 fines are ~~shall be~~ subject to the ~~provisions of~~ chapter 120.



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243 (2) Moneys received by the Division of Alcoholic Beverages
244 and Tobacco ~~Attorney General~~ pursuant to this act must ~~shall~~ be
245 deposited in the General Revenue Fund.

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

254 (4) The Division of Alcoholic Beverages and Tobacco
255 ~~Attorney General~~ may enter into agreements with local
256 governments to assist in the enforcement of ss. 812.1701-
257 812.175. Such agreements may include provision for reimbursement
258 of investigative and enforcement costs incurred by such local
259 governments.

260 Section 24. Section 812.176, Florida Statutes, is amended
261 to read:

262 812.176 Rulemaking authority.—The Division of Alcoholic
263 Beverages and Tobacco ~~Department of Legal Affairs~~ shall have the
264 power to adopt rules pursuant to chapter 120 as necessary to
265 implement ~~the provisions of~~ the Convenience Business Security
266 Act. The security measures and training provisions of ss.
267 812.173 and 812.174 shall meet the requirements of the
268 department as set forth by rule.

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

271 Section 3. The amendments to ss. 893.055 and 893.0551,



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272 Florida Statutes, made by this act shall stand repealed on June
273 30, 2023 ~~June 30, 2021~~, unless reviewed and saved from repeal
274 through reenactment by the Legislature. If such amendments are
275 not saved from repeal, the text of ss. 893.055 and 893.0551,
276 Florida Statutes, shall revert to that in existence on June 30,
277 2019, except that any amendments to such text other than by this
278 act shall be preserved and continue to operate to the extent
279 that such amendments are not dependent upon the portions of text
280 which expire pursuant to this section.

281

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

283 And the title is amended as follows:

284 Delete lines 26 - 56

285 and insert:

286 amending s. 376.84, F.S.; conforming a provision to
287 changes made by the act; amending s. 402.181, F.S.;
288 requiring certain claims for restitution to be filed
289 with specified entities; removing the Department of
290 Legal Affairs as an entity for such filings;
291 authorizing the Department of Children and Families,
292 the Department of Health, the Department of Juvenile
293 Justice, the Department of Corrections, and the Agency
294 for Persons with Disabilities to adopt rules to
295 process specified claims; amending s. 501.160, F.S.;
296 authorizing certain declarations during a state of
297 emergency to be extended by executive order; amending
298 s. 775.083, F.S.; conforming a provision to changes
299 made by the act; amending s. 812.171, F.S.; revising a
300 definition; amending ss. 812.173, 812.174, 812.175,



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301 and 812.176, F.S.; revising provisions to require that
302 the Division of Alcoholic Beverages and Tobacco,
303 instead of the Attorney General, regulate convenience
304 businesses; amending chapter 2019-127, Laws of
305 Florida; extending the timeframe for the Attorney
306 General to access records from the prescription drug
307 monitoring program when ordered by a court under
308 specified provisions; delaying the scheduled repeal of
309 amendments until a specified date unless reviewed and
310 saved from repeal through reenactment by the
311 Legislature; providing an effective date.