

By the Committee on Governmental Oversight and Accountability;
and Senator Brodeur

585-02678-21

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1 A bill to be entitled
2 An act relating to duties of the Attorney General;
3 repealing s. 16.10, F.S., relating to the receipt of
4 Supreme Court decisions by the Attorney General;
5 repealing s. 16.101, F.S., relating to the Supreme
6 Court reporter; amending s. 163.503, F.S.; revising
7 the definition of "department" to conform to changes
8 made by the act; amending s. 163.504, F.S.; deleting
9 provisions relating to the Safe Neighborhoods Program;
10 amending ss. 163.5055, 163.506, 163.508, and 163.511,
11 F.S.; relieving the Department of Legal Affairs from
12 certain duties associated with specified neighborhood
13 improvement districts; repealing s. 163.517, F.S.,
14 relating to the Safe Neighborhoods Program; repealing
15 s. 163.519, F.S., relating to the duties of the
16 Department of Legal Affairs; repealing s. 163.521,
17 F.S., relating to funding of neighborhood improvement
18 districts inside enterprise zones; repealing s.
19 163.5215, F.S., relating to the construction of the
20 Safe Neighborhoods Act; repealing s. 163.522, F.S.,
21 relating to state redevelopment programs; repealing s.
22 163.523, F.S., relating to the cooperation and
23 involvement of community organizations to create safe
24 neighborhood districts; amending s. 163.524, F.S.;
25 conforming a provision to changes made by the act;
26 amending s. 215.22, F.S.; specifying that the Crimes
27 Compensation Trust Fund is exempt from the service
28 charge into the General Revenue Fund; amending s.
29 376.84, F.S.; conforming a cross-reference; amending

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30 s. 402.181, F.S.; requiring certain claims for
31 restitution to be filed with specified entities;
32 removing the Department of Legal Affairs as an entity
33 for such filings; authorizing the Department of
34 Children and Families, the Department of Health, the
35 Department of Juvenile Justice, the Department of
36 Corrections, and the Agency for Persons with
37 Disabilities to adopt rules to process specified
38 claims; amending s. 501.160, F.S.; authorizing certain
39 declarations during a state of emergency to be
40 extended for specified days by executive order;
41 amending ss. 775.083 and 812.173, F.S.; conforming a
42 provision to changes made by the act; amending ss.
43 812.174, 812.175, and 812.176, F.S.; revising
44 provisions to require that the Department of Business
45 and Professional Regulation, instead of the Attorney
46 General, regulate convenience businesses; amending
47 chapter 2019-127, Laws of Florida; extending the
48 timeframe for the Attorney General to have access to
49 records from the prescription drug monitoring program
50 when ordered by a court under specified provisions;
51 delaying the scheduled repeal of amendments until a
52 specified date unless reviewed and saved from repeal
53 through reenactment by the Legislature; amending s.
54 960.21, F.S.; deleting a reference to the service
55 charge provided for in ch. 215, F.S., to conform to
56 changes made by the act; providing an effective date.

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

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Section 1. Section 16.10, Florida Statutes, is repealed.

Section 2. Section 16.101, Florida Statutes, is repealed.

Section 3. Subsection (3) of section 163.503, Florida Statutes, is amended to read:

163.503 Definitions.—

(3) "Department" means the Department of Economic Opportunity ~~Legal Affairs~~.

Section 4. Section 163.504, Florida Statutes, is amended to read:

163.504 Safe neighborhood improvement districts; planning funds.—

~~(1) The governing body of any municipality or county may authorize the formation of safe neighborhood improvement districts through the adoption of a planning ordinance which specifies that such districts may be created by one or more of the methods established in ss. 163.506, 163.508, 163.511, and 163.512. No district may overlap the jurisdictional boundaries of a municipality and the unincorporated area of a county, except by interlocal agreement.~~

~~(2) If the governing body of a municipality or county elects to create a safe neighborhood improvement district, it shall be eligible to request a grant from the Safe Neighborhoods Program, created pursuant to s. 163.517 and administered by the Department of Legal Affairs, to prepare a safe neighborhood improvement plan for the district.~~

~~(3) Municipalities and counties may implement the provisions of this section without planning funds from the Department of Legal Affairs. However, nothing in this section~~

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88 ~~shall be construed to exempt any district from the requirements~~
89 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
90 ~~163.516.~~

91 Section 5. Subsection (1) of section 163.5055, Florida
92 Statutes, is amended to read:

93 163.5055 Registration of district establishment; notice of
94 dissolution.—

95 (1) (a) Each neighborhood improvement district authorized
96 and established under this part shall within 30 days thereof
97 register with ~~both~~ the Department of Economic Opportunity ~~and~~
98 ~~the Department of Legal Affairs~~ by providing the department
99 ~~these departments~~ with the district's name, location, size, and
100 type, and such other information as the department ~~departments~~
101 may require.

102 (b) Each local governing body that authorizes the
103 dissolution of a district shall notify ~~both~~ the Department of
104 Economic Opportunity ~~and the Department of Legal Affairs~~ within
105 30 days after the dissolution of the district.

106 Section 6. Paragraph (h) of subsection (1) of section
107 163.506, Florida Statutes, is amended to read:

108 163.506 Local government neighborhood improvement
109 districts; creation; advisory council; dissolution.—

110 (1) After a local planning ordinance has been adopted
111 authorizing the creation of local government neighborhood
112 improvement districts, the local governing body of a
113 municipality or county may create local government neighborhood
114 improvement districts by the enactment of a separate ordinance
115 for each district, which ordinance:

116 (h) Requires the district to notify the ~~Department of Legal~~

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117 ~~Affairs and the~~ Department of Economic Opportunity in writing of
118 its establishment within 30 days thereof pursuant to s.
119 163.5055.

120 Section 7. Paragraph (g) of subsection (1) of section
121 163.508, Florida Statutes, is amended to read:

122 163.508 Property owners' association neighborhood
123 improvement districts; creation; powers and duties; duration.-

124 (1) After a local planning ordinance has been adopted
125 authorizing the creation of property owners' association
126 neighborhood improvement districts, the local governing body of
127 a municipality or county may create property owners' association
128 neighborhood improvement districts by the enactment of a
129 separate ordinance for each district, which ordinance:

130 (g) Requires the district to notify the ~~Department of Legal~~
131 ~~Affairs and the~~ Department of Economic Opportunity in writing of
132 its establishment within 30 days thereof pursuant to s.
133 163.5055.

134 Section 8. Paragraph (i) of subsection (1) of section
135 163.511, Florida Statutes, is amended to read:

136 163.511 Special neighborhood improvement districts;
137 creation; referendum; board of directors; duration; extension.-

138 (1) After a local planning ordinance has been adopted
139 authorizing the creation of special neighborhood improvement
140 districts, the governing body of a municipality or county may
141 declare the need for and create special residential or business
142 neighborhood improvement districts by the enactment of a
143 separate ordinance for each district, which ordinance:

144 (i) Requires the district to notify the ~~Department of Legal~~
145 ~~Affairs and the~~ Department of Economic Opportunity in writing of

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146 its establishment within 30 days thereof pursuant to s.
147 163.5055.

148 Section 9. Section 163.517, Florida Statutes, is repealed.

149 Section 10. Section 163.519, Florida Statutes, is repealed.

150 Section 11. Section 163.521, Florida Statutes, is repealed.

151 Section 12. Section 163.5215, Florida Statutes, is
152 repealed.

153 Section 13. Section 163.522, Florida Statutes, is repealed.

154 Section 14. Section 163.523, Florida Statutes, is repealed.

155 Section 15. Subsection (5) of section 163.524, Florida
156 Statutes, is amended to read:

157 163.524 Neighborhood Preservation and Enhancement Program;
158 participation; creation of Neighborhood Preservation and
159 Enhancement Districts; creation of Neighborhood Councils and
160 Neighborhood Enhancement Plans.—

161 (5) The Neighborhood Council and local government planning
162 agency shall be eligible to receive grants ~~from the Safe~~
163 ~~Neighborhoods Program as provided in s. 163.517.~~

164 Section 16. Paragraph (w) is added to subsection (1) of
165 section 215.22, Florida Statutes, to read:

166 215.22 Certain income and certain trust funds exempt.—

167 (1) The following income of a revenue nature or the
168 following trust funds shall be exempt from the appropriation
169 required by s. 215.20(1):

170 (w) The Crimes Compensation Trust Fund.

171 Section 17. Paragraph (c) of subsection (1) of section
172 376.84, Florida Statutes, is amended to read:

173 376.84 Brownfield redevelopment economic incentives.—It is
174 the intent of the Legislature that brownfield redevelopment

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175 activities be viewed as opportunities to significantly improve
176 the utilization, general condition, and appearance of these
177 sites. Different standards than those in place for new
178 development, as allowed under current state and local laws,
179 should be used to the fullest extent to encourage the
180 redevelopment of a brownfield. State and local governments are
181 encouraged to offer redevelopment incentives for this purpose,
182 as an ongoing public investment in infrastructure and services,
183 to help eliminate the public health and environmental hazards,
184 and to promote the creation of jobs in these areas. Such
185 incentives may include financial, regulatory, and technical
186 assistance to persons and businesses involved in the
187 redevelopment of the brownfield pursuant to this act.

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

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

192 Section 18. Subsections (2) and (3) of section 402.181,
193 Florida Statutes, are amended to read:

194 402.181 State Institutions Claims Program.—

195 (2) Claims for restitution may be filed with the Department
196 of Children and Families, the Department of Health, the
197 Department of Juvenile Justice, the Department of Corrections,
198 or the Agency for Persons with Disabilities. The claim must be
199 filed with the department or agency responsible for monitoring
200 the person that caused the medical injury or the property damage
201 ~~Legal Affairs at its office in accordance with regulations~~
202 ~~prescribed by the Department of Legal Affairs. The departments~~
203 ~~and agencies~~ Department of Legal Affairs shall have the full

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204 power and authority to approve or deny ~~hear, investigate, and~~
205 ~~determine all questions in respect to such~~ claims and may is
206 ~~authorized,~~ within the limits of current appropriations, ~~to~~ pay
207 individual claims up to \$1,000 or, with respect to children in
208 foster care and their families, individual claims up to \$1,500.
209 Claims in excess of these amounts shall continue to require
210 legislative approval.

211 (3)~~(a)~~ The Department of Children and Families, the
212 Department of Health, the Department of Juvenile Justice, the
213 Department of Corrections, and the Agency for Persons with
214 Disabilities shall adopt rules to process claims and to ensure
215 that eligible claimants receive restitution within a reasonable
216 time ~~The Department of Legal Affairs shall make or cause to be~~
217 ~~made such investigations as it considers necessary in respect to~~
218 ~~such claims. Hearings shall be held in accordance with chapter~~
219 ~~120.~~

220 ~~(b) The Department of Legal Affairs shall work with the~~
221 ~~Department of Children and Families, the Department of Health,~~
222 ~~the Department of Juvenile Justice, the Department of~~
223 ~~Corrections, and the Agency for Persons with Disabilities to~~
224 ~~streamline the process of investigations, hearings, and~~
225 ~~determinations with respect to claims under this section, to~~
226 ~~ensure that eligible claimants receive restitution within a~~
227 ~~reasonable time.~~

228 Section 19. Subsections (2) and (3) of section 501.160,
229 Florida Statutes, are amended to read:

230 501.160 Rental or sale of essential commodities during a
231 declared state of emergency; prohibition against unconscionable
232 prices.-

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233 (2) Upon a declaration of a state of emergency by the
234 Governor, it is unlawful and a violation of s. 501.204 for a
235 person or her or his agent or employee to rent or sell or offer
236 to rent or sell at an unconscionable price within the area for
237 which the state of emergency is declared:7

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

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

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245 This prohibition is effective not to exceed 60 days under the
246 initial declared state of emergency as defined in s. 252.36(2)
247 and may be extended an additional 60 days by an executive order
248 issued by the Governor specifically referencing this section
249 ~~shall be renewed by statement in any subsequent renewals of the~~
250 ~~declared state of emergency by the Governor.~~

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

255 Section 20. Subsection (2) of section 775.083, Florida
256 Statutes, is amended to read:

257 775.083 Fines.—

258 (2) In addition to the fines set forth in subsection (1),
259 court costs shall be assessed and collected in each instance a
260 defendant pleads nolo contendere to, or is convicted of, or
261 adjudicated delinquent for, a felony, a misdemeanor, or a

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262 criminal traffic offense under state law, or a violation of any
263 municipal or county ordinance if the violation constitutes a
264 misdemeanor under state law. The court costs imposed by this
265 section shall be \$50 for a felony and \$20 for any other offense
266 and shall be deposited by the clerk of the court into an
267 appropriate county account for disbursement for the purposes
268 provided in this subsection. A county shall account for the
269 funds separately from other county funds as crime prevention
270 funds. The county, in consultation with the sheriff, must expend
271 such funds for crime prevention programs in the county,
272 ~~including safe neighborhood programs under ss. 163.501-163.523.~~

273 Section 21. Subsections (3) and (5) of section 812.173,
274 Florida Statutes, are amended to read:

275 812.173 Convenience business security.-

276 (3) Every convenience business shall be equipped with a
277 silent alarm to law enforcement or a private security agency,
278 unless application for an exemption is made to and granted by
279 the Department of Business and Professional Regulation ~~Attorney~~
280 ~~General~~. An application for exemption must be in writing and
281 must be accompanied by an administrative fee of \$25 for each
282 store for which an exemption would apply.

283 (5) For purposes of this section, any convenience business
284 that by law implemented any of the security measures set forth
285 in paragraphs (4) (a)-(e) and has maintained said measures as
286 required by the Department of Business and Professional
287 Regulation ~~Legal Affairs~~ without any occurrence or incidence of
288 the crimes identified by subsection (4) for a period of no less
289 than 24 months immediately preceding the filing of a notice of
290 exemption, may file with the department a notice of exemption

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291 from these enhanced security measures. In no event shall this
292 exemption be interpreted to preclude full compliance with the
293 security measures set forth in subsection (4) should any
294 occurrence or incidence of the crimes identified by subsection
295 (4) cause subsection (4) to be statutorily applicable. As of
296 July 1, 2021 ~~the date this act becomes law~~, the Department of
297 Business and Professional Regulation ~~Legal Affairs~~ will provide
298 notice to any convenience business to which a subsection (4)
299 incident has previously occurred. In no event shall the state or
300 the Department of Business and Professional Regulation ~~Legal~~
301 ~~Affairs~~ incur any liability for the regulation and enforcement
302 of this act.

303 Section 22. Section 812.174, Florida Statutes, is amended
304 to read:

305 812.174 Training of employees.—The owner or principal
306 operator of a convenience business or convenience businesses
307 shall provide proper robbery deterrence and safety training by
308 an approved curriculum to its retail employees within 60 days of
309 employment. ~~Existing retail employees shall receive training~~
310 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
311 submitted in writing to the Department of Business and
312 Professional Regulation ~~Attorney General~~ with an administrative
313 fee not to exceed \$100. The Department of Business and
314 Professional Regulation ~~Attorney General~~ shall review and
315 approve or disapprove the curriculum in writing within 60 days
316 after receipt. The state shall have no liability for approving
317 or disapproving a training curriculum under this section.
318 Approval shall be given to a curriculum which trains and
319 familiarizes retail employees with the security principles,

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320 devices, and measures required by s. 812.173. Disapproval of a
321 curriculum shall be subject to the provisions of chapter 120. No
322 person shall be liable for ordinary negligence due to
323 implementing an approved curriculum if the training was actually
324 provided. A curriculum shall be submitted for reapproval
325 biennially with an administrative fee not to exceed \$100. Any
326 curriculum approved by the Attorney General between ~~since~~
327 September 1990 and June 30, 2021, and any curriculum approved on
328 or after July 1, 2021, by the Department of Business and
329 Professional Regulation shall be subject to reapproval 2 years
330 from the anniversary of initial approval and biennially
331 thereafter.

332 Section 23. Section 812.175, Florida Statutes, is amended
333 to read:

334 812.175 Enforcement; civil fine.—

335 (1) The violation of any provision of this act by any owner
336 or principal operator of a convenience business shall result in
337 a notice of violation from the Department of Business and
338 Professional Regulation ~~Attorney General~~. Violators shall have
339 30 days after receipt of the notice to provide proof of
340 compliance to the Department of Business and Professional
341 Regulation ~~Attorney General's office~~. If the violation continues
342 after the 30-day period, the Department of Business and
343 Professional Regulation ~~Attorney General~~ may impose a civil fine
344 not to exceed \$5,000. The Department of Business and
345 Professional Regulation ~~Attorney General~~ has the authority to
346 investigate any alleged violation and may compromise any alleged
347 violation by accepting from the owner or principal operator an
348 amount not to exceed \$5,000. The Department of Business and

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349 Professional Regulation ~~Attorney General~~ may suspend the
350 imposition of any fine conditioned upon terms the Department of
351 Business and Professional Regulation ~~Attorney General's office~~
352 in its discretion deems appropriate. Notices of violation and
353 civil fines shall be subject to the provisions of chapter 120.

354 (2) Moneys received by the Department of Business and
355 Professional Regulation ~~Attorney General~~ pursuant to this act
356 shall be deposited in the General Revenue Fund.

357 (3) The Department of Business and Professional Regulation
358 ~~Attorney General~~ is given full power and authority to petition
359 for an injunction when it is determined that the health, safety,
360 and public welfare is threatened by continued operation of a
361 convenience business in violation of this act. In any action for
362 injunction, the Department of Business and Professional
363 Regulation ~~Attorney General~~ may seek a civil penalty not to
364 exceed \$5,000 per violation, plus attorney's fees and costs.

365 (4) The Department of Business and Professional Regulation
366 ~~Attorney General~~ may enter into agreements with local
367 governments to assist in the enforcement of ss. 812.1701-
368 812.175. Such agreements may include provision for reimbursement
369 of investigative and enforcement costs incurred by such local
370 governments.

371 Section 24. Section 812.176, Florida Statutes, is amended
372 to read:

373 812.176 Rulemaking authority.—The Department of Business
374 and Professional Regulation may ~~Legal Affairs shall have the~~
375 ~~power to~~ adopt rules pursuant to chapter 120 as necessary to
376 implement the provisions of the Convenience Business Security
377 Act. The security measures and training provisions of ss.

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378 812.173 and 812.174 shall meet the requirements of the
379 department as set forth by rule.

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

382 Section 3. The amendments to ss. 893.055 and 893.0551,
383 Florida Statutes, made by this act shall stand repealed on June
384 30, 2023 ~~June 30, 2021~~, unless reviewed and saved from repeal
385 through reenactment by the Legislature. If such amendments are
386 not saved from repeal, the text of ss. 893.055 and 893.0551,
387 Florida Statutes, shall revert to that in existence on June 30,
388 2019, except that any amendments to such text other than by this
389 act shall be preserved and continue to operate to the extent
390 that such amendments are not dependent upon the portions of text
391 which expire pursuant to this section.

392 Section 26. Subsection (3) of section 960.21, Florida
393 Statutes, is amended to read:

394 960.21 Crimes Compensation Trust Fund.—

395 (3) All administrative costs of this chapter ~~and the~~
396 ~~service charge provided for in chapter 215~~ shall be paid out of
397 moneys collected under ~~pursuant to~~ this chapter and deposited in
398 the Crimes Compensation Trust Fund.

399 Section 27. This act shall take effect June 30, 2021.