

By the Committees on Appropriations; and Governmental Oversight and Accountability; and Senator Brodeur

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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. 376.84, F.S.; conforming a provision to
27 changes made by the act; amending s. 402.181, F.S.;
28 requiring certain claims for restitution to be filed
29 with specified entities; removing the Department of

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30 Legal Affairs as an entity for such filings;
31 authorizing the Department of Children and Families,
32 the Department of Health, the Department of Juvenile
33 Justice, the Department of Corrections, and the Agency
34 for Persons with Disabilities to adopt rules to
35 process specified claims; amending s. 501.160, F.S.;
36 authorizing certain declarations during a state of
37 emergency to be extended by executive order; amending
38 s. 775.083, F.S.; conforming a provision to changes
39 made by the act; amending s. 812.171, F.S.; revising a
40 definition; amending ss. 812.173, 812.174, 812.175,
41 and 812.176, F.S.; revising provisions to require that
42 the Division of Alcoholic Beverages and Tobacco,
43 instead of the Attorney General, regulate convenience
44 businesses; amending chapter 2019-127, Laws of
45 Florida; extending the timeframe for the Attorney
46 General to access records from the prescription drug
47 monitoring program when ordered by a court under
48 specified provisions; delaying the scheduled repeal of
49 amendments until a specified date unless reviewed and
50 saved from repeal through reenactment by the
51 Legislature; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Section 16.10, Florida Statutes, is repealed.

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 Section 16.101, Florida Statutes, is repealed.

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

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59 163.503 Definitions.—

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

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

64 163.504 Safe neighborhood improvement districts; planning
65 funds.—

66 ~~(1)~~ The governing body of any municipality or county may
67 authorize the formation of safe neighborhood improvement
68 districts through the adoption of a planning ordinance which
69 specifies that such districts may be created by one or more of
70 the methods established in ss. 163.506, 163.508, 163.511, and
71 163.512. No district may overlap the jurisdictional boundaries
72 of a municipality and the unincorporated area of a county,
73 except by interlocal agreement.

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

80 ~~(3) Municipalities and counties may implement the~~
81 ~~provisions of this section without planning funds from the~~
82 ~~Department of Legal Affairs. However, nothing in this section~~
83 ~~shall be construed to exempt any district from the requirements~~
84 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
85 ~~163.516.~~

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

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88 163.5055 Registration of district establishment; notice of
89 dissolution.—

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

97 (b) Each local governing body that authorizes the
98 dissolution of a district shall notify ~~both~~ the Department of
99 Economic Opportunity ~~and the Department of Legal Affairs~~ within
100 30 days after the dissolution of the district.

101 Section 6. Paragraph (h) of subsection (1) of section
102 163.506, Florida Statutes, is amended to read:

103 163.506 Local government neighborhood improvement
104 districts; creation; advisory council; dissolution.—

105 (1) After a local planning ordinance has been adopted
106 authorizing the creation of local government neighborhood
107 improvement districts, the local governing body of a
108 municipality or county may create local government neighborhood
109 improvement districts by the enactment of a separate ordinance
110 for each district, which ordinance:

111 (h) Requires the district to notify the ~~Department of Legal~~
112 ~~Affairs and the~~ Department of Economic Opportunity in writing of
113 its establishment within 30 days thereof pursuant to s.
114 163.5055.

115 Section 7. Paragraph (g) of subsection (1) of section
116 163.508, Florida Statutes, is amended to read:

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117 163.508 Property owners' association neighborhood
118 improvement districts; creation; powers and duties; duration.-

119 (1) After a local planning ordinance has been adopted
120 authorizing the creation of property owners' association
121 neighborhood improvement districts, the local governing body of
122 a municipality or county may create property owners' association
123 neighborhood improvement districts by the enactment of a
124 separate ordinance for each district, which ordinance:

125 (g) Requires the district to notify the ~~Department of Legal~~
126 ~~Affairs and the~~ Department of Economic Opportunity in writing of
127 its establishment within 30 days thereof pursuant to s.
128 163.5055.

129 Section 8. Paragraph (i) of subsection (1) of section
130 163.511, Florida Statutes, is amended to read:

131 163.511 Special neighborhood improvement districts;
132 creation; referendum; board of directors; duration; extension.-

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

139 (i) Requires the district to notify the ~~Department of Legal~~
140 ~~Affairs and the~~ Department of Economic Opportunity in writing of
141 its establishment within 30 days thereof pursuant to s.
142 163.5055.

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

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

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

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146 Section 12. Section 163.5215, Florida Statutes, is
147 repealed.

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

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

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

152 163.524 Neighborhood Preservation and Enhancement Program;
153 participation; creation of Neighborhood Preservation and
154 Enhancement Districts; creation of Neighborhood Councils and
155 Neighborhood Enhancement Plans.—

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

159 Section 16. Paragraph (c) of subsection (1) of section
160 376.84, Florida Statutes, is amended to read:

161 376.84 Brownfield redevelopment economic incentives.—It is
162 the intent of the Legislature that brownfield redevelopment
163 activities be viewed as opportunities to significantly improve
164 the utilization, general condition, and appearance of these
165 sites. Different standards than those in place for new
166 development, as allowed under current state and local laws,
167 should be used to the fullest extent to encourage the
168 redevelopment of a brownfield. State and local governments are
169 encouraged to offer redevelopment incentives for this purpose,
170 as an ongoing public investment in infrastructure and services,
171 to help eliminate the public health and environmental hazards,
172 and to promote the creation of jobs in these areas. Such
173 incentives may include financial, regulatory, and technical
174 assistance to persons and businesses involved in the

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175 redevelopment of the brownfield pursuant to this act.

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

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

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

182 402.181 State Institutions Claims Program.—

183 (2) Claims for restitution may be filed with the Department
184 of Children and Families, the Department of Health, the
185 Department of Juvenile Justice, the Department of Corrections,
186 or the Agency for Persons with Disabilities. The claim must be
187 filed with the department or agency responsible for monitoring
188 the person who caused the medical injury or the property damage
189 ~~Legal Affairs at its office in accordance with regulations~~
190 ~~prescribed by the Department of Legal Affairs. The departments~~
191 ~~and agencies Department of Legal Affairs shall~~ have the full
192 power and authority to approve or deny hear, investigate, and
193 ~~determine all questions in respect to such claims and may is~~
194 authorized, within the limits of current appropriations, to pay
195 individual claims up to \$1,000 or, with respect to children in
196 foster care and their families, individual claims up to \$1,500.
197 Claims in excess of these amounts shall continue to require
198 legislative approval.

199 (3)~~(a)~~ The Department of Children and Families, the
200 Department of Health, the Department of Juvenile Justice, the
201 Department of Corrections, and the Agency for Persons with
202 Disabilities shall adopt rules to process claims and to ensure
203 that eligible claimants receive restitution within a reasonable

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204 ~~timeframe~~ The Department of Legal Affairs shall make or cause to
205 be made such investigations as it considers necessary in respect
206 to such claims. Hearings shall be held in accordance with
207 chapter 120.

208 ~~(b) The Department of Legal Affairs shall work with the~~
209 ~~Department of Children and Families, the Department of Health,~~
210 ~~the Department of Juvenile Justice, the Department of~~
211 ~~Corrections, and the Agency for Persons with Disabilities to~~
212 ~~streamline the process of investigations, hearings, and~~
213 ~~determinations with respect to claims under this section, to~~
214 ~~ensure that eligible claimants receive restitution within a~~
215 ~~reasonable time.~~

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

218 501.160 Rental or sale of essential commodities during a
219 declared state of emergency; prohibition against unconscionable
220 prices.—

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

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

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

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233 This prohibition is effective not to exceed 60 days under the
234 initial declared state of emergency as defined in s. 252.36(2)
235 and may be extended by an executive order issued by the Governor
236 specifically referencing this section ~~shall be renewed by~~
237 ~~statement in any subsequent renewals of the declared state of~~
238 ~~emergency by the Governor.~~

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

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

245 775.083 Fines.—

246 (2) In addition to the fines set forth in subsection (1),
247 court costs shall be assessed and collected in each instance a
248 defendant pleads nolo contendere to, or is convicted of, or
249 adjudicated delinquent for, a felony, a misdemeanor, or a
250 criminal traffic offense under state law, or a violation of any
251 municipal or county ordinance if the violation constitutes a
252 misdemeanor under state law. The court costs imposed by this
253 section shall be \$50 for a felony and \$20 for any other offense
254 and shall be deposited by the clerk of the court into an
255 appropriate county account for disbursement for the purposes
256 provided in this subsection. A county shall account for the
257 funds separately from other county funds as crime prevention
258 funds. The county, in consultation with the sheriff, must expend
259 such funds for crime prevention programs in the county,
260 ~~including safe neighborhood programs under ss. 163.501-163.523.~~

261 Section 20. Section 812.171, Florida Statutes, is amended

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262 to read:

263 812.171 Definition.—As used in this act, the term
264 “convenience business” means any place of business that is
265 primarily engaged in the retail sale of groceries, or both
266 groceries and gasoline, ~~and~~ that is open for business at any
267 time between the hours of 11 p.m. and 5 a.m., and that is
268 licensed by the Division of Alcoholic Beverages and Tobacco
269 within the Department of Business and Professional Regulation
270 pursuant to chapter 210, chapter 561, chapter 562, chapter 563,
271 chapter 564, chapter 565, or chapter 569, as applicable. The
272 term “convenience business” does not include:

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

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

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

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

281 Section 21. Subsections (3), (4), and (5) of section
282 812.173, Florida Statutes, are amended, and subsection (6) is
283 added to that section, to read:

284 812.173 Convenience business security.—

285 (3) Every convenience business shall be equipped with a
286 silent alarm to law enforcement or a private security agency,
287 unless an application for an exemption, adopted by rule by the
288 Division of Alcoholic Beverages and Tobacco, is made to and
289 granted by the Division of Alcoholic Beverages and Tobacco
290 ~~Attorney General~~. An application for exemption must be in

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291 writing and must be accompanied by an administrative fee of \$25
292 for each store for which an exemption would apply.

293 (4) If a murder, robbery, sexual battery, aggravated
294 assault, aggravated battery, or kidnapping or false
295 imprisonment, as those crimes are identified and defined by
296 Florida Statutes, occurs or has occurred at a convenience
297 business since July 1, 1989, and arises out of the operation of
298 the convenience business, that convenience business shall notify
299 the Division of Alcoholic Beverages and Tobacco in writing and
300 shall implement at least one of the following security measures
301 within 30 days after a judicial determination that one or more
302 of the aforementioned identified crimes occurred at the
303 convenience business:

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

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

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

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

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

318 (d) Lock the business premises throughout the hours of 11
319 p.m. to 5 a.m., and only transact business through an indirect

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320 pass-through trough, trapdoor, or window; or

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

323 (5) For purposes of this section, any convenience business
324 that by law implemented any of the security measures set forth
325 in paragraphs (4) (a)-(e) and has maintained said measures as
326 required by the Division of Alcoholic Beverages and Tobacco
327 ~~Department of Legal Affairs~~ without any occurrence or incidence
328 of the crimes identified by subsection (4) for a period of no
329 less than 24 months immediately preceding the filing of a notice
330 of exemption, may file with the department a notice of exemption
331 from these enhanced security measures. In no event shall this
332 exemption be interpreted to preclude full compliance with the
333 security measures set forth in subsection (4) should any
334 occurrence or incidence of the crimes identified by subsection
335 (4) cause subsection (4) to be statutorily applicable. As of
336 July 1, 2021, the Division of Alcoholic Beverages and Tobacco
337 ~~the date this act becomes law, the Department of Legal Affairs~~
338 will provide notice to any convenience business to which a
339 subsection (4) incident ~~has previously~~ occurred between July 1,
340 2019, and July 1, 2021. In no event shall the state or the
341 Division of Alcoholic Beverages and Tobacco ~~Department of Legal~~
342 ~~Affairs~~ incur any liability for the regulation and enforcement
343 of this act.

344 (6) The Division of Alcoholic Beverages and Tobacco has the
345 authority to investigate the premises and records of any
346 licensee in order to determine whether the licensee is a
347 convenience business and subject to this act.

348 Section 22. Section 812.174, Florida Statutes, is amended

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349 to read:

350 812.174 Training of employees.—The owner or principal
351 operator of a convenience business or convenience businesses
352 shall provide proper robbery deterrence and safety training by
353 an approved curriculum to its retail employees within 60 days of
354 employment. ~~Existing retail employees shall receive training~~
355 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
356 submitted in writing to the Division of Alcoholic Beverages and
357 Tobacco ~~Attorney General~~ with an administrative fee not to
358 exceed \$100. The Division of Alcoholic Beverages and Tobacco
359 ~~Attorney General~~ shall review and approve or disapprove the
360 curriculum in writing within 60 days after receipt. The state
361 shall have no liability for approving or disapproving a training
362 curriculum under this section. Approval shall be given to a
363 curriculum which trains and familiarizes retail employees with
364 the security principles, devices, and measures required by s.
365 812.173. Disapproval of a curriculum shall be subject to the
366 provisions of chapter 120. No person shall be liable for
367 ordinary negligence due to implementing an approved curriculum
368 if the training was actually provided. A curriculum must ~~shall~~
369 be submitted for reapproval biennially on or before the date
370 established by rule by the Division of Alcoholic Beverages and
371 Tobacco and must be accompanied by ~~with~~ an administrative fee
372 not to exceed \$100. ~~Any curriculum approved by the Attorney~~
373 ~~General since September 1990 shall be subject to reapproval 2~~
374 ~~years from the anniversary of initial approval and biennially~~
375 ~~thereafter.~~

376 Section 23. Section 812.175, Florida Statutes, is amended
377 to read:

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378 812.175 Enforcement; civil fine.—

379 (1) The violation of any provision of this act by any owner
380 or principal operator of a convenience business shall result in
381 a notice of violation from the Division of Alcoholic Beverages
382 and Tobacco ~~Attorney General~~. Violators shall have 30 days after
383 receipt of the notice to provide proof of compliance to the
384 Division of Alcoholic Beverages and Tobacco ~~Attorney General's~~
385 ~~office~~. If the violation continues after the 30-day period, the
386 Division of Alcoholic Beverages and Tobacco ~~Attorney General~~ may
387 impose a civil fine not to exceed \$5,000. The Division of
388 Alcoholic Beverages and Tobacco ~~Attorney General~~ has the
389 authority to investigate any alleged violation and may
390 compromise any alleged violation by accepting from the owner or
391 principal operator an amount not to exceed \$5,000. The Division
392 of Alcoholic Beverages and Tobacco ~~Attorney General~~ may suspend
393 the imposition of any fine conditioned upon terms the Division
394 of Alcoholic Beverages and Tobacco ~~Attorney General's office~~ in
395 its discretion deems appropriate. Notices of violation and civil
396 fines ~~are~~ shall be subject to the provisions of chapter 120.

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

400 (3) The Division of Alcoholic Beverages and Tobacco
401 ~~Attorney General~~ is given full power and authority to petition
402 for an injunction when it is determined that the health, safety,
403 and public welfare is threatened by continued operation of a
404 convenience business in violation of this act. In any action for
405 injunction, the Division of Alcoholic Beverages and Tobacco
406 ~~Attorney General~~ may seek a civil penalty not to exceed \$5,000

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407 per violation, plus attorney's fees and costs.

408 (4) The Division of Alcoholic Beverages and Tobacco
409 ~~Attorney General~~ may enter into agreements with local
410 governments to assist in the enforcement of ss. 812.1701-
411 812.175. Such agreements may include provision for reimbursement
412 of investigative and enforcement costs incurred by such local
413 governments.

414 Section 24. Section 812.176, Florida Statutes, is amended
415 to read:

416 812.176 Rulemaking authority.—The Division of Alcoholic
417 Beverages and Tobacco ~~Department of Legal Affairs~~ shall have the
418 power to adopt rules pursuant to chapter 120 as necessary to
419 implement ~~the provisions of~~ the Convenience Business Security
420 Act. The security measures and training provisions of ss.
421 812.173 and 812.174 shall meet the requirements of the
422 department as set forth by rule.

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

425 Section 3. The amendments to ss. 893.055 and 893.0551,
426 Florida Statutes, made by this act shall stand repealed on June
427 30, 2023 ~~June 30, 2021~~, unless reviewed and saved from repeal
428 through reenactment by the Legislature. If such amendments are
429 not saved from repeal, the text of ss. 893.055 and 893.0551,
430 Florida Statutes, shall revert to that in existence on June 30,
431 2019, except that any amendments to such text other than by this
432 act shall be preserved and continue to operate to the extent
433 that such amendments are not dependent upon the portions of text
434 which expire pursuant to this section.

435 Section 26. This act shall take effect June 30, 2021.