

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Mariano offered the following:

3
4 **Amendment**

5 Remove lines 278-384 and insert:

6 Section 21. Subsections (4) and (5) are added to section
7 812.171, Florida Statutes, to read:

8 812.171 Definition.—As used in this act, the term
9 “convenience business” means any place of business that is
10 primarily engaged in the retail sale of groceries, or both
11 groceries and gasoline, ~~and~~ that is open for business at any
12 time between the hours of 11 p.m. and 5 a.m., and is licensed by
13 the Division of Alcoholic Beverages and Tobacco of the
14 Department of Business and Professional Regulation pursuant to
15 Chapters 210, 561, 562, 563, 564, 565 or 569. The term
16 “convenience business” does not include:

Amendment No. 1

17 (4) A

18
19 ~~The term "convenience business" does not include any business in~~
20 ~~which the owner or members of his or her family work between the~~
21 ~~hours of 11 p.m. and 5 a.m.~~

22 Section 22. Subsections (3), (4), and (5) of section
23 812.173, Florida Statutes, is amended, and subsection (6) is
24 added to that section, to read:

25 812.173 Convenience business security.—

26 (3) Every convenience business shall be equipped with a
27 silent alarm to law enforcement or a private security agency,
28 unless an application for an exemption, adopted by rule by the
29 Division of Alcoholic Beverages and Tobacco, is made to and
30 granted by the Division of Alcoholic Beverages and Tobacco
31 ~~Attorney General~~. An application for exemption must be in
32 writing and must be accompanied by an administrative fee of \$25
33 for each store for which an exemption would apply.

34 (4) If a murder, robbery, sexual battery, aggravated
35 assault, aggravated battery, or kidnapping or false
36 imprisonment, as those crimes are identified and defined by
37 Florida Statutes, occurs or has occurred at a convenience
38 business since July 1, 1989, and arises out of the operation of
39 the convenience business, that convenience business shall notify
40 the Division of Alcoholic Beverages and Tobacco in writing and
41 shall implement at least one of the following security measures

Amendment No. 1

42 within 30 days of a judicial determination that one or more of
43 the aforementioned identified crimes occurred at the convenience
44 business:

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

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

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

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

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

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

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

64 (5) For purposes of this section, any convenience business
65 that by law implemented any of the security measures set forth
66 in paragraphs (4) (a)-(e) and has maintained said measures as

Amendment No. 1

67 required by the Division of Alcoholic Beverages and Tobacco
68 ~~Department of Legal Affairs~~ without any occurrence or incidence
69 of the crimes identified by subsection (4) for a period of no
70 less than 24 months immediately preceding the filing of a notice
71 of exemption, may file with the department a notice of exemption
72 from these enhanced security measures. In no event shall this
73 exemption be interpreted to preclude full compliance with the
74 security measures set forth in subsection (4) should any
75 occurrence or incidence of the crimes identified by subsection
76 (4) cause subsection (4) to be statutorily applicable. As of
77 July 1, 2021, the Division of Alcoholic Beverages and Tobacco
78 ~~the date this act becomes law, the Department of Legal Affairs~~
79 will provide notice to any convenience business to which a
80 subsection (4) incident ~~has previously~~ occurred between July 1,
81 2019 and July 1, 2021. In no event shall the state or the
82 Division of Alcoholic Beverages and Tobacco ~~Department of Legal~~
83 ~~Affairs~~ incur any liability for the regulation and enforcement
84 of this act.

85 (6) The Division of Alcoholic Beverages and Tobacco has
86 the authority to investigate the premises and records of any
87 licensee in order to determine whether the licensee is a
88 convenience business and subject to the provisions of this act.

89 Section 23. Section 812.174, Florida Statutes, is amended
90 to read:

91 812.174 Training of employees.—The owner or principal

Amendment No. 1

92 operator of a convenience business or convenience businesses
93 shall provide proper robbery deterrence and safety training by
94 an approved curriculum to its retail employees within 60 days of
95 employment. ~~Existing retail employees shall receive training~~
96 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
97 submitted in writing to the Division of Alcoholic Beverages and
98 Tobacco ~~Attorney General~~ with an administrative fee not to
99 exceed \$100. The Division of Alcoholic Beverages and Tobacco
100 ~~Attorney General~~ shall review and approve or disapprove the
101 curriculum in writing within 60 days after receipt. The state
102 shall have no liability for approving or disapproving a training
103 curriculum under this section. Approval shall be given to a
104 curriculum which trains and familiarizes retail employees with
105 the security principles, devices, and measures required by s.
106 812.173. Disapproval of a curriculum shall be subject to the
107 provisions of chapter 120. No person shall be liable for
108 ordinary negligence due to implementing an approved curriculum
109 if the training was actually provided. A curriculum shall be
110 submitted for reapproval biennially on or before the date
111 established by rule by the Division of Alcoholic Beverages and
112 Tobacco and shall be accompanied with an administrative fee not
113 to exceed \$100. ~~Any curriculum approved by the Attorney General~~
114 ~~since September 1990 shall be subject to reapproval 2 years from~~
115 ~~the anniversary of initial approval and biennially thereafter.~~

116 Section 24. Section 812.175, Florida Statutes, is amended

Amendment No. 1

117 to read:

118 812.175 Enforcement; civil fine.—

119 (1) The violation of any provision of this act by any
120 owner or principal operator of a convenience business shall
121 result in a notice of violation from the Division of Alcoholic
122 Beverages and Tobacco ~~Attorney General~~. Violators shall have 30
123 days after receipt of the notice to provide proof of compliance
124 to the Division of Alcoholic Beverages and Tobacco ~~Attorney~~
125 ~~General's office~~. If the violation continues after the 30-day
126 period, the Division of Alcoholic Beverages and Tobacco ~~Attorney~~
127 ~~General~~ may impose a civil fine not to exceed \$5,000. The
128 Division of Alcoholic Beverages and Tobacco ~~Attorney General~~ has
129 the authority to investigate any alleged violation and may
130 compromise any alleged violation by accepting from the owner or
131 principal operator an amount not to exceed \$5,000. The Division
132 of Alcoholic Beverages and Tobacco ~~Attorney General~~ may suspend
133 the imposition of any fine conditioned upon terms the Division
134 of Alcoholic Beverages and Tobacco ~~Attorney General's office~~ in
135 its discretion deems appropriate. Notices of violation and civil
136 fines shall be subject to the provisions of chapter 120.

137 (2) Moneys received by the Division of Alcoholic Beverages
138 and Tobacco ~~Attorney General~~ pursuant to this act shall be
139 deposited in the General Revenue Fund.

140 (3) The Division of Alcoholic Beverages and Tobacco
141 ~~Attorney General~~ is given full power and authority to petition

Amendment No. 1

142 for an injunction when it is determined that the health, safety,
143 and public welfare is threatened by continued operation of a
144 convenience business in violation of this act. In any action for
145 injunction, the Division of Alcoholic Beverages and Tobacco
146 ~~Attorney General~~ may seek a civil penalty not to exceed \$5,000
147 per violation, plus attorney's fees and costs.

148 (4) The Division of Alcoholic Beverages and Tobacco
149 ~~Attorney General~~ may enter into agreements with local
150 governments to assist in the enforcement of ss. 812.1701-
151 812.175. Such agreements may include provision for reimbursement
152 of investigative and enforcement costs incurred by such local
153 governments.

154 Section 25. Section 812.176, Florida Statutes, is amended
155 to read:

156 812.176 Rulemaking authority.—The Division of Alcoholic
157 Beverages and Tobacco ~~Department of Legal Affairs~~ shall have the
158 power to adopt rules pursuant to chapter 120 as necessary to
159 implement the provisions of the Convenience Business Security
160 Act. The security measures and training provisions of ss.
161 812.173 and 812.174 shall meet the requirements of the
162 department as set forth by rule.
163