

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., defining 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
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 proscribe 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 the Department of Business and
45 | Professional Regulation and not the Attorney General
46 | to regulate convenience businesses; amending ch. 2019-
47 | 127, Laws of Florida; extending the timeframe for the
48 | Attorney General to have access to records when
49 | ordered by a court under specified provisions;
50 | postponing the scheduled repeal of amendments until a

51 specified date unless reviewed and saved from repeal
 52 through reenactment by the Legislature; providing an
 53 effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Section 16.10, Florida Statutes, is repealed.

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 Section 16.101, Florida Statutes, is repealed.

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

61 163.503 Definitions.—

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

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

66 163.504 Safe neighborhood improvement districts; planning
 67 funds.—

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

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

82 ~~(3) Municipalities and counties may implement the~~
 83 ~~provisions of this section without planning funds from the~~
 84 ~~Department of Legal Affairs. However, nothing in this section~~
 85 ~~shall be construed to exempt any district from the requirements~~
 86 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
 87 ~~163.516.~~

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

90 163.5055 Registration of district establishment; notice of
 91 dissolution.—

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

99 (b) Each local governing body that authorizes the
 100 dissolution of a district shall notify ~~both~~ the Department of

101 Economic Opportunity ~~and the Department of Legal Affairs~~ within
 102 30 days after the dissolution of the district.

103 Section 6. Paragraph (h) of subsection (1) of section
 104 163.506, Florida Statutes, is amended to read:

105 163.506 Local government neighborhood improvement
 106 districts; creation; advisory council; dissolution.—

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

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

117 Section 7. Paragraph (g) of subsection (1) of section
 118 163.508, Florida Statutes, is amended to read:

119 163.508 Property owners' association neighborhood
 120 improvement districts; creation; powers and duties; duration.—

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

126 separate ordinance for each district, which ordinance:

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

131 Section 8. Paragraph (i) of subsection (1) of section
 132 163.511, Florida Statutes, is amended to read:

133 163.511 Special neighborhood improvement districts;
 134 creation; referendum; board of directors; duration; extension.-

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

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

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

146 Section 10. Section 163.519, Florida Statutes, is
 147 repealed.

148 Section 11. Section 163.521, Florida Statutes, is
 149 repealed.

150 Section 12. Section 163.5215, Florida Statutes, is

151 repealed.

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

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

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

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

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

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

167 215.22 Certain income and certain trust funds exempt.—

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

171 (w) The Crimes Compensation Trust Fund.

172 Section 17. Paragraph (c) of subsection (1) of section
173 376.84, Florida Statutes, is amended to read:

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

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

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

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

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

195 402.181 State Institutions Claims Program.—

196 (2) Claims for restitution may be filed with the
197 Department of Children and Families, the Department of Health,
198 the Department of Juvenile Justice, the Department of
199 Corrections, or the Agency for Persons with Disabilities. The
200 claim must be filed with the department or agency responsible

201 for monitoring the person that caused the medical injury or the
 202 property damage ~~Legal Affairs at its office in accordance with~~
 203 ~~regulations prescribed by the Department of Legal Affairs.~~ The
 204 departments and agencies ~~Department of Legal Affairs shall~~ have
 205 the full power and authority to approve or deny ~~hear,~~
 206 ~~investigate, and determine all questions in respect to such~~
 207 claims and may ~~is~~ authorized, within the limits of current
 208 appropriations, ~~to~~ pay individual claims up to \$1,000 or, with
 209 respect to children in foster care and their families,
 210 individual claims up to \$1,500. Claims in excess of these
 211 amounts shall continue to require legislative approval.

212 (3)(a) The Department of Children and Families, the
 213 Department of Health, the Department of Juvenile Justice, the
 214 Department of Corrections, and the Agency for Persons with
 215 Disabilities shall adopt rules to process claims and to ensure
 216 that eligible claimants receive restitution within a reasonable
 217 time. ~~The Department of Legal Affairs shall make or cause to be~~
 218 ~~made such investigations as it considers necessary in respect to~~
 219 ~~such claims. Hearings shall be held in accordance with chapter~~
 220 ~~120.~~

221 (b) ~~The Department of Legal Affairs shall work with the~~
 222 ~~Department of Children and Families, the Department of Health,~~
 223 ~~the Department of Juvenile Justice, the Department of~~
 224 ~~Corrections, and the Agency for Persons with Disabilities to~~
 225 ~~streamline the process of investigations, hearings, and~~

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226 ~~determinations with respect to claims under this section, to~~
227 ~~ensure that eligible claimants receive restitution within a~~
228 ~~reasonable time.~~

229 Section 19. Subsections (4) through (9) of section
230 501.160, Florida Statutes, are renumbered as subsections (3)
231 through (8), respectively, and subsection (2) and present
232 subsection (3) of that section are amended to read:

233 501.160 Rental or sale of essential commodities during a
234 declared state of emergency; prohibition against unconscionable
235 prices.—

236 (2) Upon a declaration of a state of emergency by the
237 Governor, it is unlawful and a violation of s. 501.204 for a
238 person or her or his agent or employee to rent or sell or offer
239 to rent or sell at an unconscionable price within the area for
240 which the state of emergency is declared, any essential
241 commodity including, but not limited to, supplies, services,
242 provisions, or equipment that is necessary for consumption or
243 use as a direct result of the emergency. This prohibition is
244 effective not to exceed 60 days under the initial declared state
245 of emergency as defined in s. 252.36(2) and may be extended an
246 additional 60 days, by an executive order issued by the Governor
247 specifically referencing this section ~~shall be renewed by~~
248 ~~statement in any subsequent renewals of the declared state of~~
249 ~~emergency by the Governor.~~

250 ~~(3) It is unlawful and a violation of s. 501.204 for any~~

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251 ~~person to impose unconscionable prices for the rental or lease~~
252 ~~of any dwelling unit or self-storage facility during a period of~~
253 ~~declared state of emergency.~~

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

256 775.083 Fines.—

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

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

274 812.173 Convenience business security.—

275 (3) Every convenience business shall be equipped with a

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

282 | (5) For purposes of this section, any convenience business
283 | that by law implemented any of the security measures set forth
284 | in paragraphs (4) (a)-(e) and has maintained said measures as
285 | required by the Department of Business and Professional
286 | Regulation ~~Legal Affairs~~ without any occurrence or incidence of
287 | the crimes identified by subsection (4) for a period of no less
288 | than 24 months immediately preceding the filing of a notice of
289 | exemption, may file with the department a notice of exemption
290 | from these enhanced security measures. In no event shall this
291 | exemption be interpreted to preclude full compliance with the
292 | security measures set forth in subsection (4) should any
293 | occurrence or incidence of the crimes identified by subsection
294 | (4) cause subsection (4) to be statutorily applicable. As of
295 | July 1, 2021 ~~the date this act becomes law~~, the Department of
296 | Business and Professional Regulation ~~Legal Affairs~~ will provide
297 | notice to any convenience business to which a subsection (4)
298 | incident has previously occurred. In no event shall the state or
299 | the Department of Business and Professional Regulation ~~Legal~~
300 | ~~Affairs~~ incur any liability for the regulation and enforcement

301 of this act.

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

304 812.174 Training of employees.—The owner or principal
305 operator of a convenience business or convenience businesses
306 shall provide proper robbery deterrence and safety training by
307 an approved curriculum to its retail employees within 60 days of
308 employment. ~~Existing retail employees shall receive training~~
309 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
310 submitted in writing to the Department of Business and
311 Professional Regulation ~~Attorney General~~ with an administrative
312 fee not to exceed \$100. The Department of Business and
313 Professional Regulation ~~Attorney General~~ shall review and
314 approve or disapprove the curriculum in writing within 60 days
315 after receipt. The state shall have no liability for approving
316 or disapproving a training curriculum under this section.
317 Approval shall be given to a curriculum which trains and
318 familiarizes retail employees with the security principles,
319 devices, and measures required by s. 812.173. Disapproval of a
320 curriculum shall be subject to the provisions of chapter 120. No
321 person shall be liable for ordinary negligence due to
322 implementing an approved curriculum if the training was actually
323 provided. A curriculum shall be submitted for reapproval
324 biennially with an administrative fee not to exceed \$100. Any
325 curriculum approved by the Attorney General between ~~since~~

326 September 1990 and June 30, 2021, and any curriculum approved on
327 or after July 1, 2021, by the Department of Business and
328 Professional Regulation shall be subject to reapproval 2 years
329 from the anniversary of initial approval and biennially
330 thereafter.

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

333 812.175 Enforcement; civil fine.—

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

351 in its discretion deems appropriate. Notices of violation and
352 civil fines shall be subject to the provisions of chapter 120.

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

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

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

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

372 812.176 Rulemaking authority.—The Department of Business
373 and Professional Regulation may ~~Legal Affairs shall have the~~
374 ~~power to~~ adopt rules pursuant to chapter 120 as necessary to
375 implement the provisions of the Convenience Business Security

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376 Act. The security measures and training provisions of ss.
377 812.173 and 812.174 shall meet the requirements of the
378 department as set forth by rule.

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

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

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