

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; requiring the Department of Children
34 | and Families, the Department of Health, the Department
35 | of Juvenile Justice, the Department of Corrections,
36 | and the Agency for Persons with Disabilities to adopt
37 | rules to process specified claims; amending s.
38 | 501.160, F.S.; authorizing certain declarations during
39 | a state of emergency to be extended for specified days
40 | by executive order; amending ss. 775.083 and 812.173,
41 | F.S.; conforming a provision to changes made by the
42 | act; amending ss. 812.174, 812.175, and 812.176, F.S.;
43 | revising provisions to require the Department of
44 | Business and Professional Regulation and not the
45 | Attorney General to regulate convenience businesses;
46 | amending ch. 2019-127, Laws of Florida; extending the
47 | timeframe for the Attorney General to have access to
48 | records when ordered by a court under specified
49 | provisions; postponing the scheduled repeal of
50 | amendments until a specified date unless reviewed and

51 saved from repeal through reenactment by the
 52 Legislature; amending s. 960.21, F.S.; deleting the
 53 requirement that a service charge be paid out of
 54 moneys deposited in the Crimes Compensation Trust
 55 Fund; providing an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:

58
 59 Section 1. Section 16.10, Florida Statutes, is repealed.

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 Section 16.101, Florida Statutes, is repealed.

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

63 163.503 Definitions.—

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

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

68 163.504 Safe neighborhood improvement districts; ~~planning~~
 69 ~~funds~~.—

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

76 of a municipality and the unincorporated area of a county,
 77 except by interlocal agreement.

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

84 ~~(3) Municipalities and counties may implement the~~
 85 ~~provisions of this section without planning funds from the~~
 86 ~~Department of Legal Affairs. However, nothing in this section~~
 87 ~~shall be construed to exempt any district from the requirements~~
 88 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
 89 ~~163.516.~~

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

92 163.5055 Registration of district establishment; notice of
 93 dissolution.—

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

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

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

107 163.506 Local government neighborhood improvement
 108 districts; creation; advisory council; dissolution.—

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

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

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

121 163.508 Property owners' association neighborhood
 122 improvement districts; creation; powers and duties; duration.—

123 (1) After a local planning ordinance has been adopted
 124 authorizing the creation of property owners' association
 125 neighborhood improvement districts, the local governing body of

126 a municipality or county may create property owners' association
 127 neighborhood improvement districts by the enactment of a
 128 separate ordinance for each district, which ordinance:

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

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

135 163.511 Special neighborhood improvement districts;
 136 creation; referendum; board of directors; duration; extension.-

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

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

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

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

150 Section 11. Section 163.521, Florida Statutes, is

151 repealed.

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

154 Section 13. Section 163.522, Florida Statutes, is
 155 repealed.

156 Section 14. Section 163.523, Florida Statutes, is
 157 repealed.

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

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

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

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

169 215.22 Certain income and certain trust funds exempt.—

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

173 (w) The Crimes Compensation Trust Fund.

174 Section 17. Paragraph (c) of subsection (1) of section
 175 376.84, Florida Statutes, is amended to read:

176 376.84 Brownfield redevelopment economic incentives.—It is
 177 the intent of the Legislature that brownfield redevelopment
 178 activities be viewed as opportunities to significantly improve
 179 the utilization, general condition, and appearance of these
 180 sites. Different standards than those in place for new
 181 development, as allowed under current state and local laws,
 182 should be used to the fullest extent to encourage the
 183 redevelopment of a brownfield. State and local governments are
 184 encouraged to offer redevelopment incentives for this purpose,
 185 as an ongoing public investment in infrastructure and services,
 186 to help eliminate the public health and environmental hazards,
 187 and to promote the creation of jobs in these areas. Such
 188 incentives may include financial, regulatory, and technical
 189 assistance to persons and businesses involved in the
 190 redevelopment of the brownfield pursuant to this act.

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

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

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

197 402.181 State Institutions Claims Program.—

198 (2) Claims for restitution may be filed with the
 199 Department of Children and Families, the Department of Health,
 200 the Department of Juvenile Justice, the Department of

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

214 (3) ~~(a)~~ The Department of Children and Families, the
 215 Department of Health, the Department of Juvenile Justice, the
 216 Department of Corrections, and the Agency for Persons with
 217 Disabilities shall adopt rules to process claims and to ensure
 218 that eligible claimants receive restitution within a reasonable
 219 time. ~~The Department of Legal Affairs shall make or cause to be~~
 220 ~~made such investigations as it considers necessary in respect to~~
 221 ~~such claims. Hearings shall be held in accordance with chapter~~
 222 ~~120.~~

223 ~~(b)~~ ~~The Department of Legal Affairs shall work with the~~
 224 ~~Department of Children and Families, the Department of Health,~~
 225 ~~the Department of Juvenile Justice, the Department of~~

226 ~~Corrections, and the Agency for Persons with Disabilities to~~
227 ~~streamline the process of investigations, hearings, and~~
228 ~~determinations with respect to claims under this section, to~~
229 ~~ensure that eligible claimants receive restitution within a~~
230 ~~reasonable time.~~

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

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

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

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

246 (b) Any dwelling unit or self-storage facility that is
247 necessary for inhabitation or use as a direct result of the
248 emergency.

249
250 This prohibition is effective not to exceed 60 days under the

251 initial declared state of emergency as defined in s. 252.36(2)
 252 and may be extended an additional 60 days, by an executive order
 253 issued by the Governor specifically referencing this section
 254 ~~shall be renewed by statement in any subsequent renewals of the~~
 255 ~~declared state of emergency by the Governor.~~

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

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

262 775.083 Fines.—

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

276 such funds for crime prevention programs in the county,
277 ~~including safe neighborhood programs under ss. 163.501-163.523.~~

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

280 812.173 Convenience business security.—

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

288 (5) For purposes of this section, any convenience business
289 that by law implemented any of the security measures set forth
290 in paragraphs (4)(a)-(e) and has maintained said measures as
291 required by the Department of Business and Professional
292 Regulation ~~Legal Affairs~~ without any occurrence or incidence of
293 the crimes identified by subsection (4) for a period of no less
294 than 24 months immediately preceding the filing of a notice of
295 exemption, may file with the department a notice of exemption
296 from these enhanced security measures. In no event shall this
297 exemption be interpreted to preclude full compliance with the
298 security measures set forth in subsection (4) should any
299 occurrence or incidence of the crimes identified by subsection
300 (4) cause subsection (4) to be statutorily applicable. As of

301 July 1, 2021 ~~the date this act becomes law~~, the Department of
302 Business and Professional Regulation ~~Legal Affairs~~ will provide
303 notice to any convenience business to which a subsection (4)
304 incident has previously occurred. In no event shall the state or
305 the Department of Business and Professional Regulation ~~Legal~~
306 ~~Affairs~~ incur any liability for the regulation and enforcement
307 of this act.

308 Section 22. Section 812.174, Florida Statutes, is amended
309 to read:

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

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

337 Section 23. Section 812.175, Florida Statutes, is amended
338 to read:

339 812.175 Enforcement; civil fine.—

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

351 investigate any alleged violation and may compromise any alleged
352 violation by accepting from the owner or principal operator an
353 amount not to exceed \$5,000. The Department of Business and
354 Professional Regulation ~~Attorney General~~ may suspend the
355 imposition of any fine conditioned upon terms the Department of
356 Business and Professional Regulation ~~Attorney General's office~~
357 in its discretion deems appropriate. Notices of violation and
358 civil fines shall be subject to the provisions of chapter 120.

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

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

370 (4) The Department of Business and Professional Regulation
371 ~~Attorney General~~ may enter into agreements with local
372 governments to assist in the enforcement of ss. 812.1701-
373 812.175. Such agreements may include provision for reimbursement
374 of investigative and enforcement costs incurred by such local
375 governments.

376 Section 24. Section 812.176, Florida Statutes, is amended
 377 to read:

378 812.176 Rulemaking authority.—The Department of Business
 379 and Professional Regulation may ~~Legal Affairs shall have the~~
 380 ~~power to~~ adopt rules pursuant to chapter 120 as necessary to
 381 implement the provisions of the Convenience Business Security
 382 Act. The security measures and training provisions of ss.
 383 812.173 and 812.174 shall meet the requirements of the
 384 department as set forth by rule.

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

387 Section 3. The amendments to ss. 893.055 and 893.0551,
 388 Florida Statutes, made by this act shall stand repealed on June
 389 30, 2023 ~~June 30, 2021~~, unless reviewed and saved from repeal
 390 through reenactment by the Legislature. If such amendments are
 391 not saved from repeal, the text of ss. 893.055 and 893.0551,
 392 Florida Statutes, shall revert to that in existence on June 30,
 393 2019, except that any amendments to such text other than by this
 394 act shall be preserved and continue to operate to the extent
 395 that such amendments are not dependent upon the portions of text
 396 which expire pursuant to this section.

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

399 960.21 Crimes Compensation Trust Fund.—

400 (3) All administrative costs of this chapter ~~and the~~

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401 ~~service charge provided for in chapter 215~~ shall be paid out of
402 moneys collected under ~~pursuant to~~ this chapter and deposited in
403 the Crimes Compensation Trust Fund.

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