

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 by executive
40 | order; amending s. 775.083 F.S.; conforming a
41 | provision to changes made by the act; amending s.
42 | 812.173, F.S.; requiring certain convenience
43 | businesses to use applications for exemption adopted
44 | by rule of the Division of Alcoholic Beverages and
45 | Tobacco within the Department of Business and
46 | Professional Regulation under specified circumstances;
47 | requiring convenience businesses to contact the
48 | division in writing after certain crimes have occurred
49 | on the property and specifying time frames for
50 | implementing specified security measures; authorizing

51 the division to conduct certain investigations of
 52 convenience business licensees to determine their
 53 status as convenience businesses; amending ss.
 54 812.171, 812.174, 812.175, and 812.176, F.S.; revising
 55 provisions to require the Division of Alcoholic
 56 Beverages and Tobacco and not the Attorney General to
 57 regulate convenience businesses; amending ch. 2019-
 58 127, Laws of Florida; extending the timeframe for the
 59 Attorney General to have access to records when
 60 ordered by a court under specified provisions;
 61 postponing the scheduled repeal of amendments until a
 62 specified date unless reviewed and saved from repeal
 63 through reenactment by the Legislature; amending s.
 64 960.21, F.S.; deleting the requirement that a service
 65 charge be paid out of moneys deposited in the Crimes
 66 Compensation Trust Fund; providing an effective date.

67

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

69

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 Section 16.10, Florida Statutes, is repealed.

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 Section 16.101, Florida Statutes, is repealed.

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

74 163.503 Definitions.—

75 (3) "Department" means the Department of Economic

76 Opportunity Legal Affairs.

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

79 163.504 Safe neighborhood improvement districts; ~~planning~~
80 ~~funds.~~—

81 ~~(1)~~ The governing body of any municipality or county may
82 authorize the formation of safe neighborhood improvement
83 districts through the adoption of a planning ordinance which
84 specifies that such districts may be created by one or more of
85 the methods established in ss. 163.506, 163.508, 163.511, and
86 163.512. No district may overlap the jurisdictional boundaries
87 of a municipality and the unincorporated area of a county,
88 except by interlocal agreement.

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

95 ~~(3)~~ ~~Municipalities and counties may implement the~~
96 ~~provisions of this section without planning funds from the~~
97 ~~Department of Legal Affairs. However, nothing in this section~~
98 ~~shall be construed to exempt any district from the requirements~~
99 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
100 ~~163.516.~~

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

103 163.5055 Registration of district establishment; notice of
 104 dissolution.—

105 (1) (a) Each neighborhood improvement district authorized
 106 and established under this part shall within 30 days thereof
 107 register with ~~both~~ the Department of Economic Opportunity ~~and~~
 108 ~~the Department of Legal Affairs~~ by providing the department
 109 ~~these departments~~ with the district's name, location, size, and
 110 type, and such other information as the department ~~departments~~
 111 may require.

112 (b) Each local governing body that authorizes the
 113 dissolution of a district shall notify ~~both~~ the Department of
 114 Economic Opportunity ~~and the Department of Legal Affairs~~ within
 115 30 days after the dissolution of the district.

116 Section 6. Paragraph (h) of subsection (1) of section
 117 163.506, Florida Statutes, is amended to read:

118 163.506 Local government neighborhood improvement
 119 districts; creation; advisory council; dissolution.—

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

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

130 Section 7. Paragraph (g) of subsection (1) of section
 131 163.508, Florida Statutes, is amended to read:

132 163.508 Property owners' association neighborhood
 133 improvement districts; creation; powers and duties; duration.—

134 (1) After a local planning ordinance has been adopted
 135 authorizing the creation of property owners' association
 136 neighborhood improvement districts, the local governing body of
 137 a municipality or county may create property owners' association
 138 neighborhood improvement districts by the enactment of a
 139 separate ordinance for each district, which ordinance:

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

144 Section 8. Paragraph (i) of subsection (1) of section
 145 163.511, Florida Statutes, is amended to read:

146 163.511 Special neighborhood improvement districts;
 147 creation; referendum; board of directors; duration; extension.—

148 (1) After a local planning ordinance has been adopted
 149 authorizing the creation of special neighborhood improvement
 150 districts, the governing body of a municipality or county may

151 declare the need for and create special residential or business
 152 neighborhood improvement districts by the enactment of a
 153 separate ordinance for each district, which ordinance:

154 (i) Requires the district to notify the ~~Department of~~
 155 ~~Legal Affairs and the~~ Department of Economic Opportunity in
 156 writing of its establishment within 30 days thereof pursuant to
 157 s. 163.5055.

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

159 Section 10. Section 163.519, Florida Statutes, is
 160 repealed.

161 Section 11. Section 163.521, Florida Statutes, is
 162 repealed.

163 Section 12. Section 163.5215, Florida Statutes, is
 164 repealed.

165 Section 13. Section 163.522, Florida Statutes, is
 166 repealed.

167 Section 14. Section 163.523, Florida Statutes, is
 168 repealed.

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

171 163.524 Neighborhood Preservation and Enhancement Program;
 172 participation; creation of Neighborhood Preservation and
 173 Enhancement Districts; creation of Neighborhood Councils and
 174 Neighborhood Enhancement Plans.—

175 (5) The Neighborhood Council and local government planning

176 agency shall be eligible to receive grants ~~from the Safe~~
 177 ~~Neighborhoods Program as provided in s. 163.517.~~

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

180 215.22 Certain income and certain trust funds exempt.—

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

184 (w) The Crimes Compensation Trust Fund.

185 Section 17. Paragraph (c) of subsection (1) of section
 186 376.84, Florida Statutes, is amended to read:

187 376.84 Brownfield redevelopment economic incentives.—It is
 188 the intent of the Legislature that brownfield redevelopment
 189 activities be viewed as opportunities to significantly improve
 190 the utilization, general condition, and appearance of these
 191 sites. Different standards than those in place for new
 192 development, as allowed under current state and local laws,
 193 should be used to the fullest extent to encourage the
 194 redevelopment of a brownfield. State and local governments are
 195 encouraged to offer redevelopment incentives for this purpose,
 196 as an ongoing public investment in infrastructure and services,
 197 to help eliminate the public health and environmental hazards,
 198 and to promote the creation of jobs in these areas. Such
 199 incentives may include financial, regulatory, and technical
 200 assistance to persons and businesses involved in the

201 redevelopment of the brownfield pursuant to this act.

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

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

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

208 402.181 State Institutions Claims Program.—

209 (2) Claims for restitution may be filed with the
 210 Department of Children and Families, the Department of Health,
 211 the Department of Juvenile Justice, the Department of
 212 Corrections, or the Agency for Persons with Disabilities. The
 213 claim must be filed with the department or agency responsible
 214 for monitoring the person that caused the medical injury or the
 215 property damage ~~Legal Affairs at its office in accordance with~~
 216 ~~regulations prescribed by the Department of Legal Affairs. The~~
 217 ~~departments and agencies~~ ~~Department of Legal Affairs shall~~ have
 218 the full power and authority to approve or deny ~~hear,~~
 219 ~~investigate, and determine all questions in respect to such~~
 220 claims and may ~~is~~ authorized, within the limits of current
 221 appropriations, ~~to~~ pay individual claims up to \$1,000 or, with
 222 respect to children in foster care and their families,
 223 individual claims up to \$1,500. Claims in excess of these
 224 amounts shall continue to require legislative approval.

225 (3)~~(a)~~ The Department of Children and Families, the

226 Department of Health, the Department of Juvenile Justice, the
227 Department of Corrections, and the Agency for Persons with
228 Disabilities shall adopt rules to process claims and to ensure
229 that eligible claimants receive restitution within a reasonable
230 time. ~~The Department of Legal Affairs shall make or cause to be~~
231 ~~made such investigations as it considers necessary in respect to~~
232 ~~such claims. Hearings shall be held in accordance with chapter~~
233 ~~120.~~

234 ~~(b) The Department of Legal Affairs shall work with the~~
235 ~~Department of Children and Families, the Department of Health,~~
236 ~~the Department of Juvenile Justice, the Department of~~
237 ~~Corrections, and the Agency for Persons with Disabilities to~~
238 ~~streamline the process of investigations, hearings, and~~
239 ~~determinations with respect to claims under this section, to~~
240 ~~ensure that eligible claimants receive restitution within a~~
241 ~~reasonable time.~~

242 Section 19. Subsections (4) through (9) of section
243 501.160, Florida Statutes, are renumbered as subsections (3)
244 through (8), respectively, and subsection (2) and present
245 subsection (3) of that section are amended to read:

246 501.160 Rental or sale of essential commodities during a
247 declared state of emergency; prohibition against unconscionable
248 prices.—

249 (2) Upon a declaration of a state of emergency by the
250 Governor, it is unlawful and a violation of s. 501.204 for a

251 person or her or his agent or employee to rent or sell or offer
252 to rent or sell at an unconscionable price within the area for
253 which the state of emergency is declared:7

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

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

260

261 This prohibition is effective not to exceed 60 days under the
262 initial declared state of emergency as defined in s. 252.36(2)
263 and may be extended by an executive order issued by the Governor
264 specifically referencing this section ~~shall be renewed by~~
265 ~~statement in any subsequent renewals of the declared state of~~
266 ~~emergency by the Governor.~~

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

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

273 775.083 Fines.—

274 (2) In addition to the fines set forth in subsection (1),
275 court costs shall be assessed and collected in each instance a

276 | defendant pleads nolo contendere to, or is convicted of, or
 277 | adjudicated delinquent for, a felony, a misdemeanor, or a
 278 | criminal traffic offense under state law, or a violation of any
 279 | municipal or county ordinance if the violation constitutes a
 280 | misdemeanor under state law. The court costs imposed by this
 281 | section shall be \$50 for a felony and \$20 for any other offense
 282 | and shall be deposited by the clerk of the court into an
 283 | appropriate county account for disbursement for the purposes
 284 | provided in this subsection. A county shall account for the
 285 | funds separately from other county funds as crime prevention
 286 | funds. The county, in consultation with the sheriff, must expend
 287 | such funds for crime prevention programs in the county,
 288 | ~~including safe neighborhood programs under ss. 163.501-163.523.~~

289 | Section 21. Section 812.171, Florida Statutes, is amended
 290 | to read:

291 | 812.171 Definition.—As used in this act, the term
 292 | "convenience business" means any place of business that is
 293 | primarily engaged in the retail sale of groceries, or both
 294 | groceries and gasoline, and that is open for business at any
 295 | time between the hours of 11 p.m. and 5 a.m., and is licensed by
 296 | the Division of Alcoholic Beverages and Tobacco within the
 297 | Department of Business and Professional Regulation pursuant to
 298 | chapter 210, chapter 561, chapter 562, chapter 563, chapter 564,
 299 | chapter 565, or chapter 569. The term "convenience business"
 300 | does not include:

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

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

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

306 (4) A ~~The term "convenience business" does not include any~~
307 business in which the owner or members of his or her family work
308 between the hours of 11 p.m. and 5 a.m.

309 Section 22. Subsections (3), (4), and (5) of section
310 812.173, Florida Statutes, are amended, and subsection (6) is
311 added to that section, to read:

312 812.173 Convenience business security.—

313 (3) Every convenience business shall be equipped with a
314 silent alarm to law enforcement or a private security agency,
315 unless an application for an exemption, adopted by rule by the
316 Division of Alcoholic Beverages and Tobacco, is made to and
317 granted by the Division of Alcoholic Beverages and Tobacco
318 ~~Attorney General~~. An application for exemption must be in
319 writing and must be accompanied by an administrative fee of \$25
320 for each store for which an exemption would apply.

321 (4) If a murder, robbery, sexual battery, aggravated
322 assault, aggravated battery, or kidnapping or false
323 imprisonment, as those crimes are identified and defined by
324 Florida Statutes, occurs or has occurred at a convenience
325 business since July 1, 1989, and arises out of the operation of

326 | the convenience business, that convenience business shall notify
327 | the Division of Alcoholic Beverages and Tobacco in writing and
328 | shall implement at least one of the following security measures
329 | within 30 days of a judicial determination that one or more of
330 | the aforementioned identified crimes occurred at the convenience
331 | business:

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

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

338 | 1. American Society for Testing and Materials Standard
339 | D3935 (classification PC110 B 3 0800700) and that has a
340 | thickness of at least 0.375 inches and has an impact strength of
341 | at least 200 foot pounds; or

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

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

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

349 | (e) Close the business at all times after 11 p.m. and
350 | before 5 a.m.

351 (5) For purposes of this section, any convenience business
352 that by law implemented any of the security measures set forth
353 in paragraphs (4) (a)-(e) and has maintained said measures as
354 required by the Division of Alcoholic Beverages and Tobacco
355 ~~Department of Legal Affairs~~ without any occurrence or incidence
356 of the crimes identified by subsection (4) for a period of no
357 less than 24 months immediately preceding the filing of a notice
358 of exemption, may file with the department a notice of exemption
359 from these enhanced security measures. In no event shall this
360 exemption be interpreted to preclude full compliance with the
361 security measures set forth in subsection (4) should any
362 occurrence or incidence of the crimes identified by subsection
363 (4) cause subsection (4) to be statutorily applicable. As of
364 July 1, 2021, the Division of Alcoholic Beverages and Tobacco
365 ~~the date this act becomes law, the Department of Legal Affairs~~
366 will provide notice to any convenience business to which a
367 subsection (4) incident ~~has previously~~ occurred between July 1,
368 2019, and July 1, 2021. In no event shall the state or the
369 Division of Alcoholic Beverages and Tobacco ~~Department of Legal~~
370 ~~Affairs~~ incur any liability for the regulation and enforcement
371 of this act.

372 (6) The Division of Alcoholic Beverages and Tobacco may
373 investigate the premises and records of any licensee to
374 determine whether the licensee is a convenience business and
375 subject to the provisions of this act.

376 Section 23. Section 812.174, Florida Statutes, is amended
377 to read:

378 812.174 Training of employees.—The owner or principal
379 operator of a convenience business or convenience businesses
380 shall provide proper robbery deterrence and safety training by
381 an approved curriculum to its retail employees within 60 days of
382 employment. ~~Existing retail employees shall receive training~~
383 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
384 submitted in writing to the Division of Alcoholic Beverages and
385 Tobacco ~~Attorney General~~ with an administrative fee not to
386 exceed \$100. The Division of Alcoholic Beverages and Tobacco
387 ~~Attorney General~~ shall review and approve or disapprove the
388 curriculum in writing within 60 days after receipt. The state
389 shall have no liability for approving or disapproving a training
390 curriculum under this section. Approval shall be given to a
391 curriculum which trains and familiarizes retail employees with
392 the security principles, devices, and measures required by s.
393 812.173. Disapproval of a curriculum shall be subject to the
394 provisions of chapter 120. No person shall be liable for
395 ordinary negligence due to implementing an approved curriculum
396 if the training was actually provided. A curriculum shall be
397 submitted for reapproval biennially on or before the date
398 established by rule by the Division of Alcoholic Beverages and
399 Tobacco and shall be accompanied with an administrative fee not
400 to exceed \$100. ~~Any curriculum approved by the Attorney General~~

401 ~~since September 1990 shall be subject to reapproval 2 years from~~
402 ~~the anniversary of initial approval and biennially thereafter.~~

403 Section 24. Section 812.175, Florida Statutes, is amended
404 to read:

405 812.175 Enforcement; civil fine.—

406 (1) The violation of any provision of this act by any
407 owner or principal operator of a convenience business shall
408 result in a notice of violation from the Division of Alcoholic
409 Beverages and Tobacco ~~Attorney General~~. Violators shall have 30
410 days after receipt of the notice to provide proof of compliance
411 to the Division of Alcoholic Beverages and Tobacco ~~Attorney~~
412 ~~General's office~~. If the violation continues after the 30-day
413 period, the Division of Alcoholic Beverages and Tobacco ~~Attorney~~
414 ~~General~~ may impose a civil fine not to exceed \$5,000. The
415 Division of Alcoholic Beverages and Tobacco ~~Attorney General~~ has
416 the authority to investigate any alleged violation and may
417 compromise any alleged violation by accepting from the owner or
418 principal operator an amount not to exceed \$5,000. The Division
419 of Alcoholic Beverages and Tobacco ~~Attorney General~~ may suspend
420 the imposition of any fine conditioned upon terms the Division
421 of Alcoholic Beverages and Tobacco ~~Attorney General's office~~ in
422 its discretion deems appropriate. Notices of violation and civil
423 fines shall be subject to the provisions of chapter 120.

424 (2) Moneys received by the Division of Alcoholic Beverages
425 and Tobacco ~~Attorney General~~ pursuant to this act shall be

426 deposited in the General Revenue Fund.

427 (3) The Division of Alcoholic Beverages and Tobacco
 428 ~~Attorney General~~ is given full power and authority to petition
 429 for an injunction when it is determined that the health, safety,
 430 and public welfare is threatened by continued operation of a
 431 convenience business in violation of this act. In any action for
 432 injunction, the Division of Alcoholic Beverages and Tobacco
 433 ~~Attorney General~~ may seek a civil penalty not to exceed \$5,000
 434 per violation, plus attorney's fees and costs.

435 (4) The Division of Alcoholic Beverages and Tobacco
 436 ~~Attorney General~~ may enter into agreements with local
 437 governments to assist in the enforcement of ss. 812.1701-
 438 812.175. Such agreements may include provision for reimbursement
 439 of investigative and enforcement costs incurred by such local
 440 governments.

441 Section 25. Section 812.176, Florida Statutes, is amended
 442 to read:

443 812.176 Rulemaking authority.—The Division of Alcoholic
 444 Beverages and Tobacco ~~Department of Legal Affairs~~ shall have the
 445 power to adopt rules pursuant to chapter 120 as necessary to
 446 implement the provisions of the Convenience Business Security
 447 Act. The security measures and training provisions of ss.
 448 812.173 and 812.174 shall meet the requirements of the
 449 department as set forth by rule.

450 Section 26. Section 3 of chapter 2019-127, Laws of

451 Florida, is amended to read:

452 Section 3. The amendments to ss. 893.055 and 893.0551,
 453 Florida Statutes, made by this act shall stand repealed on June
 454 30, 2023 ~~June 30, 2021~~, unless reviewed and saved from repeal
 455 through reenactment by the Legislature. If such amendments are
 456 not saved from repeal, the text of ss. 893.055 and 893.0551,
 457 Florida Statutes, shall revert to that in existence on June 30,
 458 2019, except that any amendments to such text other than by this
 459 act shall be preserved and continue to operate to the extent
 460 that such amendments are not dependent upon the portions of text
 461 which expire pursuant to this section.

462 Section 27. Subsection (3) of section 960.21, Florida
 463 Statutes, is amended to read:

464 960.21 Crimes Compensation Trust Fund.—

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

469 Section 28. This act shall take effect June 30, 2021.