

CHAPTER 2021-131

Committee Substitute for Committee Substitute for Senate Bill No. 1040

An act relating to duties of the Attorney General; repealing s. 16.10, F.S., relating to the receipt of Supreme Court decisions by the Attorney General; repealing s. 16.101, F.S., relating to the Supreme Court reporter; amending s. 163.503, F.S.; revising the definition of “department” to conform to changes made by the act; amending s. 163.504, F.S.; deleting provisions relating to the Safe Neighborhoods Program; amending ss. 163.5055, 163.506, 163.508, and 163.511, F.S.; relieving the Department of Legal Affairs from certain duties associated with specified neighborhood improvement districts; repealing s. 163.517, F.S., relating to the Safe Neighborhoods Program; repealing s. 163.519, F.S., relating to the duties of the Department of Legal Affairs; repealing s. 163.521, F.S., relating to funding of neighborhood improvement districts inside enterprise zones; repealing s. 163.5215, F.S., relating to the construction of the Safe Neighborhoods Act; repealing s. 163.522, F.S., relating to state redevelopment programs; repealing s. 163.523, F.S., relating to the cooperation and involvement of community organizations to create safe neighborhood districts; amending s. 163.524, F.S.; conforming a provision to changes made by the act; amending s. 376.84, F.S.; conforming a provision to changes made by the act; amending s. 402.181, F.S.; requiring certain claims for restitution to be filed with specified entities; removing the Department of Legal Affairs as an entity for such filings; authorizing the Department of Children and Families, the Department of Health, the Department of Juvenile Justice, the Department of Corrections, and the Agency for Persons with Disabilities to adopt rules to process specified claims; amending s. 501.160, F.S.; authorizing certain declarations during a state of emergency to be extended by executive order; amending s. 775.083, F.S.; conforming a provision to changes made by the act; amending s. 812.171, F.S.; revising a definition; amending ss. 812.173, 812.174, 812.175, and 812.176, F.S.; revising provisions to require that the Division of Alcoholic Beverages and Tobacco, instead of the Attorney General, regulate convenience businesses; amending chapter 2019-127, Laws of Florida; extending the timeframe for the Attorney General to access records from the prescription drug monitoring program when ordered by a court under specified provisions; delaying the scheduled repeal of amendments until a specified date unless reviewed and saved from repeal through reenactment by the Legislature; providing an effective date.

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

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

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

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

163.503 Definitions.—

(3) “Department” means the Department of Economic Opportunity Legal Affairs.

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

163.504 Safe neighborhood improvement districts; planning funds.—

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

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

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

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

163.5055 Registration of district establishment; notice of dissolution.—

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

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

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

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

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

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

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

163.508 Property owners’ association neighborhood improvement districts; creation; powers and duties; duration.—

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

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

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

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

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

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

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

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

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

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

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

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

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

163.524 Neighborhood Preservation and Enhancement Program; participation; creation of Neighborhood Preservation and Enhancement Districts; creation of Neighborhood Councils and Neighborhood Enhancement Plans.—

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

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

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

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

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

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

402.181 State Institutions Claims Program.—

(2) Claims for restitution may be filed with the Department of Children and Families, the Department of Health, the Department of Juvenile Justice, the Department of Corrections, or the Agency for Persons with Disabilities. The claim must be filed with the department or agency responsible for monitoring the person who caused the medical injury or the property damage ~~Legal Affairs at its office in accordance with regulations prescribed by the Department of Legal Affairs. The departments and agencies~~ Department of Legal Affairs shall have the full power and

authority to approve or deny ~~hear, investigate, and determine~~ all questions in respect to such claims and may ~~is authorized~~, within the limits of current appropriations, to pay individual claims up to \$1,000 or, with respect to children in foster care and their families, individual claims up to \$1,500. Claims in excess of these amounts shall continue to require legislative approval.

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

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

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

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

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

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

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

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

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

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

775.083 Fines.—

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

Section 20. Section 812.171, Florida Statutes, is amended to read:

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

- (1) A business that is solely or primarily a restaurant.
- (2) A business that always has at least five employees on the premises after 11 p.m. and before 5 a.m.
- (3) A business that has at least 10,000 square feet of retail floor space.
- ~~(4) The term “convenience business” does not include any business in which the owner or members of his or her family work between the hours of 11 p.m. and 5 a.m.~~

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

812.173 Convenience business security.—

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

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

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

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

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

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

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

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

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

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

(5) For purposes of this section, any convenience business that by law implemented any of the security measures set forth in paragraphs (4)(a)-(e) and has maintained said measures as required by the Division of Alcoholic Beverages and Tobacco Department of Legal Affairs without any occurrence or incidence of the crimes identified by subsection (4) for a period of no less than 24 months immediately preceding the filing of a notice of exemption, may file with the department a notice of exemption from these enhanced security measures. In no event shall this exemption be interpreted to preclude full compliance with the security measures set forth in subsection (4) should any occurrence or incidence of the crimes identified by subsection (4) cause subsection (4) to be statutorily applicable. As of July 1, 2021, the Division of Alcoholic Beverages and Tobacco the date this act becomes law, the Department of Legal Affairs will provide notice to any convenience business to which a subsection (4) incident has previously occurred between July 1, 2019, and July 1, 2021. In no event shall the state or the Division of

Alcoholic Beverages and Tobacco Department of Legal Affairs incur any liability for the regulation and enforcement of this act.

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

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

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

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

812.175 Enforcement; civil fine.—

(1) The violation of any provision of this act by any owner or principal operator of a convenience business shall result in a notice of violation from the ~~Division of Alcoholic Beverages and Tobacco Attorney General~~. Violators shall have 30 days after receipt of the notice to provide proof of compliance to the Division of Alcoholic Beverages and Tobacco Attorney General's office. If the violation continues after the 30-day period, the Division of Alcoholic Beverages and Tobacco Attorney General may impose a civil fine not to exceed \$5,000. The Division of Alcoholic Beverages and Tobacco Attorney General has the authority to investigate any alleged violation and may compromise any alleged violation by accepting from the owner or principal operator an amount not to exceed \$5,000. The Division of Alcoholic Beverages and Tobacco Attorney General may suspend the imposition of any fine conditioned upon terms the Division of Alcoholic Beverages and Tobacco Attorney General's office in its discretion deems appropriate.

Notices of violation and civil fines are ~~shall be~~ subject to the provisions of chapter 120.

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

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

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

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

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

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

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

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

Approved by the Governor June 21, 2021.

Filed in Office Secretary of State June 21, 2021.