

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 286

INTRODUCER: Community Affairs Committee and Senator Diaz de la Portilla

SUBJECT: Classified Advertisement Websites

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Fav/CS
2.			JU	
3.			AGG	
4.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 286 encourages the Department of Management Services to designate a certain number of safe-haven facilities in each county to provide a safe place for the execution of transactions related to classified advertisement websites, such as Craigslist. It also encourages local governments to establish local safe-haven facilities. The bill provides immunity from liability related to a sales transaction for governmental entities providing safe-haven facilities and their employees and agents.

II. Present Situation:

Baby Safe-Haven Laws

In 1999, the Texas Legislature enacted the first “safe-haven law” in the United States.¹ The law allowed a parent of a newborn to anonymously surrender the child to the state at designated locations, including police stations, hospitals and fire stations, without fear of criminal prosecution for abandonment or neglect.² Since then, every state has enacted a baby safe-haven law.³

¹ *Baby Safe Haven – Abandoned Infant Protection Laws*, National Safehaven Alliance, available at <http://www.nationalsafehavenalliance.org/law.php> (last visited March 11, 2015).

² *Safe-haven law*, Wikipedia, available at http://en.wikipedia.org/wiki/Safe-haven_law (last visited March 11, 2015).

³ *Baby Safe-Haven*.

Florida's law provides immunity from criminal or civil liability for an organization and its employees that accept a surrendered infant and transport it to a hospital.⁴ However, the law does not limit liability for negligence related to such actions.

Online Transaction Safe-Haven Laws

Perhaps inspired by baby safe-haven laws and motivated by a continuing trend of crimes stemming from transactions related to online classified advertisement websites, such as Craigslist, a number of police departments around the nation have begun opening their lobbies and parking lots to citizens to complete such transactions. Conducting transactions in police lobbies or parking lots strongly deters crimes for obvious reasons, including the proximity of police officers and the likelihood of surveillance by security cameras.

In May 2014, after a series of robberies related to Craigslist transactions, the East Chicago Police Department began "Operation Safe Sale," and offered the use of its headquarters parking lot and lobby to conduct transactions.⁵ The parties may request an officer oversee a transaction in the lobby if it is conducted between 9 a.m. and 7 p.m. on weekdays or between 11 a.m. and 3 p.m. on Saturdays.⁶ If no officer is desired, the parking lot and police lobby are available for use for transactions any time.⁷

In January 2015, the Virginia Beach, Virginia, Police Department launched the "Find a Safe Place" initiative, in which it offered the police lobby for use to conduct transactions arranged through classified advertisement websites.⁸ Police lobbies are available for use from 9 a.m. to 9 p.m., seven days a week.⁹ However, the lobby may not be used for transactions involving "large, cumbersome household items, appliances and landscape care equipment," or "the sale of any contraband, stolen property or other illegal items."¹⁰

In February 2015, the Toledo, Ohio, Police Department announced it would be making designated parking spots in front of one of its stations available for anyone to consummate an online sales transaction.¹¹

Florida police departments have also begun creating safe havens at their facilities. In July 2014, the Boca Raton Police Department, in response to "at least three cases in June where people were ripped off by buyers when trying to sell something off Craigslist," offered the department's

⁴ Section 383.50, F.S.

⁵ Juan Perez Jr., *East Chicago Police Offer Up Their Lobby, Parking Lot for Craigslist Transactions*, Chicago Tribune, May 01, 2014, available at http://articles.chicagotribune.com/2014-05-01/news/chi-east-chicago-police-offer-up-their-lobby-parking-lot-for-craigslist-transactions-20140501_1_craigslist-transactions-becker-lobby (last visited March 11, 2015).

⁶ *Id.*

⁷ *Id.*

⁸ Becca Mitchell and Todd Corillo, *Virginia Beach Police Offering Precinct Lobbies as a Safe Place for Craigslist Transactions*, WTKR News Channel 3, January 27, 2015, available at <http://wtkr.com/2015/01/27/virginia-beach-police-offering-precinct-lobby-as-a-safe-place-for-craigslist-transactions/> (last visited March 11, 2015).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Angi Gonzalez, *Toledo Police to Offer Safe Haven to Craigslist Users*, WNWO NBC 24, February 24, 2015, available at <http://www.nbc24.com/news/story.aspx?id=1168859#.VOCK-nF91A> (last visited March 11, 2015).

lobby and parking lot for transactions.¹² Police in Delray Beach and Boynton Beach are reportedly also pondering a similar program.

Finally, the Miami-Dade Board of County Commissioners adopted a resolution moved by Commissioner Sally Heyman at its February 3, 2015, meeting directing the mayor to examine the feasibility and advisability of providing locations such as Miami-Dade police stations or other locations that would deter criminal activity to serve as safe havens for Craigslist transactions.

III. Effect of Proposed Changes:

Section 1 creates s. 501.181, F.S., to encourage the Department of Management Services (DMS) to establish state safe-haven facilities and local governments to establish local safe-haven facilities for the conduct of sales transactions related to classified advertisement websites similar to Craigslist.

The bill provides definitions for the following terms: “building,” “classified advertisement website,” “department,” “local safe-haven facility,” “sales transaction” or “transaction,” and “state safe-haven facility.”

The DMS is encouraged to designate at least:

- One state safe-haven facility in each county with a population of less than 250,000.
- Two state safe-haven facilities in each county with a population between 250,000 and 800,000.
- Four state safe-haven facilities in each county with a population greater than 800,000.

The bill provides that governmental entities and their employees and agents are not responsible for supervising, intervening in, or facilitating a sales transaction at a safe-haven facility. The bill states that state and local governments and their agents may not be held liable in tort or for any claim related to injury or damage suffered as a result of any incident arising from a sales transaction. Employees or agents of local governments may only be held liable for damages if they acted outside the scope of their employment, or in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.

Section 2 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹² Kate Jacobsen, *Boca Raton Police Ask Craigslist Sellers to Use Station Lobby*, The Sun-Sentinel, July 5, 2014, available at http://articles.sun-sentinel.com/2014-07-05/news/fl-boca-raton-craigslist-lobby-20140701_1_boca-raton-police-station-lobby-craigslist-sellers (last visited March 11, 2015).

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates section 501.181 of the Florida Statutes.

IX. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 17, 2015:

- Provides definitions for the following terms: “building,” “classified advertisement website,” “department,” “local safe-haven facility,” “sales transaction” or “transaction,” and “state safe-haven facility.”
- Encourages the Department of Management Services to designate a certain number of state safe-haven facilities in each county depending on the population of the county.
- Encourages local governments to designate local safe-haven facilities.
- Provides that government actors are not responsible for facilitating sales transactions and provides governments are not liable for the actions of the parties involved in the transaction.
- Provides that governments and their employees or agents are immune from liability for injuries arising out of sales transactions. Government employees may be liable if they acted in bad faith, outside the scope of employment, or with malicious purpose

or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
