



823558

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
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The Committee on Community Affairs (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 501.181, Florida Statutes, is created to
read:

501.181 Safe-haven facilities.—

(1) As used in this section, the term:

(a) "Building" means a structure with a roof and walls and
any area surrounding the structure that is on the same property



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11 as the structure or on property that is owned, maintained, or
12 occupied by the same entity that owns, maintains, or occupies
13 the structure; that is open to the public; and which includes,
14 but is not limited to, courtyards, parking lots, and lawns.

15 (b) "Classified advertisement website" means a web-based
16 advertisement site that lists items for sale or items wanted for
17 purchase or acquisition.

18 (c) "Department" means the Department of Management
19 Services.

20 (d) "Local safe-haven facility" means a public local
21 governmental building approved by the local governmental body to
22 be used by the public to execute sales transactions, or as
23 otherwise determined and approved by the local governmental
24 body.

25 (e) "Sales transaction" or "transaction" means an in-person
26 sale or purchase of an item that was offered for sale or listed
27 as wanted for purchase on a classified advertisement website and
28 the parties to the sale or purchase arrange to meet at a state
29 safe-haven facility or local safe-haven facility for the purpose
30 of executing the sale or purchase, or the sale or purchase was
31 executed at a state safe-haven facility or local safe-haven
32 facility. The exchange of money for goods is not a necessary
33 element of such a transaction.

34 (f) "State safe-haven facility" means a public state
35 governmental building that has a designated area where
36 individuals may execute sales transactions.

37 (2) The department is encouraged to designate at least:

38 (a) One state safe-haven facility in each county having a
39 population of less than 250,000;



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40 (b) Two state safe-haven facilities in each county having a
41 population of at least 250,000, but less than 800,000; and

42 (c) Four state safe-haven facilities in each county having
43 a population of 800,000 or more.

44 (3) A state safe-haven facility should be easily accessible
45 so an individual is not discouraged from using the location. A
46 public state building, including, but not limited to, a state
47 college or university, Florida Highway Patrol station, or other
48 public state office building, may serve as a state safe-haven
49 facility.

50 (4) The department should designate at least one indoor and
51 one outdoor area at each state safe-haven facility that may be
52 used by individuals to execute sales transactions during the
53 hours that the state safe-haven facility is open to the public.

54 (5) Other than as provided for in this section, the
55 department is not responsible for regulating sales transactions
56 at state safe-haven facilities.

57 (6) Local governmental bodies are encouraged, but not
58 required, to approve the use of public local governmental
59 buildings, such as sheriff's offices, county courthouses, and
60 other public local governmental office buildings, to serve as
61 local safe-haven facilities. This section does not preempt a
62 local governmental body from regulating or otherwise governing
63 the use and functions of local safe-haven facilities. Local
64 governmental bodies may adopt different definitions of the terms
65 in subsection (1) as applicable to local safe-haven facilities.

66 (7) The state or a local government and its officers,
67 employees, or agents are not responsible for supervising,
68 intervening in, or facilitating a sales transaction or otherwise



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69 responsible for providing security to supervise or intervene in
70 the transaction and are not otherwise liable for the actions of
71 the parties or nonparties involved in the transaction.

72 (8) The state and local governments and their respective
73 agencies and subdivisions may not be held liable in tort or
74 named as a party defendant in any action for any injury or
75 damage suffered as a result of any incident arising from a sales
76 transaction. An officer, employee, or agent of the state or
77 local government or any of their agencies or subdivisions may
78 not be held personally liable in tort or named as a party
79 defendant in any action for any injury or damage suffered as a
80 result of any incident arising from a sales transaction unless
81 such officer, employee, or agent acted outside the scope of her
82 or his employment or in bad faith or with malicious purpose or
83 in a manner exhibiting wanton and willful disregard for human
84 rights, safety, or property.

85 (9) Subject to and as provided in s. 768.28, this section
86 does not reduce or limit the liability or rights of the state or
87 any local government, or any of their agencies or subdivisions,
88 or of the officers, employees, or agents of the state or local
89 government, in tort based on an incident that did not arise
90 from, or was caused by, a sales transaction.

91 Section 2. This act shall take effect July 1, 2015.

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete everything before the enacting clause
96 and insert:

97 A bill to be entitled



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98 An act relating to classified advertisement websites;
99 creating s. 501.181, F.S.; defining terms; encouraging
100 the Department of Management Services to designate a
101 specified number of state safe-haven facilities in
102 each county based upon population; authorizing public
103 state buildings to serve as state safe-haven
104 facilities; encouraging local governments to approve
105 the use of public local governmental buildings as
106 local safe-haven facilities; limiting the liability of
107 the state and any local government, and of the
108 officers, employees, or agents of the state or any
109 local government, that provides a state safe-haven
110 facility or local safe-haven facility; limiting
111 actions for injury or damages against the state or any
112 local government, or of the officers, employees, or
113 agents of the state or any local government, arising
114 from a sales transaction; providing an effective date.
115

116 WHEREAS, there have been a number of cases throughout this
117 state in which people selling cellular phones, computers, or
118 other goods through classified advertisement websites have been
119 targeted by criminals who intend to rob them when they meet to
120 exchange goods for cash, and

121 WHEREAS, even when the victims of these crimes select
122 public and populated locations that they feel are safe, such as
123 shopping centers or parks, to execute the transactions, they
124 still fall prey to these criminals, and

125 WHEREAS, identifying locations to serve as safe havens for
126 transactions related to classified advertisement websites will



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127 likely deter these crimes and provide for greater safety
128 throughout the state, NOW, THEREFORE,