

**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.)

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

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BILL: SB 286

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Classified Advertisement Websites

DATE: March 16, 2015

REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	<b>Pre-meeting</b>
2.	_____	_____	JU	_____
3.	_____	_____	AGG	_____
4.	_____	_____	FP	_____

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**I. Summary:**

SB 286 requires that a certain number of “safe-haven facilities” be created in each county, depending on the population of the county, to facilitate the conduct of sales transactions related to online classified advertisement websites.

**II. Present Situation:**

**Baby Safe-Haven Laws**

In 1999, the Texas Legislature enacted the first “safe-haven law” in the United States.<sup>1</sup> 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.<sup>2</sup> Since then, every state has enacted a baby safe-haven law.<sup>3</sup>

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.<sup>4</sup> However, the law does not limit liability for negligence related to such actions.

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

<sup>2</sup> *Safe-haven law*, Wikipedia, available at [http://en.wikipedia.org/wiki/Safe-haven\\_law](http://en.wikipedia.org/wiki/Safe-haven_law) (last visited March 11, 2015).

<sup>3</sup> *Baby Safe-Haven*.

<sup>4</sup> Section 383.50, F.S.

## 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.<sup>5</sup> 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.<sup>6</sup> If no officer is desired, the parking lot and police lobby are available for use for transactions any time.<sup>7</sup>

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.<sup>8</sup> Police lobbies are available for use from 9 a.m. to 9 p.m., seven days a week.<sup>9</sup> 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.”<sup>10</sup>

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.<sup>11</sup>

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

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<sup>5</sup> 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](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).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> 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).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> 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#.VQCK-nF91A> (last visited March 11, 2015).

<sup>12</sup> 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](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).

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. 501.180, F.S., to require that each county provide a certain number of safe-haven facilities to facilitate sales transactions related to classified advertisement websites, such as Craigslist. The bill requires a county with a population of:

- Less than 250,000 residents to provide at least one safe-haven facility.
- More than 250,000 residents but less than 800,000 to provide at least two safe-haven facilities.
- 800,000 or more residents with at least four safe-haven facilities.

The bill defines a “safe-haven facility” as a “secure location open to the public for the purpose of conducting a sales transaction involving an item or a service that was offered for sale on a classified advertisement website.” Safe-haven facilities must be easily accessible. State buildings may be used as a safe-haven facility. If a local governmental body approves, a local governmental building may serve as a safe-haven facility.

The bill provides that public entities and their employees or agents are not responsible for overseeing sales transactions at a safe-haven facility and are not otherwise liable for the actions of the parties involved in the transaction.

The bill prohibits the filing of a claim against a state or local government or any of their agencies based on an incident that occurs during a sales transaction at a safe-haven facility that involves an individual that is not an officer, employee, or agent of the state or local government or their agencies or subdivisions.

**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.

#### C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Several state agency analyses opined that the agency may incur costs related to various operational costs of the program, including cleaning and the provision of security for public facilities required to stay open after normal hours. The bill is unclear regarding the times of day that safe-haven facilities must be available to the public.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not define the meaning of a “secure location” or “easily accessible,” in regard to a public facility that is eligible to be designated as a safe-haven facility.

The bill does not provide a process or an entity responsible for designating safe-haven facilities.

The bill states that a state or local government may not be the target of a claim “based on an incident that occurs during a sales transaction at a safe-haven facility involving an individual that is not an officer, employee or agent of the state or local government.” This language would appear to immunize state agencies and local governments for torts they may otherwise be liable for, such as gross negligence or the failure to warn. Also, it may immunize agencies and local governments from claims related to an action of an employee, so long as that incident also involved another individual who was not an employee.

**VIII. Statutes Affected:**

This bill creates section 501.180 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

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