

By the Committee on Community Affairs; and Senator Diaz de la Portilla

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1 A bill to be entitled  
2 An act relating to classified advertisement websites;  
3 creating s. 501.181, F.S.; defining terms; encouraging  
4 the Department of Management Services to designate a  
5 specified number of state safe-haven facilities in  
6 each county based upon population; authorizing public  
7 state buildings to serve as state safe-haven  
8 facilities; encouraging local governments to approve  
9 the use of public local governmental buildings as  
10 local safe-haven facilities; limiting the liability of  
11 the state and any local government, and of the  
12 officers, employees, or agents of the state or any  
13 local government, that provides a state safe-haven  
14 facility or local safe-haven facility; limiting  
15 actions for injury or damages against the state or any  
16 local government, or of the officers, employees, or  
17 agents of the state or any local government, arising  
18 from a sales transaction; providing an effective date.  
19

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

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

29 WHEREAS, identifying locations to serve as safe havens for

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30 transactions related to classified advertisement websites will  
31 likely deter these crimes and provide for greater safety  
32 throughout the state, NOW, THEREFORE,  
33

34 Be It Enacted by the Legislature of the State of Florida:  
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36 Section 1. Section 501.181, Florida Statutes, is created to  
37 read:

38 501.181 Safe-haven facilities.-

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

40 (a) "Building" means a structure with a roof and walls and  
41 any area surrounding the structure that is on the same property  
42 as the structure or on property that is owned, maintained, or  
43 occupied by the same entity that owns, maintains, or occupies  
44 the structure; that is open to the public; and which includes,  
45 but is not limited to, courtyards, parking lots, and lawns.

46 (b) "Classified advertisement website" means a web-based  
47 advertisement site that lists items for sale or items wanted for  
48 purchase or acquisition.

49 (c) "Department" means the Department of Management  
50 Services.

51 (d) "Local safe-haven facility" means a public local  
52 governmental building approved by the local governmental body to  
53 be used by the public to execute sales transactions, or as  
54 otherwise determined and approved by the local governmental  
55 body.

56 (e) "Sales transaction" or "transaction" means an in-person  
57 sale or purchase of an item that was offered for sale or listed  
58 as wanted for purchase on a classified advertisement website and

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59 the parties to the sale or purchase arrange to meet at a state  
60 safe-haven facility or local safe-haven facility for the purpose  
61 of executing the sale or purchase, or the sale or purchase was  
62 executed at a state safe-haven facility or local safe-haven  
63 facility. The exchange of money for goods is not a necessary  
64 element of such a transaction.

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

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

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

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

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

75 (3) A state safe-haven facility should be easily accessible  
76 so an individual is not discouraged from using the location. A  
77 public state building, including, but not limited to, a state  
78 college or university, Florida Highway Patrol station, or other  
79 public state office building, may serve as a state safe-haven  
80 facility.

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

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

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88       (6) Local governmental bodies are encouraged, but not  
89 required, to approve the use of public local governmental  
90 buildings, such as sheriff's offices, county courthouses, and  
91 other public local governmental office buildings, to serve as  
92 local safe-haven facilities. This section does not preempt a  
93 local governmental body from regulating or otherwise governing  
94 the use and functions of local safe-haven facilities. Local  
95 governmental bodies may adopt different definitions of the terms  
96 in subsection (1) as applicable to local safe-haven facilities.

97       (7) The state or a local government and its officers,  
98 employees, or agents are not responsible for supervising,  
99 intervening in, or facilitating a sales transaction or otherwise  
100 responsible for providing security to supervise or intervene in  
101 the transaction and are not otherwise liable for the actions of  
102 the parties or nonparties involved in the transaction.

103       (8) The state and local governments and their respective  
104 agencies and subdivisions may not be held liable in tort or  
105 named as a party defendant in any action for any injury or  
106 damage suffered as a result of any incident arising from a sales  
107 transaction. An officer, employee, or agent of the state or  
108 local government or any of their agencies or subdivisions may  
109 not be held personally liable in tort or named as a party  
110 defendant in any action for any injury or damage suffered as a  
111 result of any incident arising from a sales transaction unless  
112 such officer, employee, or agent acted outside the scope of her  
113 or his employment or in bad faith or with malicious purpose or  
114 in a manner exhibiting wanton and willful disregard for human  
115 rights, safety, or property.

116       (9) Subject to and as provided in s. 768.28, this section

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117 does not reduce or limit the liability or rights of the state or  
118 any local government, or any of their agencies or subdivisions,  
119 or of the officers, employees, or agents of the state or local  
120 government, in tort based on an incident that did not arise  
121 from, or was caused by, a sales transaction.

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