

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 Appropriations Subcommittee on General Government

BILL: CS/SB 1152

INTRODUCER: Community Affairs Committee and Senator Diaz de la Portilla

SUBJECT: Classified Advertisement Websites

DATE: February 23, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1152 authorizes local governments on a voluntary basis to designate safe-haven facilities for sales transactions for items or services advertised on classified advertisement websites.

There is no fiscal impact on state funds.

The bill takes effect July 1, 2016.

II. Present Situation:

Online Transaction Safe-Haven Laws

In response to a continuing trend of crimes stemming from transactions related to online classified advertisement websites, such as Craigslist, a number of police departments have opened their lobbies and parking lots to citizens to complete the sales transactions. Conducting transactions in police lobbies or parking lots deters crime 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.¹ The police department even offered supervision during certain hours.² If supervision is not requested, the parking lot and police lobby are available for use for transactions any time.³

In January 2015, the Virginia Beach, Virginia, Police Department launched the “Find a Safe Place” initiative, in which it offered the use of the police department’s lobby for transactions arranged through classified advertisement websites.⁴ Police lobbies are available for use daily during certain times.⁵ However, the police department prohibited transactions involving “large, cumbersome household items, appliances and landscape care equipment,” or “the sale of any contraband, stolen property, or other illegal items.”⁶

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 complete an online sales transaction.⁷

Florida police departments have also created 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 police department’s lobby and parking lot for transactions.⁸ Several other police departments across the state are also implementing safe havens, including Port Orange, Flagler, and Pinecrest.⁹ Miami-Dade has designated 11 safe haven locations, of which eight are open 24 hours, seven days a week.¹⁰

¹ 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 February 10, 2016).

² *Id.*

³ *Id.*

⁴ 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 February 10, 2016).

⁵ *Id.*

⁶ *Id.*

⁷ 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 February 10, 2016).

⁸ 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 February 10, 2016).

⁹ Matt Bruce, *Flagler Beach Police Station Doubles as Safe Haven for Online Deals*, The Daytona Beach News Journal, (May 13, 2015), available at <http://www.news-journalonline.com/article/20150513/NEWS/150519775?p=1&tc=pg> (last visited February 10, 2016); Lyda Longa, *Port Orange Police Sets up Safe Spot for Craigslist Transactions*, The Daytona Beach News Journal, (August 25, 2015), available at <http://www.news-journalonline.com/article/20150825/NEWS/150829664> (last visited February 10, 2016); CBS Miami, *Pinecrest Police Now a Safe Haven for Craigslist Transactions*, (October 15, 2015), available at <http://miami.cbslocal.com/2015/10/15/pinecrest-police-now-a-safe-haven-for-craigslist-transactions/> (last visited February 10, 2016).

¹⁰ Miami-Dade Police Department, *Using the Internet to Buy or Sell Items?*, <http://www.miamidade.gov/police/safe-haven-for-exchanges.asp> (last visited February 10, 2016).

III. Effect of Proposed Changes:

This bill encourages local governments to establish safe-haven facilities to conduct sales transactions related to classified advertisement websites. Safe-haven facilities are those public local government buildings designated by a local government as places where persons can effect sales transactions safely.

Local governmental bodies may designate at least:

- One safe-haven facility in each county having a population of less than 250,000 residents.
- Two safe-haven facilities in each county having a population from 250,000 to less than 800,000 residents.
- Four safe-haven facilities in each county having a population of 800,000 or more residents.

Based on the 2010 census, six counties would require four safe-haven facilities, 15 counties would require two safe-haven facilities, and 46 counties would require one safe-haven facility.¹¹ The suggested options for local safe-haven facilities include sheriff's offices and county courthouses. Local governmental entities are not responsible for supervising, intervening in, or facilitating a sales transaction at a safe-haven facility.

This bill specifies that an action may not be initiated on a claim against the state or local government or any of its agencies or subdivisions based on an incident that occurs during a sales transaction at a safe-haven facility involving an individual who is not an officer, employee, or agent of the state or local government or of its agencies or subdivisions.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Sovereign immunity originally referred to the English common law concept that the government may not be sued because "the King can do no wrong." Sovereign immunity

¹¹ Department of Management Services, *Senate Bill 1152 Analysis* (February 11, 2016) (on file with the Senate Committee on Community Affairs).

bars lawsuits against the state or its political subdivisions for the torts of officers, employees, or agents unless the public entity expressly waives immunity.

Article X, s. 13, of the Florida Constitution recognizes sovereign immunity and authorizes the Legislature to provide a waiver of immunity. Section 768.28(1), F.S., provides a broad waiver of sovereign immunity. But by law, liability to pay a claim or judgment is limited to \$200,000 per plaintiff or \$300,000 per incident.¹²

This bill appears to provide absolute immunity, but only to the extent that an injury or damages arise out of a sales transaction at a designated safe-haven involving an individual who is not an officer, employee, or agent of the state or local government or of its agencies or subdivisions. Accordingly, this bill creates an exception to the broad waiver of sovereign immunity under s. 768.28, F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 1152 may encourage more private buyers and sellers to engage in sales transactions through websites if a safe location exists for the actual exchange of goods for money.

C. Government Sector Impact:

Local governments could incur a fiscal impact relating to the voluntary designation and operation of safe-haven facilities for sales transactions from classified advertising websites. This fiscal impact is indeterminate.

There is no fiscal impact to state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 501.180 of the Florida Statutes.

¹² Section 768.28(5), F.S.

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 February 16, 2016:

Removes DMS from the bill, and authorizes local governmental bodies to designate safe-haven facilities.

- B. **Amendments:**

None.