

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 Fiscal Policy

BILL: CS/SB 1152

INTRODUCER: Community Affairs Committee and Senator Diaz de la Portilla

SUBJECT: Classified Advertisement Websites

DATE: February 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Fav/CS
2.	Davis	DeLoach	AGG	Recommend: Favorable
3.	Jones	Hrdlicka	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1152 encourages local governments 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 is effective 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.¹

¹ Peter Holley, THE WASHINGTON POST, *After Craigslist Crimes, police across U.S. are opening safe havens for transactions*, (March 2, 2015), available at <https://www.washingtonpost.com/news/morning-mix/wp/2015/03/02/following-craigslist-crimes-police-across-the-country-are-opening-safe-havens-for-transactions> (last visited February 25, 2016).

After a series of robberies related to Craigslist transactions, the East Chicago Police Department began “Operation Safe Sale” where the police department offered its parking lot and lobby to be used at any time for these transactions. If a person wanted police to oversee the transaction, the department offered supervision during certain hours.²

The Virginia Beach 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. Police lobbies are available for use daily during certain times. 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.”³

The Toledo 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.⁴

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 these transactions.⁵ Several other police departments across the state are also implementing safe havens, including Port Orange, Flagler, and Pinecrest.⁶ Miami-Dade has designated 11 safe haven locations, of which eight are open 24 hours, seven days a week.⁷

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 to be used by the public for the

² Juan Perez Jr., CHICAGO TRIBUNE, *East Chicago police offer up their lobby, parking lot for Craigslist transactions*, (May 1, 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 25, 2016).

³ Becca Mitchell and Todd Corillo, WTKR NEWS CHANNEL 3, *Virginia Beach Police offering precinct lobbies as a safe place for Craigslist transactions*, (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 25, 2016).

⁴ Angi Gonzalez, WNWO NBC 24, *Toledo Police to offer safe haven to Craigslist users*, (February 24, 2015), available at <http://nbc24.com/news/local/toledo-police-to-offer-safe-haven-to-craigslist-users> (last visited February 25, 2016).

⁵ Kate Jacobsen, THE SUN-SENTINEL, *Boca Raton police ask Craigslist sellers to use station lobby*, (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 25, 2016).

⁶ See Matt Bruce, The Daytona Beach News Journal, *Flagler Beach police station doubles as safe haven for online deals*, (May 13, 2015), available at <http://www.news-journalonline.com/article/20150513/NEWS/150519775?p=1&tc=pg> (last visited February 25, 2016); Lyda Longa, The Daytona Beach News Journal, *Port Orange Police sets up safe spot for Craigslist transactions*, (August 25, 2015), available at <http://www.news-journalonline.com/article/20150825/NEWS/150829664> (last visited February 25, 2016); and 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 25, 2016).

⁷ www.miamidade.gov, Miami-Dade Police Department, *Using the Internet to buy or sell items?*, (January 5, 2016), available at <http://www.miamidade.gov/police/safe-haven-for-exchanges.asp> (last visited February 25, 2016).

purpose of conducting a sales transaction involving an item or service that was offered for sale on a classified advertisement website.

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.⁸

A safe-haven facility must be easily accessible so that an individual is not discouraged from using the location. A local governmental body may approve the use of a public local government building, such as a sheriff's office or county courthouse, to serve as a safe-haven facility.

A local government entity or its officers, employees, or agents that provide a safe-haven facility is not responsible for overseeing the sales transaction and is not otherwise liable for the actions of the parties involved in the transaction or nonparties present at the transaction.

The 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 is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate provisions of art. VII, s. 18(a) of the Florida Constitution do not apply because the bill only encourages local governments to establish safe-haven facilities for sales transactions related to classified advertisement websites.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ Based on the 2010 census, six counties would designate four safe-haven facilities per county, 15 counties would designate two safe-haven facilities per county, and 46 counties would designate one safe-haven facility per county. Department of Management Services, *Senate Bill 1152 Analysis* (February 11, 2016) (on file with the Senate Committee on Community Affairs).

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

None.

B. Private Sector Impact:

The bill 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.

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.