

By Senator Diaz de la Portilla

40-01240-16

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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 governmental buildings to serve as state safe-  
8           haven facilities; providing guidelines for the  
9           placement and operation of safe-haven facilities;  
10          specifying that the department is not responsible for  
11          regulating sales transactions; authorizing local  
12          governments to approve the use of public local  
13          governmental buildings as local safe-haven facilities;  
14          specifying that the state or local government and its  
15          officers, employees, or agents are not responsible for  
16          supervising, intervening in, or facilitating sales  
17          transactions; limiting the liability of the state and  
18          any local government, and of the officers, employees,  
19          or agents of the state or any local government, that  
20          provides a state safe-haven facility or local safe-  
21          haven facility; specifying that the section does not  
22          reduce liability or rights in tort from incidents  
23          unrelated to sales transactions; providing an  
24          effective date.

25  
26          WHEREAS, there have been a number of cases throughout this  
27          state in which people selling cellular phones, computers, or  
28          other goods through classified advertisement websites have been  
29          targeted by criminals who intend to rob them when they meet to  
30          exchange goods for cash, and

31          WHEREAS, even when the victims of these crimes select  
32          public and populated locations that they believe are safe, such

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33 as shopping centers or parks, to execute the transactions, they  
34 still fall prey to these criminals, and

35 WHEREAS, identifying locations to serve as safe havens for  
36 transactions related to classified advertisement websites will  
37 likely deter these crimes and provide for greater safety  
38 throughout the state, NOW, THEREFORE,

39

40 Be It Enacted by the Legislature of the State of Florida:

41

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

44 501.181 Safe-haven facilities.—

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

46 (a) "Building" means a structure with a roof and walls and  
47 any area surrounding the structure which is on the same property  
48 as the structure or on property that is owned, maintained, or  
49 occupied by the same entity that owns, maintains, or occupies  
50 the structure; which is open to the public; and which includes,  
51 but is not limited to, courtyards, parking lots, and lawns.

52 (b) "Classified advertisement website" means a web-based  
53 advertisement site that lists items for sale or items wanted for  
54 purchase or acquisition.

55 (c) "Department" means the Department of Management  
56 Services.

57 (d) "Local safe-haven facility" means a public local  
58 governmental building approved by the local governmental body to  
59 be used by the public to execute sales transactions, or as  
60 otherwise determined and approved by the local governmental  
61 body.

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62       (e) "Sales transaction" or "transaction" means an in-person  
63 exchange of an item that was offered for sale or listed as  
64 wanted for purchase in a classified advertisement and in which  
65 the parties to the exchange arrange to meet at a state safe-  
66 haven facility or local safe-haven facility for the purpose of  
67 executing the exchange, or an in-person exchange of an item that  
68 was both contemplated and executed at a state safe-haven  
69 facility or local safe-haven facility. The exchange of money for  
70 goods is not a necessary element of such a transaction.

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

74       (2) The department is authorized to designate at least:

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

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

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

81       (3) A state safe-haven facility should be easily accessible  
82 so an individual is not discouraged from using the location. A  
83 public state governmental building, including, but not limited  
84 to, a state college or university, Florida Highway Patrol  
85 station, or other public state office building may serve as a  
86 state safe-haven facility.

87       (4) The department may designate one or more indoor and  
88 outdoor areas at each state safe-haven facility that may be used  
89 by individuals to execute sales transactions during the hours  
90 that the state safe-haven facility is open to the public.

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

94 (6) Local governmental bodies may approve the use of public  
95 local governmental buildings, such as sheriff's offices, county  
96 courthouses, and other public local governmental office  
97 buildings, to serve as local safe-haven facilities. This section  
98 does not preempt a local governmental body from regulating or  
99 otherwise governing the use and functions of local safe-haven  
100 facilities. Local governmental bodies may adopt different  
101 definitions of the terms specified in subsection (1) as  
102 applicable to local safe-haven facilities.

103 (7) The state or a local government and its officers,  
104 employees, or agents are not responsible for supervising,  
105 intervening in, or facilitating a sales transaction or otherwise  
106 responsible for providing security to supervise or intervene in  
107 the transaction and are not otherwise liable for the actions of  
108 the parties involved in the transaction or nonparties present to  
109 the transaction.

110 (8) The state and local governments and their respective  
111 agencies and subdivisions may not be held liable in tort or  
112 named as a party defendant in any action for any injury or  
113 damage suffered as a result of any incident arising from a sales  
114 transaction. An officer, employee, or agent of the state or  
115 local government, or any of their agencies or subdivisions, may  
116 not be held personally liable in tort or named as a party  
117 defendant in any action for any injury or damage suffered as a  
118 result of any incident arising from a sales transaction unless  
119 such officer, employee, or agent acted outside the scope of her

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120 or his employment, or in bad faith or with malicious purpose or  
121 in a manner exhibiting wanton and willful disregard for human  
122 rights, safety, or property.

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

129 Section 2. This act shall take effect July 1, 2016.