

By Senator Book

32-01361A-20

20201754\_\_

1                   A bill to be entitled  
2           An act relating to limitation of actions against  
3           crisis shelters; providing a short title; creating s.  
4           95.39, F.S.; defining terms; limiting civil liability  
5           for nonprofit organizations operating crisis shelters  
6           for certain persons; providing construction; providing  
7           an effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

10  
11           Section 1. This act may be cited as the "Florida Crisis  
12 Shelter Protection Act."

13           Section 2. Section 95.39, Florida Statutes, is created to  
14 read:

15           95.39 Limitation upon claims against crisis shelters.-

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

17           (a) "Crisis shelter" means a facility providing temporary  
18 housing for persons experiencing homelessness or who are at risk  
19 thereof, regardless of the reasons therefor, the length of stay,  
20 or the extent of support services provided, if any. The term  
21 includes, but is not limited to, emergency shelters, hurricane  
22 evacuation shelters, homeless shelters, domestic violence  
23 shelters, runaway shelters, and traditional shelters.

24           (b) "Nonprofit organization" means an organization that is  
25 exempt from taxation under 26 U.S.C. s. 501 and that is  
26 operating a crisis shelter. The term includes such  
27 organization's subsidiaries, affiliates, and supporting  
28 foundations, and their respective boards of directors, officers,  
29 employees, contractors, subcontractors, volunteers, donors or

32-01361A-20

20201754\_\_

30 funders, and agents.

31 (c) "Program participant" means a person seeking or  
32 obtaining temporary housing in a crisis shelter, whether or not  
33 such temporary housing is actually obtained.

34 (d) "Remuneration" means the required payment of moneys by  
35 a program participant to a nonprofit organization for temporary  
36 housing in a crisis shelter or support services. The term does  
37 not include receipt by a nonprofit organization of financial or  
38 in-kind donations, charitable contributions, fundraising event  
39 proceeds, reimbursements, awards, grants, or contract payments  
40 from persons other than a program participant. The term also  
41 does not include an entirely voluntary charitable contribution  
42 by a program participant.

43 (e) "Support services" includes, but is not limited to,  
44 providing or coordinating linkages, referrals, or assistance in  
45 obtaining one or more of the following supports: beds, cots, or  
46 mats; linens; food or drink; clothing; shoes; toiletries;  
47 financial assistance; health care; mental health care;  
48 medications; counseling; case management; resource coordination;  
49 assistance in applying for resources, services, or benefits of  
50 any kind; education; financial literacy; child care; child and  
51 family therapy; after-school programs; summer camps;  
52 recreational activities; job readiness training; vocational  
53 training; employment assistance; transportation; legal services;  
54 housing; relocation services; rental assistance, subsidies, or  
55 deposits; and other supports, goods, activities, services, or  
56 resources of any kind. The term includes such supports, whether  
57 provided by a nonprofit organization or third party and whether  
58 occurring before, during, or after placement in a crisis shelter

32-01361A-20

20201754\_\_

59 or in lieu of shelter.

60 (f) "Third party" means a person other than a nonprofit  
61 organization who, without remuneration, provides support  
62 services for a program participant of a crisis shelter.

63 (2) A nonprofit organization operating a crisis shelter  
64 which, without remuneration, provides temporary housing in the  
65 crisis shelter or support services for, or on behalf of, a  
66 program participant of the crisis shelter is not liable for  
67 civil liability arising from any of the following:

68 (a) Acts or omissions of providing, or failing to provide,  
69 the temporary housing or support services.

70 (b) Acts and omissions of another nonprofit organization or  
71 other third party to whom referrals for support services are  
72 made or coordinated, whether or not the other nonprofit  
73 organization or third party actually provides or fails to  
74 provide the support services.

75 (c) Acts and omissions of the program participant,  
76 including, but not limited to, any criminal activity, theft,  
77 injury, loss, damage, or death caused directly or indirectly by  
78 the program participant.

79 (d) Any criminal activity, theft, injury, loss, damage, or  
80 death caused directly or indirectly by another nonprofit  
81 organization or other third party.

82 (3) This section does not supersede any licensing  
83 requirements of chapter 491 for social workers, marriage and  
84 family therapists, or mental health counselors.

85 Section 3. This act shall take effect July 1, 2020.