

By the Committee on Judiciary; and Senator Book

590-03966-20

20201754c1

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 transitional 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

590-03966-20

20201754c1

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

590-03966-20

20201754c1

59 or in lieu of shelter.

60 (f) "Third party" means a person other than a nonprofit
61 organization who, with or 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.