

By Senator Ring

32-871-07

See HB

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A bill to be entitled  
An act relating to online dating services;  
creating ss. 501.165-501.171, F.S., the  
"Internet Predator Awareness Act"; providing  
legislative findings; defining terms; requiring  
certain disclosures by online dating services;  
providing a clearinghouse for consumers;  
providing civil penalties; providing  
exclusions; providing a directive to the  
Division of Statutory Revision; providing  
severability; providing an effective date.

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

Section 1. Section 501.165, Florida Statutes, is  
created to read:

501.165 Internet Predator Awareness Act; legislative  
findings.--

(1) Sections 501.165-501.171 may be cited as the  
"Internet Predator Awareness Act."

(2)(a) The Legislature has received public testimony  
that criminals and sex offenders use online dating services to  
prey upon the residents of this state.

(b) The Legislature finds that residents of this state  
need to be informed when viewing websites of online dating  
services as to potential risks to personal safety associated  
with online dating. Also, requiring disclosures in the form of  
guidelines for safer dating and informing residents as to  
whether a criminal background screening has been conducted on  
members of an online dating service fulfills a compelling

1 state interest to increase public awareness of the possible  
2 risks associated with Internet dating activities.

3 (c) The Legislature finds that the acts of  
4 transmitting over the Internet electronic dating information  
5 addressed to residents of the state or accepting membership  
6 fees from residents of the state show that an online dating  
7 service provider is operating, conducting, engaging in, and  
8 otherwise carrying on a business in the state and subject such  
9 an online dating service provider to regulation by the state  
10 and to the jurisdiction of the state's courts.

11 Section 2. Section 501.166, Florida Statutes, is  
12 created to read:

13 501.166 Definitions.--As used in ss. 501.165-501.171:

14 (1) "Communicate," "communicating," or "communication"  
15 means free-form text authored by a member or real-time voice  
16 communication through an online dating service provider.

17 (2) "Criminal background screening" means a search for  
18 a person's felony and sexual-offense convictions initiated by  
19 an online dating service provider and conducted by one of the  
20 following means:

21 (a) By searching available and regularly updated  
22 government public-record databases for felony and  
23 sexual-offense convictions so long as such databases, in the  
24 aggregate, provide substantial national coverage; or

25 (b) By searching a database maintained by a private  
26 vendor that is regularly updated and is maintained in the  
27 United States with substantial national coverage of criminal  
28 history records and sexual offender registries.

29 (3) "Department" means the Department of Agriculture  
30 and Consumer Services.

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1           (4) "Florida member" means a member as defined in this  
2 section who provides a Florida billing address or zip code  
3 when registering with the provider.

4           (5) "Member" means a person who submits to an online  
5 dating service provider the information required by the  
6 provider to access the provider's service for the purpose of  
7 engaging in dating and participating in compatibility  
8 evaluations with other persons or obtaining matrimonial  
9 matching services.

10           (6) "Online dating service provider" or "provider"  
11 means a person engaged in the business of offering or  
12 providing to its members access to dating and compatibility  
13 evaluations between persons or matrimonial matching services  
14 through the Internet.

15           (7) "Sexual-offense conviction" means a conviction for  
16 an offense that would qualify the offender for registration as  
17 a sexual offender under s. 943.0435 or under another  
18 jurisdiction's equivalent statute.

19           Section 3. Section 501.167, Florida Statutes, is  
20 created to read:

21           501.167 Provider safety awareness disclosures.--An  
22 online dating service provider offering services to Florida  
23 members shall:

24           (1) Provide a safety awareness notification with, at a  
25 minimum, information that includes a list and description of  
26 safety measures reasonably designed to increase awareness of  
27 safer dating practices as determined by the provider. Examples  
28 of such notifications include:

29           (a) "Anyone who is able to commit identity theft can  
30 also falsify a dating profile."

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1           **(b) "There is no substitute for acting with caution**  
2 **when communicating with a stranger who wants to meet you."**

3           **(c) "Never include your last name, e-mail address,**  
4 **home address, phone number, place of work, or any other**  
5 **identifying information in your online profile or initial**  
6 **e-mail messages. Stop communicating with anyone who pressures**  
7 **you for personal or financial information or attempts in any**  
8 **way to trick you into revealing it."**

9           **(d) "If you choose to have a face-to-face meeting with**  
10 **another member, always tell a family member or a friend where**  
11 **you are going and when you will return. Never agree to be**  
12 **picked up at your home. Always provide your own transportation**  
13 **to and from your date and meet in a public place at a time**  
14 **with many people around."**

15           **(2) If an online dating service provider does not**  
16 **conduct criminal background screenings on its members, the**  
17 **provider shall disclose, clearly and conspicuously, to all**  
18 **Florida members that the online dating service provider does**  
19 **not conduct criminal background screenings. The disclosure**  
20 **shall be provided when an e-mail or other text message is sent**  
21 **or received by a Florida member, on the profile describing a**  
22 **member to a Florida member, and on the provider's website**  
23 **pages used when a Florida member signs up. A disclosure under**  
24 **this subsection shall be in bold, capital letters in at least**  
25 **12-point type.**

26           **(3) If an online dating service provider conducts**  
27 **criminal background screenings on all of its communicating**  
28 **members, the provider shall disclose, clearly and**  
29 **conspicuously, to all Florida members that the online dating**  
30 **service provider conducts a criminal background screening on**  
31 **each member prior to permitting a Florida member to**

1 communicate with another member. The disclosure shall be  
2 provided on the provider's website pages used when a Florida  
3 member signs up. A disclosure under this subsection shall be  
4 in bold, capital letters in at least 12-point type.

5 (4) If an online dating service provider conducts  
6 criminal background screenings, the provider shall disclose  
7 that background screenings of applicants are not perfect and  
8 there is no way to guarantee that the name provided by a  
9 person to be used in a background screening is the person's  
10 true identity. Also, not all criminal records are publicly  
11 available. Therefore, the screenings may not identify every  
12 member who has a felony or sexual-offense conviction and  
13 members should participate in the service at their own risk  
14 and use caution when communicating with other members.  
15 Additionally, the provider shall disclose whether it has a  
16 policy allowing a member who has been identified as having a  
17 felony or sexual-offense conviction to have access to its  
18 service to communicate with any Florida member.

19 Section 4. Section 501.168, Florida Statutes, is  
20 created to read:

21 501.168 Clearinghouse.--The department shall serve as  
22 the clearinghouse for intake of information concerning ss.  
23 501.165-501.171 from consumers, residents, and victims. The  
24 consumer hotline may be used for this purpose. Information  
25 obtained shall be directed to the appropriate enforcement  
26 entity, as determined by the department.

27 Section 5. Section 501.169, Florida Statutes, is  
28 created to read:

29 501.169 Civil penalties.--  
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1           (1) An online dating service provider that registers  
2 Florida members must comply with the provisions of ss.  
3 501.165-501.171.

4           (2) Failure to comply with the disclosure requirements  
5 of ss. 501.165-501.171 shall constitute a deceptive and unfair  
6 trade practice under part II. Each failure to provide a  
7 required disclosure constitutes a separate violation.

8           (3) In addition to the remedy provided in subsection  
9 (2), the court may impose a civil penalty of up to \$1,000 per  
10 violation, with an aggregate total not to exceed \$25,000 for  
11 any 24-hour period, against any online dating service provider  
12 that violates any requirement of ss. 501.165-501.171. Suit may  
13 be brought by an enforcing authority as defined in s. 501.203.  
14 Any penalties collected shall accrue to the enforcing  
15 authority or the department's Division of Consumer Services to  
16 further consumer enforcement efforts.

17           Section 6. Section 501.171, Florida Statutes, is  
18 created to read:

19           501.171 Exclusions.--

20           (1) An Internet access service or other Internet  
21 service provider does not violate ss. 501.165-501.171 solely  
22 as a result of serving as an intermediary for the transmission  
23 of a communication between members of an online dating service  
24 provider.

25           (2) An Internet access service or other Internet  
26 service provider shall not be considered an online dating  
27 service provider within the meaning of ss. 501.165-501.171 as  
28 to any online dating service website provided by another  
29 person or entity.

30           Section 7. The Division of Statutory Revision is  
31 directed to include the provisions of sections

1 501.165-501.171, Florida Statutes, in part I of chapter 501,  
2 Florida Statutes.

3           Section 8. If any provision of this act or the  
4 application thereof to any person or circumstance is held  
5 invalid, the invalidity does not affect other provisions or  
6 applications of this act that can be given effect without the  
7 invalid provision or application, and to this end the  
8 provisions of this act are declared severable.

9           Section 9. This act shall take effect July 1, 2007.

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