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1 A bill to be entitled

2 An act relating to online dating services; creating ss.
3 501.165-501.171, F.S., the "Internet Predator Awareness
4 Act"; providing legislative findings; defining terms;
5 requiring certain disclosures by online dating services;
6 providing a clearinghouse for consumers; providing civil
7 penalties; providing exclusions; providing a directive to
8 the Division of Statutory Revision; providing
9 severability; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 501.165, Florida Statutes, is created
14 to read:

15 501.165 Internet Predator Awareness Act; legislative
16 findings.--

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

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

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

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29 interest to increase public awareness of the possible risks
30 associated with Internet dating activities.

31 (c) The Legislature finds that the acts of transmitting
32 over the Internet electronic dating information addressed to
33 residents of the state or accepting membership fees from
34 residents of the state show that an online dating service
35 provider is operating, conducting, engaging in, and otherwise
36 carrying on a business in the state and subject such an online
37 dating service provider to regulation by the state and to the
38 jurisdiction of the state's courts.

39 Section 2. Section 501.166, Florida Statutes, is created
40 to read:

41 501.166 Definitions.--As used in ss. 501.165-501.171:

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

45 (2) "Criminal background screening" means a search for a
46 person's felony and sexual offense convictions initiated by an
47 online dating service provider and conducted by one of the
48 following means:

49 (a) By searching available and regularly updated
50 government public record databases for felony and sexual offense
51 convictions so long as such databases, in the aggregate, provide
52 substantial national coverage; or

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

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57 (3) "Department" means the Department of Agriculture and
58 Consumer Services.

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

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

67 (6) "Online dating service provider" or "provider" means a
68 person engaged in the business of offering or providing to its
69 members access to dating and compatibility evaluations between
70 persons or matrimonial matching services through the Internet.

71 (7) "Sexual offense conviction" means a conviction for an
72 offense that would qualify the offender for registration as a
73 sexual offender under s. 943.0435 or under another
74 jurisdiction's equivalent statute.

75 Section 3. Section 501.167, Florida Statutes, is created
76 to read:

77 501.167 Provider safety awareness disclosures.--An online
78 dating service provider offering services to Florida members
79 shall:

80 (1) Provide a safety awareness notification with, at a
81 minimum, information that includes a list and description of
82 safety measures reasonably designed to increase awareness of
83 safer dating practices as determined by the provider. Examples
84 of such notifications include:

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

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

89 (c) "Never include your last name, e-mail address, home
90 address, phone number, place of work, or any other identifying
91 information in your online profile or initial e-mail messages.
92 Stop communicating with anyone who pressures you for personal or
93 financial information or attempts in any way to trick you into
94 revealing it."

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

101 (2) If an online dating service provider does not conduct
102 criminal background screenings on its members, the provider
103 shall disclose, clearly and conspicuously, to all Florida
104 members that the online dating service provider does not conduct
105 criminal background screenings. The disclosure shall be provided
106 when an e-mail or other text message is sent or received by a
107 Florida member, on the profile describing a member to a Florida
108 member, and on the provider's website pages used when a Florida
109 member signs up. A disclosure under this subsection shall be in
110 bold, capital letters in at least 12-point type.

111 (3) If an online dating service provider conducts criminal
112 background screenings on all of its communicating members, the

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113 provider shall disclose, clearly and conspicuously, to all
114 Florida members that the online dating service provider conducts
115 a criminal background screening on each member prior to
116 permitting a Florida member to communicate with another member.
117 The disclosure shall be provided on the provider's website pages
118 used when a Florida member signs up. A disclosure under this
119 subsection shall be in bold, capital letters in at least 12-
120 point type.

121 (4) If an online dating service provider conducts criminal
122 background screenings, the provider shall disclose that
123 background screenings of applicants are not perfect and there is
124 no way to guarantee that the name provided by a person to be
125 used in a background screening is the person's true identity.
126 Also, not all criminal records are publicly available.
127 Therefore, the screenings may not identify every member who has
128 a felony or sexual offense conviction and members should
129 participate in the service at their own risk and use caution
130 when communicating with other members. Additionally, the
131 provider shall disclose whether it has a policy allowing a
132 member who has been identified as having a felony or sexual
133 offense conviction to have access to its service to communicate
134 with any Florida member.

135 Section 4. Section 501.168, Florida Statutes, is created
136 to read:

137 501.168 Clearinghouse.--The department shall serve as the
138 clearinghouse for intake of information concerning ss. 501.165-
139 501.171 from consumers, residents, and victims. The consumer
140 hotline may be used for this purpose. Information obtained shall

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141 be directed to the appropriate enforcement entity, as determined
142 by the department.

143 Section 5. Section 501.169, Florida Statutes, is created
144 to read:

145 501.169 Civil penalties.--

146 (1) An online dating service provider that registers
147 Florida members must comply with the provisions of ss. 501.165-
148 501.171.

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

153 (3) In addition to the remedy provided in subsection (2),
154 the court may impose a civil penalty of up to \$1,000 per
155 violation, with an aggregate total not to exceed \$25,000 for any
156 24-hour period, against any online dating service provider that
157 violates any requirement of ss. 501.165-501.171. Suit may be
158 brought by an enforcing authority as defined in s. 501.203. Any
159 penalties collected shall accrue to the enforcing authority or
160 the department's Division of Consumer Services to further
161 consumer enforcement efforts.

162 Section 6. Section 501.171, Florida Statutes, is created
163 to read:

164 501.171 Exclusions.--

165 (1) An Internet access service or other Internet service
166 provider does not violate ss. 501.165-501.171 solely as a result
167 of serving as an intermediary for the transmission of a
168 communication between members of an online dating service

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169 provider.

170 (2) An Internet access service or other Internet service
171 provider shall not be considered an online dating service
172 provider within the meaning of ss. 501.165-501.171 as to any
173 online dating service website provided by another person or
174 entity.

175 Section 7. The Division of Statutory Revision is directed
176 to include the provisions of sections 501.165-501.171, Florida
177 Statutes, in part I of chapter 501, Florida Statutes.

178 Section 8. If any provision of this act or the application
179 thereof to any person or circumstance is held invalid, the
180 invalidity does not affect other provisions or applications of
181 this act that can be given effect without the invalid provision
182 or application, and to this end the provisions of this act are
183 declared severable.

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