

By Senator Margolis

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1 A bill to be entitled
 2 An act relating to matchmaking services; defining the
 3 term "matchmaking service provider"; providing certain
 4 notice requirements for matchmaking service providers;
 5 providing certain requirements for matchmaking service
 6 providers that choose to conduct background checks on
 7 members or users; requiring certain disclosures to
 8 members or users of matchmaking service providers
 9 under certain circumstances; requiring that certain
 10 records be retained; creating a civil cause of action
 11 for a violation; providing for penalties and payment
 12 of court costs and attorney fees; providing an
 13 effective date.

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

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 17 Section 1. (1) For purposes of this section, the term
 18 "matchmaking service provider" means any person, agency, or
 19 software program that arranges or makes introductions for people
 20 seeking romantic partners or friends. The term includes online
 21 dating websites and mobile dating applications.

22 (2) A matchmaking service provider that contracts or
 23 conducts matchmaking services within this state must include in
 24 its written contract with a member or user and, if the
 25 matchmaking service provider advertises or provides its services
 26 through a website, on its home page one of the following
 27 statements in bold print and capital letters:

28 (a) ... (Matchmaking service provider's name) ... DOES NOT
 29 CONDUCT CRIMINAL HISTORY RECORDS CHECKS.

30 (b) ... (Matchmaking service provider's name) ... CONDUCTS
 31 CRIMINAL HISTORY RECORDS CHECKS.

32 (3) A matchmaking service provider may elect to conduct

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33 criminal history records checks on members or users.

34 (a) If a matchmaking service provider that conducts a
35 criminal history records check finds that a member or user has
36 been convicted of a felony or a sex offense, it must inform any
37 member or user who attempts to communicate with the member or
38 user who has been convicted of a felony or a sex offense of that
39 member's or user's criminal history.

40 (b) A matchmaking service provider that conducts a criminal
41 history records check must annually update the profiles of
42 members or users and must retain records of each background
43 check it conducts.

44 (4) If a matchmaking service provider fails to include the
45 appropriate notice as required in subsection (2) or fails to
46 inform its members or users as required in subsection (3), a
47 member or user may bring a civil suit against the matchmaking
48 service provider. If a court finds that the matchmaking service
49 provider violated subsection (2) or subsection (3), the
50 matchmaking service provider must refund all moneys paid to the
51 matchmaking service provider by the member or user who brought
52 the suit and pay any associated attorney fees and court costs.

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