

*Tampa Bay Business Journal*  
April 28, 2005

## **Online businesses concerned about Florida bill**

Internet firms including Amazon.com, America Online, eBay, eHarmony, Google, Match.com, Microsoft and Yahoo have sent a letter to the Florida Legislature about their concerns over a bill that would regulate online dating.

**The bill, sponsored by Rep. Kevin Ambler, R-Tampa, and Sen. Victor Crist, R-Tampa, would require criminal background checks or disclosures for users of online dating services.**

If passed, the bill would create government regulation over a currently unregulated business.

In their letter, the technology group said the bill's "overly broad and vague language would impose new liabilities and responsibilities upon not only Internet dating sites, but on an almost limitless array of Internet sites and services having nothing to do with dating."

However, government documents show an Internet service provider does not violate the act solely by:

only serving as an intermediary for transmitting electronic messages between members of an online dating service  
being an Internet Web hosting service - simply for renting storage space and bandwidth  
being an actual online dating service provider, but having fewer than 1,000 members  
The technology group also said the legislation has the potential to create a false sense of security for users, as the technology companies said background check methodology is "usually incomplete, incorrect and easily circumvented."

Markham Erickson, a spokesman for the NetCoalition, which had members participating in the letter, gave the scenario: 15 of 67 Florida counties provide felony information and national criminal databases can have a roughly 40 percent error rate.

"[Then] all this bill will do is mislead and misinform Florida consumers," Erickson said, adding: "By imposing government regulation on a wide swath of Internet companies, you end up hurting the Internet instead of the criminals."

The group also noted the bill does not address offline dating companies.

The companies said market forces may drive the actions legislation is trying to force. They said at least one Internet dating site advertises its members are screened through a criminal database and other dating sites promote tools advertised as protecting user privacy and identity until certain precautions are met.

"Consumers are in the best position to determine which services provide them with the most security and comfort," Erickson said, "not the government."

A House of Representatives staff analysis on the House bill, HB 1035 CS, notes the bill does not appear to have a fiscal impact on state or local governments. It did note a potential impact on Web site owners, who would have to reprogram their Web sites or stop offering services to Florida residents.

"Web site operators who elect to change their operation because of this bill may also incur the cost of ordering and analyzing criminal history background checks," the analysis noted.

The government also said Florida residents who date online may have to pay more for the service if more providers start requiring criminal history background checks.

The analysis also noted the text - with placement, font and color all government mandated - an online dating service provider must provide to note it either provides or does not provide the criminal background checks.

If a service fails to either perform - and note - the checks or disclose its non-compliance, the online dating firm may be subject to declaratory and injunctive relief, as well as a civil penalty of up to \$10,000 for a willful violation, plus attorney's fees.

However, there is a chance the bill may pass and the technology companies arrayed against it may still win out. The House analysis says despite attempts by federal and state governments to regulate the Internet, many have been found unconstitutional.