

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1035 CS

Online Dating Services

SPONSOR(S): Ambler

TIED BILLS: none

IDEN./SIM. BILLS: CS/SB 1768

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	5 Y, 2 N, w/CS	Bond	Kramer
2) Justice Appropriations Committee	(W/D)		
3) Justice Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill requires online dating services to post certain notices on their websites. Which notice a website is required to post depends on whether the website operator conducts criminal history background checks on its members. This bill provides civil penalties against an online dating service that does not comply with this bill's requirements.

This bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill creates government regulation over a currently unregulated business.

Safeguard individual liberty -- This bill creates government regulation over a currently unregulated business.

Promote personal responsibility -- This bill may increase personal responsibility for past unlawful behavior.

B. EFFECT OF PROPOSED CHANGES:

Online dating services provide an opportunity for persons using the internet to advertise themselves as available for dating, and to search for others similarly available. There are thousands of online dating services, including large generalized services and smaller specialized services. The two largest services claim to have approximately 13 million subscribers each. Smaller specialized versions often cater to particular ethnic and religious groups, or offer specialized services. Online dating services are currently unregulated by the state.

Part II of ch. 501, F.S., is the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). The act provides remedies and penalties for "[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce."¹ Remedies for acts prohibited by FDUTPA may include an action to enjoin a person from committing such acts² as well as the imposition of a civil penalty of not more than \$10,000.³ Actions may be brought by a state attorney or the Department of Legal Affairs⁴ or by a consumer.⁵

Additionally, FDUTPA permits any person who has been aggrieved by a violation under FDUTPA to obtain a declaratory judgment and to enjoin a person who has or is violating FDUTPA.⁶ Additionally, a person who has suffered a loss as a result of such violation may be able to recover actual damages, attorney's fees, and costs.⁷

Effect of Bill

This bill creates the "Florida Internet Dating Disclosure and Safety Awareness Act". The act is placed within ch. 501, F.S., which is entitled "Consumer Protection." The bill makes the following legislative findings:

The Legislature finds that a disclosure in the form of a notice on the websites of online dating services informing the residents of Florida that a criminal background check may or may not have been conducted on its members fulfills a compelling state interest to

¹ Section 501.204, F.S.

² Section 501.207(1)(b), F.S.

³ Section 501.2075, F.S. Violations against a senior citizen or handicapped person may result in a penalty of not more than \$15,000 (s. 501.2077, F.S.).

⁴ Section 501.207, F.S.

⁵ *Id.*

⁶ Section 501.211(1), F.S.

⁷ Section 501.211(2), F.S.

increase public awareness of the possible risks to personal safety involved with online dating.

In short, the bill requires an online dating service provider that provides services to Florida residents to either conduct a criminal background check for each member using the online dating service before allowing that person to communicate with another person through the service, or disclose to each Florida resident accessing the website that the provider has not conducted such checks. In either case, certain safety disclosures are required.

This bill defines the following terms:

- "Communicate" or "communicating" or "communication" means free-form text authored by a member or real-time voice communication through an online dating service provider.
- "Criminal background check" means a search for a person's felony and sexual offense convictions by one of the following means:
 - By searching available and regularly updated government public record databases for felony and sexual offense convictions so long as such databases, in the aggregate, provide substantially national coverage; or
 - By searching a database maintained by a private vendor which is updated at least every 30 days and which contains at least the same or substantially similar criminal history records as would be otherwise accessible through searches of all the available government databases specified in the first paragraph.
- "Member" means a person who submits to an online dating service provider the information required by the provider to access the provider's service for the purpose of engaging in dating, participating in compatibility evaluations with other persons, or obtaining matrimonial matching services.
- "Online dating service provider" or "provider" means a person engaged in the business of offering or providing to its members for a fee access to dating, compatibility evaluations between persons, or matrimonial matching services through the Internet.
- "Sexual offense conviction" means a conviction for an offense which would qualify the offender for registration as a sexual offender pursuant to Florida law, or under another state's equivalent law.

Required Disclosure - No Background Search

An online dating service provider must disclose to every Florida member whether or not the website conducts background checks. If the online dating service provider does not initiate criminal background checks, the disclosure must read:

**NO BACKGROUND SEARCH OF FELONY OR SEXUAL OFFENSE CONVICTIONS IS
DONE ON MEMBERS WHO USE THIS SERVICE. PLEASE TAKE APPROPRIATE
SAFETY MEASURES TO INCREASE AWARENESS OF POSSIBLE RISKS
ASSOCIATED WITH DATING.**

This disclosure must appear on a web page required to be viewed by a person applying to be a member who has indicated a Florida billing address or Florida zip code in the registration process. The disclosure must be in the top 3 inches of the webpage, in bold capital letters, in at least 12 point type, in a color that contrasts from the background. The applicant must make an electronic acknowledgement that the applicant has been provided the disclosure before the applicant is accepted as a member. The

same disclosure must appear on any page that appears to a member from Florida each time that member initiates or receives a communication with another member through the provider's service, although there is no required placement, font, or check-off.

Required Disclosures - Service Conducts Background Searches

If the online dating service provider does initiate criminal background checks, the disclosure must read:

... [NAME OF PROVIDER] ... INITIATES A LIMITED BACKGROUND SEARCH FOR FELONY AND SEXUAL OFFENSE CONVICTIONS BEFORE A MEMBER IS PERMITTED TO COMMUNICATE WITH ANY MEMBER FROM FLORIDA.

This disclosure must likewise appear on a web page required to be viewed by a person applying to be a member who has indicated a Florida billing address or Florida zip code in the registration process. The disclosure must be in the top 3 inches of the webpage, in bold capital letters, in at least 12 point type, in a color that contrasts from the background. The applicant must make an electronic acknowledgement that the applicant has been provided the disclosure before the applicant is accepted as a member. The same disclosure must also appear on any page that appears to a member from Florida each time that member initiates or receives a communication with another member through the provider's service, although there is no required placement, font, or check-off.

The provider must additionally provide an automatic electronic link from this disclosure to a webpage that provides a "Safety Awareness Notification", which must automatically come up as the next webpage viewed upon making the electronic notification required at registration. Similarly, the member is required to make an electronic acknowledgement that the member has read the safety awareness notification. The notification must start with the following notice:

PERSONAL SAFETY AWARENESS NOTICE

CAUTION: Before allowing Florida members to communicate with other members. . . [Name of provider] . . . initiates a background search of available public records to determine if any felony or sexual offense convictions are identified based on the name and other information we require of members to create a profile. The purpose is to provide a preliminary background screening for protection of our members before they are permitted to begin communicating directly with each other.

The background searches for felony and sexual offense convictions are not foolproof and are not intended to give members a false sense of security. Background checks are not a perfect safety solution and criminals may circumvent even the most sophisticated search technology.

Not all criminal records are public in all states and not all databases are up-to-date. Only publicly available felony and sexual offense convictions are included in the search but searches do not cover other convictions or arrests or any convictions from foreign countries.

Anyone who is able to commit identity theft can also falsify a dating profile.

There is no substitute for using good common sense and acting with caution when communicating with any stranger who wants to meet you.

The Safety Awareness Notification must also include:

- A list and description of safety measures reasonably designed to increase awareness of safer dating practices as determined by the provider.

- A statement as to whether the provider permits a member who has been identified as having a felony or sexual offense conviction to communicate with any other member.

If the online dating service provider does conduct criminal background checks, and the provider has a policy allowing a member who has been identified as having a felony or sexual offense conviction to have access to its service to communicate with any member from Florida, the provider must provide the following disclosure on any communication to a Florida member from the member who has been identified as having a felony or sexual offense conviction, and on any web page that is seen by or transmitted to a Florida member that contains the personal information for the member who has been identified as having a felony or sexual offense conviction and that is seen by or communicated to a member from Florida:

THIS PERSON HAS BEEN IDENTIFIED AS HAVING A FELONY OR SEXUAL
OFFENSE CONVICTION.

Civil Penalties

This bill includes a legislative finding that the act of transmitting files over the internet addressed to residents of the state, and the act of accepting membership fees from residents of the state, means that an online dating service is operating, conducting, engaging in, and otherwise carrying on a business in the state subjecting such online dating service providers to regulation by the state and to the jurisdiction of the state's courts.

The failure of an online dating service provider to comply with the disclosure requirements of this bill is a deceptive and unfair trade practice under Part II of ch. 501, F.S., which part is known as the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). Each failure to provide a required disclosure constitutes a separate violation.

Under FDUTPA, the state⁸ may seek declaratory and injunctive relief against a violator. The state may also seek a civil penalty of up to \$10,000 for a willful violation, plus attorney's fees. The Attorney General may issue a cease and desist order to anyone violating FDUTPA. An individual may bring an action for injunctive relief, actual damages, and attorney's fees.

In addition to the FDUTPA remedy, this bill provides that a court may impose a civil penalty of up to \$1,000 per violation, with an aggregate total not to exceed \$25,000 for any 24-hour period, against any online dating service provider who violates any requirement of this act. Suit may be brought by either the Department of Legal Affairs or by the Division of Consumer Services of the Department of Agriculture and Consumer Services. Penalties collected accrue to the enforcing agency to "further consumer enforcement efforts."

Exceptions to Regulation

This bill provides: "An internet service provider does not violate this act solely as a result of serving as an intermediary for the transmission of electronic messages between members of an online dating service provider." Primarily, this protects internet service providers from being deemed an online dating service company simply because they are transmitting e-mail and instant messages between persons.

Another exception is provided for internet web hosting services, who are not considered an online dating service provider simply for renting storage space and bandwidth.

⁸ Section 501.203(2), F.S., provides that the state attorney for the judicial circuit in which the violation occurred is the primary enforcing authority. If the violation occurs in more than one judicial circuit, if the state attorney defers, or if the state attorney does not act on a complaint within 90 days, the Attorney General is the enforcing authority.

Finally, an online dating service provider of fewer than 1,000 members is exempt.

Severability, Placement, Effective Date

The bill contains a severability clause. The bill requests the Division of Statutory Revision to place the provisions of this bill in Part I of ch. 501, F.S. This bill has an effective date of July 1, 2005.

C. SECTION DIRECTORY:

Section 1 creates s. 501.165, F.S., creating a short title and stating legislative intent.

Section 2 creates s. 501.166, F.S., creating definitions applicable to regulation of online dating service providers.

Section 3 creates s. 501.167, F.S., requiring certain disclosures by online dating service providers.

Section 4 creates s. 501.168, F.S., requiring additional disclosures by certain online dating service providers.

Section 5 creates s. 501.169, F.S., creating civil penalties for failure of an online dating service provider to comply with this act.

Section 6 creates s. 501.171, F.S., to provide exceptions.

Section 7 creates a severability clause.

Section 8 provides direction to Statutory Revision

Section 9 provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill appears as if it may have a fiscal impact on thousands of website owners, who will be required to reprogram their websites in order to comply with this bill's requirements, or cease offering services to Florida residents. Website operators who elect to change their operation because of this bill may also incur the cost of ordering and analyzing criminal history background checks.

This bill may increase the cost to Florida residents who utilize online dating services should more providers start requiring criminal history background checks.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

There have been many attempts by federal and state governments to regulate the internet. Many have been found unconstitutional. Constitutional concerns may be raised by the bill related to the Commerce Clause, the First Amendment, and Due Process. The First Amendment issue applies regardless of where the website operator resides. The Commerce Clause and Due Process issues apply only to websites operated outside of the state. Staff is unaware of any major online dating service provider headquartered in Florida.⁹

Commerce Clause

The United States Supreme Court describes the Commerce Clause as follows:

The Commerce Clause and its nexus requirement are informed not so much by concerns about fairness for the individual defendant as by structural concerns about the effects of state regulation on the national economy. Under the Articles of Confederation, state taxes and duties hindered and suppressed interstate commerce; the Framers intended the Commerce Clause as a cure for these structural ills. It is in this light that we have interpreted the negative implication of the Commerce Clause.

Quill Corp. v. North Dakota, 504 U.S. 298, 312 (1992) (internal citations omitted).

The Commerce Clause allows Congress to regulate commerce between the states. Congress has stated that "it is the policy of the United States . . . to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation." 47 U.S.C. 230(b). It could be argued that this clause states a congressional intent that the states may not regulate the internet.

Dormant commerce clause analysis is a part of Commerce Clause analysis. The dormant commerce clause is the theory that, where Congress has not acted to regulate or deregulate a specific form of commerce between the states, it is presumed that Congress would prohibit unreasonable restrictions upon that form of interstate commerce.¹⁰

Dormant Commerce Clause doctrine distinguishes between state regulations that "affirmatively discriminate" against interstate commerce and evenhanded regulations that "burden interstate transactions only incidentally." *Maine v. Taylor*, 477 U.S. 131, 138 (1986). Regulations that "clearly

⁹ Two of the three largest online dating services are located in California, the third is located in Texas.

¹⁰ The Commerce Clause also allows Congress to specifically leave regulation of an area to the states, even if the effect of leaving such regulation to the states leads to burdensome and conflicting regulation. The most notable example of this is regulation of the insurance industry.

discriminate against interstate commerce [are] virtually invalid per se," *National Electric Manufacturers Association v. Sorrell*, 272 F.3d 104, 108 (2d Cir.2001), while those that incidentally burden interstate commerce will be struck down only if "the burden imposed on such commerce is clearly excessive in relation to the putative local benefits," *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970).

State regulations may burden interstate commerce "when a statute (i) shifts the costs of regulation onto other states, permitting in-state lawmakers to avoid the costs of their political decisions, (ii) has the practical effect of requiring out-of-state commerce to be conducted at the regulating state's direction, or (iii) alters the interstate flow of the goods in question, as distinct from the impact on companies trading in those goods." *Brown & Williamson Tobacco Corp. v. Pataki*, 320 F.3d 200, 208-09 (2d Cir.2003) (citations omitted).

"A state law that has the 'practical effect' of regulating commerce occurring wholly outside that State's borders is invalid under the Commerce Clause." *Healy v. The Beer Institute*, 491 U.S. 324, 332 (1989). Because the internet does not recognize geographic boundaries, it is difficult, if not impossible, for a state to regulate internet activities without "project[ing] its legislation into other States." *Id.* at 334. "We think it likely that the internet will soon be seen as falling within the class of subjects that are protected from State regulation because they 'imperatively demand[] a single uniform rule.'" *American Booksellers Foundation v. Dean*, 342 F.3d 96, 104 (2d Cir. 2003). See also, *ACLU v. Johnson*, 194 F.3d 1149, 1162 (10th Cir. 1999); and *American Libraries Association v. Pataki*, 969 F.Supp. 160 (S.D.N.Y. 1997)(all three cases striking a state law regulating internet commerce as a violation of the dormant commerce clause).

In *American Libraries Ass'n v. Pataki*, 969 F.Supp. 160 (S.D.N.Y. 1997). the court enjoined New York from enforcing a statute which prevented communications with minors over the Internet "which, in whole or in part, depicts actual or simulated nudity, sexual conduct or sado-masochistic abuse, and which is harmful to minors." *Pataki*, 969 F.Supp. at 163. The court found that the statute violated the Commerce Clause for three reasons:

First, the practical impact of the New York Act results in the extraterritorial application of New York law to transactions involving citizens of other states and is therefore per se violative of the Commerce Clause. Second, the benefits derived from the Act are inconsequential in relation to the severe burdens it imposes on interstate commerce. Finally, the unique nature of cyberspace necessitates uniform national treatment and bars the states from enacting inconsistent regulatory schemes.

Pataki, 969 F.Supp. at 183-184.

The bill provides that it only applies to web pages viewed by persons in Florida. Case law has said that "it remains difficult for 'publishers' who post information on the internet to limit website access to . . . viewers from certain states." *American Booksellers v. Dean*, 342 F.3d 96, 99 (2d Cir. 2003). However, users of online dating service providers are required to give their location, and have incentive to do so because of the local nature of dating.

Neither the United States Supreme Court nor the 11th Circuit have addressed the impact of the Commerce Clause on state regulation of the Internet. No federal case was found in any of the other circuits other than cases striking a state law that purported to regulate the internet.¹¹ However, most of those other laws were laws criminalizing internet conduct. The criminal sanctions have been

¹¹ Staff did not review any of the "wine cases" in this regard. The wine cases discuss whether the commerce clause allows a state to prohibit wine shipments from out of state. The constitutional issue in those cases is which part of the Constitution applies: the Commerce Clause, which clearly prohibits such laws, or the 21st Amendment (repealing prohibition), which clearly provides that the states may regulate the sale and consumption of alcohol within their borders. The issues is currently pending decision in the Supreme Court.

removed from this bill, and it is likely that the level of review for civil sanctions is lower than the level of review for criminal laws. This bill undoubtedly imposes some burden on interstate commerce, the key question for Commerce Clause analysis is whether such burden is "unreasonable."

First Amendment

This bill requires that an internet provider give one or more specific messages to all persons who access the website, and provides civil penalties for the failure to provide that message.

The First Amendment right to free speech applies to commercial speech. *Virginia Board of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976). In later decisions, the Supreme Court gradually articulated a test based on the "commonsense distinction between speech proposing a commercial transaction, which occurs in an area traditionally subject to government regulation, and other varieties of speech. *Central Hudson Gas & Electric Corp. v. Public Service Commission of N.Y.*, 447 U.S. 557 (1980). *Central Hudson* identified several factors that courts should consider in determining whether a regulation of commercial speech survives First Amendment scrutiny:

For commercial speech to come within [the First Amendment], it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest.

447 U.S., at 566. In *Edenfeld v. Fane*, 507 U.S. 761 (1993), the Supreme Court explained that the Government carries the burden of showing that a challenged regulation directly advances the governmental interest asserted in a direct and material way. That burden "is not satisfied by mere speculation or conjecture; rather, a governmental body seeking to sustain a restriction on commercial speech must demonstrate that the harms it recites are real and that its restriction will in fact alleviate them to a material degree." *Id.*, at 770-771. The Court cautions that this requirement is critical; otherwise, "a State could with ease restrict commercial speech in the service of other objectives that could not themselves justify a burden on commercial expression." *Id.*, at 771. *Rubin v. Coors Brewing Company*, 514 U.S. 476 (1995)(prohibiting certain government regulation of beer labeling despite a government argument that such restrictions were necessary for health, safety and welfare).

A state cannot compel a person to distribute a particular statement that the person disagrees with. Florida law used to require that a newspaper that published an editorial critical of a candidate for political office was required to provide the politician with space to make a reply. This right of reply law was found unconstitutional in *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974). In *Pacific Gas and Electric Co. v. Public Utilities Commission of California*, 475 U.S. 1 (1986), the United States Supreme Court ruled that California cannot compel a utility company to give its excess space in billing envelopes to other entities. "Compelled access like that ordered in this case [by the utilities commission] both penalizes the expression of particular points of view and forces speakers to alter their speech to conform with an agenda they do not set." *Id.* at 9.¹² It is possible that a court may find that the statements required by this bill rise to the level of compelled speech.

Jurisdiction Over Non-Residents

The due process clause of the state and federal constitutions require the courts to provide due process to all litigants in any court case. One part of the concept of due process is the requirement

¹² This bill assumes that all operators of an online dating service would want to encourage their members to conduct a background check before meeting a prospective date. An operator that wanted to take a contrary view, perhaps to say that such a search is not warranted, would have difficulty taking that position because this bill requires disclosures that contradict this view.

that a court not act unless the court has legal jurisdiction over a party to the litigation. It is a violation of due process for a court to enter a judgment affecting a person unless the court has jurisdiction over that person.

Whether the State of Florida can exercise civil jurisdiction over a website operator in a foreign country is a matter of treaty. It is possible that the State, or a citizen of the state, may be able to prosecute a civil cause of action against a website operator located in a foreign country who is violating the provisions of this bill.

It is likely that the state can impose civil court jurisdiction over a citizen of another state who violates the provisions of this bill. The leading case on civil jurisdiction over internet commerce is *Zippo Mfg. v. Zippo Dot Com, Inc.*, 952 F.Supp. 1119 (W.D.Pa. 1997). Zippo makes a distinction between a passive website, one that just provides information, versus an active website that actively takes orders and allows the operator to enter into contracts with citizens of the state. The Zippo rule is that the operator of a passive website is not subject to personal jurisdiction in any state where someone may happen to view the website. On the other hand, the operator of an active website that accepts sales orders from the resident of a state should anticipate having to defend a civil lawsuit in that state.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This analysis has not determined whether this bill conflicts with the Fair Credit Reporting Act, the Driver's Privacy Protection Act, or the Gramm-Leach-Bliley Act.

The following is a brief summary of the comments of the Florida Department of Law Enforcement regarding the bill:

FDLE has a public safety concern related to bills that either provide for or mandate "criminal history" background checks and allow such checks to be conducted by private vendors. When a criminal history check is required by statute, it should provide the most comprehensive, current and accurate check available in the state. Private vendor "background checks" by companies that house records in a data warehouse rely on buying publicly available data. Rapsheets.com owned by Choicepoint is one such company advertising on their website that they provide Florida criminal history data when in fact, their own site indicates that their checks are only of 15 counties.¹³ People who petition and receive a court order sealing or expunging their record are not removed from the databases of private record check companies. The continued use of these records presents a serious breach of the personal privacy rights of these people.

Even if FDLE is used for background checks for this bill, a public safety concern remains in that there is no way of confirming that the person who has purchased the service and is subject to the background check is in fact the same person as the information provided via the internet. Reference to the FDLE criminal history database is significantly more accurate because it is fingerprint based, comprehensive, accurate, and current.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 6, 2005, the Criminal Justice Committee adopted one strike-all amendment offered by the sponsor. The bill was later temporarily postponed. On April 13, 2005, the amendment was reconsidered, amended by the sponsor, and adopted as amended. The strike-all substantially re-wrote the bill. Significant changes made by the amendment include:

¹³ On March 28, 2005, staff reviewed Rapsheets.com. They claim to have records from 15 Florida counties, plus Department of Corrections records from 1974 to August 2004, and Florida registered sex offenders.

- The amendment redefines a criminal background check to remove references to searching the federal criminal history database or the FDLE database.
- The amendment specifies that this bill only requires disclosure to Florida members, that is, a person who provides a Florida billing address or Florida zip code when registering.
- The form and wording of all of the required disclosures are changed. Specific font and placement requirements are added. The disclosures more clearly state the limitations of private background searches.
- The amendment creates a Safety Awareness Notification in lieu of the disclosure of provider policies required in the bill. The bill required the provider policies to be provided by all online dating service providers, the Safety Awareness Notification is only required to be provided by an online dating service provider that conducts background checks.
- The amendment contains legislative findings that effectively subject an online dating service provider that has a Florida member to the long-arm jurisdiction of the Florida courts.
- Civil remedies are substantially changed. Violation may be a deceptive and unfair trade practice under Part II of ch. 501, F.S.
- The amendment removes criminal penalties for an internet service provider that does not comply with the requirements of this bill.
- The exceptions to regulation are broadened.
- The amendment contains a severability clause.
- The amendment gives the sections of the bill specific section numbers for placement in the statutes, and places those sections in Part I of ch. 501, F.S.
- The effective date of the bill is changed from "upon becoming law" to July 1, 2005.

The bill was then reported favorably with a committee substitute.