

## The NetChoice Coalition

Promoting Convenience, Choice, and Commerce on The Net

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Rep. Stanley Mayfield  
Chairman, Environment & Natural Resources Council  
Florida House of Representatives  
Tallahassee, FL 32399-1300

Subject: **HB 411**, *Internet Predator Awareness and Online Safety*

Dear Chairman Mayfield:

I write to oppose HB 411, which is currently assigned to your committee. I have made several trips to Tallahassee to testify in opposition to previous versions of this legislation, and testified against HB 411 when it was heard by the Committee on Agribusiness on March 19, 2008.

Despite some well-intentioned amendments, HB 411 still suffers from two fatal flaws:

First, HB 411 would freeze the current state of technology and limit competition for conducting background screening that can truly protect Florida consumers. HB 411 would lock into Florida law a formal definition for "Criminal background screening". Yet, the definition in HB 411 would have the state set a standard that is rendered entirely ineffective when a convicted sex offender registers with a name that's different from the name under which they were previously convicted. In fact, HB 411 includes suggested disclaimers that acknowledge this shortcoming in using searches based on given names:

*"Anyone who is able to commit identity theft can also falsify a dating profile." and  
"background screenings of applicants can be fallible and there is no way to guarantee that the name provided by a person to be used in a background screening is the person's true identity."*

Competing dating sites, in contrast, are now developing and testing far more effective means of validating a user's true identity, such as asking a battery of questions based on credit reports. Moreover, 50 state Attorneys General joined MySpace in forming a task force specifically to determine how to do online authentication that's reliable and effective. The task force findings will certainly call for more than HB 411 requires, and these new measures will undoubtedly be more advanced and more expensive than a name-only search. Not coincidentally, the only online dating company that supports HB 411 uses a name-only search, and therefore seeks the state's implicit endorsement of its current business methods.

Second, HB 411 would foster a false sense of security in the minds of Florida consumers, by allowing disclaimers to be disconnected from safety claims. As noted above, HB 411 recognizes the need for disclaimers to avoid creating a false sense of security for Florida singles. Yet, the legislation allows companies that use name searches to "bury" the disclaimer on an internal page—while allowing them to proclaim anywhere on their website that they have met Florida's standard for "Criminal background screening".

For example, below is the present home page of True.com, the company seeking this legislation in Florida and several other states. In at least 3 paces (noted with arrows), true.com makes claims about its background screens.

The screenshot shows the True.com website interface. At the top, there is a navigation bar with the True.com logo and the tagline "LIVE. LOVE. LEARN.". Below this is a search bar and a "LOG IN" button. The main content area features a large banner with the text "MEET THE ONE WHO'S RIGHT FOR YOU – RIGHT NOW." and a sub-headline "Safer, smarter, more satisfying relationships". Three red arrows point to the following claims:

- Millions of members
- Scientific compatibility testing
- Background screenings for felons and married people  
We can't guarantee criminals won't get on the site, but we can guarantee they'll be sorry if they do.

Below the banner, there is a section titled "TRUE love & romance are just a click away!" which states: "TRUE.com® is the only online dating service and relationship site endorsed by *Psychology Today*®. And no other Internet dating service conducts criminal background screenings and single dating verification. Sign up today and make a single dating connection!".

Another red arrow points to a section titled "A dating site beyond personal ads ..." which lists several features:

- Find your most compatible matches - for dating, romance, love and more
- Coaching and matchmaking services give you expert profile and personal ad advice
- Use your webcam and get up-close and personal with live videochat
- Meet singles at the only single dating service that screens for marrieds and felons

On the right side of the page, there is a red button labeled "Calculate!" and a section titled "SEXPLORATION™ ARE YOU WILD...OR MILD?" with a photo of a couple and the text "TRUE's research has uncovered that there are eight..."

While HB 411 recognizes the need for disclaimers, it would not require any disclaimer to accompany or be directly linked to claims made about online safety. Instead, the bill allows a company to boldly claim that it is following Florida law, while burying disclaimers on a separate page that's disconnected from the safety claims.

For these compelling reasons, we ask that you oppose HB 411 if and when it comes before your committee. Thank you for considering our views, and please let me know if I can provide further information for your deliberations on this legislation.

Sincerely,

Steve DelBianco  
Executive Director, NetChoice

cc: members of the Environment & Natural Resources Council

*NetChoice is a coalition of trade associations and e-Commerce businesses who share the goal of promoting convenience, choice and commerce on the Net. NetChoice members include AOL, the Association for Competitive Technology, eBay, the Electronic Retailing Association, News Corporation, Oracle, VeriSign, Yahoo! and others. More information about NetChoice can be found at [www.netchoice.org](http://www.netchoice.org).*