

1 A bill to be entitled
2 An act relating to unemployment compensation;
3 creating 443.1716, F.S.; requiring the
4 Department of Labor and Employment Security to
5 contract with consumer-reporting agencies to
6 provide creditors with secured electronic
7 access to employer-provided information
8 relating to the quarterly wages reports;
9 providing conditions; requiring consent from
10 the credit applicant; prescribing information
11 that must be included in the written consent;
12 providing for confidentiality; limiting use of
13 the information released; providing for
14 termination of contracts under certain
15 circumstances; defining the term "creditor";
16 requiring the department to establish minimum
17 audit, security, net worth, and liability
18 insurance standards and other requirements it
19 considers necessary; providing that any
20 revenues generated from a contract with a
21 consumer reporting agency must be used to pay
22 the entire cost of providing access to the
23 information; providing that any additional
24 revenues generated must be paid into the
25 department's trust fund for the administration
26 of the unemployment compensation system;
27 providing restrictions on the release of
28 information under the act; defining the term
29 "consumer-reporting" agency; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 443.1716, Florida Statutes, is created to read:

443.1716 Authorized electronic access to employer information.--

(1) Notwithstanding any other provisions of this chapter, the Department of Labor and Employment Security shall contract with one or more consumer-reporting agencies to provide creditors with secured electronic access to employer-provided information relating to the quarterly wages report submitted in accordance with the state's unemployment compensation law. Such access is limited to the wage reports for the preceding 16 calendar quarters.

(2) Creditors must obtain written consent from the credit applicant. Any such written consent from the credit applicant must be signed and must include the following:

(a) Specific notice that the individual's wage and employment history information will be released to a consumer-reporting agency;

(b) Notice that such release is made for the sole purpose of reviewing a specific application for credit made by the individual;

(c) Notice that the files of the Department of Labor and Employment Security containing wage and employment history information submitted by the individual or his or her employers may be accessed; and

(d) A listing of the parties authorized to receive the released information.

(3) Consumer-reporting agencies and creditors accessing information under this section must safeguard the

1 confidentiality of such information and shall use the
2 information only to support a single consumer credit
3 transaction for the creditor to satisfy standard financial
4 underwriting requirements or other requirements imposed upon
5 the creditor, and to satisfy the creditor's obligations under
6 applicable state or federal Fair Credit Reporting laws and
7 rules governing this section.

8 (4) Should any consumer-reporting agency or creditor
9 violate any provision of this section, the Department of Labor
10 and Employment Security shall, upon thirty days written notice
11 to the consumer-reporting agency, terminate the contract
12 established between the department and the consumer-reporting
13 agency resulting from this section.

14 (5) For purposes of this section, "creditor" has the
15 same meaning as set forth in the federal Fair Debt Collection
16 Practices Act, 15 U.S.C. s. 1692 et seq.

17 (6) The Department of Labor and Employment Security
18 shall establish minimum audit, security, net-worth, and
19 liability-insurance standards, technical requirements, and any
20 other terms and conditions considered necessary in the
21 discretion of the state agency to safeguard the
22 confidentiality of the information released under this section
23 and to otherwise serve the public interest. The Department of
24 Labor and Employment Security shall also include, in
25 coordination with any necessary state agencies, necessary
26 audit procedures to ensure that these rules are followed.

27 (7) In contracting with one or more consumer-reporting
28 agencies under this section, any revenues generated by such
29 contract must be used to pay the entire cost of providing
30 access to the information. Further, in accordance with federal
31 regulations, any additional revenues generated by the

1 department or the state under this section must be paid into
2 the department's trust fund for the administration of the
3 unemployment compensation system.

4 (8) The department may not provide wage and employment
5 history information to any consumer-reporting agency before
6 the consumer-reporting agency or agencies under contract with
7 the department pay all development and other startup costs
8 incurred by the state in connection with the design,
9 installation, and administration of technological systems and
10 procedures for the electronic-access program.

11 (9) The release of any information under this section
12 must be for a purpose authorized by and in the manner
13 permitted by the United States Department of Labor and any
14 subsequent rules or regulations adopted by that department.

15 (10) As used in this section, the term
16 "consumer-reporting agency" has the same meaning as that set
17 forth in the Federal Fair Credit Reporting Act, 15 U.S.C. s.
18 1681a.

19 Section 2. This act shall take effect July 1, 1999.
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