

Amendment No.      (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Patterson and Fasano offered the following:

**Amendment (with title amendment)**

On page 3, line 17,

insert:

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:

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

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

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

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

13           (3) Consumer-reporting agencies and creditors  
14 accessing information under this section must safeguard the  
15 confidentiality of such information and shall use the  
16 information only to support a single consumer credit  
17 transaction for the creditor to satisfy standard financial  
18 underwriting requirements or other requirements imposed upon  
19 the creditor, and to satisfy the creditor's obligations under  
20 applicable state or federal Fair Credit Reporting laws and  
21 rules governing this section.

22           (4) Should any consumer-reporting agency or creditor  
23 violate any provision of this section, the Department of Labor  
24 and Employment Security shall, upon thirty days written notice  
25 to the consumer-reporting agency, terminate the contract  
26 established between the department and the consumer-reporting  
27 agency resulting from this section.

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

31           (6) The Department of Labor and Employment Security

1 shall establish minimum audit, security, net-worth, and  
2 liability-insurance standards, technical requirements, and any  
3 other terms and conditions considered necessary in the  
4 discretion of the state agency to safeguard the  
5 confidentiality of the information released under this section  
6 and to otherwise serve the public interest. The Department of  
7 Labor and Employment Security shall also include, in  
8 coordination with any necessary state agencies, necessary  
9 audit procedures to ensure that these rules are followed.

10 (7) In contracting with one or more consumer-reporting  
11 agencies under this section, any revenues generated by such  
12 contract must be used to pay the entire cost of providing  
13 access to the information. Further, in accordance with federal  
14 regulations, any additional revenues generated by the  
15 department or the state under this section must be paid into  
16 the department's trust fund for the administration of the  
17 unemployment compensation system.

18 (8) The department may not provide wage and employment  
19 history information to any consumer-reporting agency before  
20 the consumer-reporting agency or agencies under contract with  
21 the department pay all development and other startup costs  
22 incurred by the state in connection with the design,  
23 installation, and administration of technological systems and  
24 procedures for the electronic-access program.

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

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

1 1681a.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 3, after Security;

7

8 insert:

9 unemployment compensation; creating 443.1716,  
10 F.S.; requiring the Department of Labor and  
11 Employment Security to contract with  
12 consumer-reporting agencies to provide  
13 creditors with secured electronic access to  
14 employer-provided information relating to the  
15 quarterly wages reports; providing conditions;  
16 requiring consent from the credit applicant;  
17 prescribing information that must be included  
18 in the written consent; providing for  
19 confidentiality; limiting use of the  
20 information released; providing for termination  
21 of contracts under certain circumstances;  
22 defining the term "creditor"; requiring the  
23 department to establish minimum audit,  
24 security, net worth, and liability insurance  
25 standards and other requirements it considers  
26 necessary; providing that any revenues  
27 generated from a contract with a consumer  
28 reporting agency must be used to pay the entire  
29 cost of providing access to the information;  
30 providing that any additional revenues  
31 generated must be paid into the department's

1           trust fund for the administration of the  
2           unemployment compensation system; providing  
3           restrictions on the release of information  
4           under the act; defining the term  
5           "consumer-reporting" agency;  
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