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A bill to be entitled

An act relating to unemployment compensation records; creating s. 443.17161, F.S.; requiring the Agency for Workforce Innovation to contract with consumer-reporting agencies to provide creditors with secured electronic access to employer-provided information relating to the quarterly wages reports; providing conditions; requiring consent from the credit applicant; prescribing information that must be included in the written consent; providing for confidentiality; limiting use of the information released; providing for termination of contracts under certain circumstances; defining the term "creditor"; requiring the agency to establish minimum audit, security, net worth, and liability insurance standards and other requirements it considers necessary; providing that any revenues generated from a contract with a consumer-reporting agency must be used to pay the entire cost of providing access to the information; providing that any additional revenues generated must be paid into an agency trust fund for the administration of the unemployment compensation system; providing restrictions on the release of information under the act; defining the term "consumer-reporting" agency; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 443.17161, Florida Statutes, is created to read:

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29 443.17161 Authorized electronic access to employer
30 information.--

31 (1) Notwithstanding any other provision of this chapter,
32 the Agency for Workforce Innovation shall contract with one or
33 more consumer-reporting agencies to provide creditors with
34 secured electronic access to employer-provided information
35 relating to the quarterly wages report submitted in accordance
36 with the state's unemployment compensation law. Such access is
37 limited to the wage reports for the preceding 16 calendar
38 quarters.

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

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

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

48 (c) Notice that the files of the Agency for Workforce
49 Innovation containing wage and employment history information
50 submitted by the individual or his or her employers may be
51 accessed; and

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

54 (3) Consumer-reporting agencies and creditors accessing
55 information under this section must safeguard the
56 confidentiality of such information and shall use the
57 information only to support a single consumer credit transaction

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58 for the creditor to satisfy standard financial underwriting
59 requirements or other requirements imposed upon the creditor,
60 and to satisfy the creditor's obligations under applicable state
61 or federal Fair Credit Reporting laws and rules governing this
62 section.

63 (4) If any consumer-reporting agency or creditor violates
64 any provision of this section, the Agency for Workforce
65 Innovation shall, upon 30 days' written notice to the consumer-
66 reporting agency, terminate the contract established between the
67 agency and the consumer-reporting agency resulting from this
68 section.

69 (5) The agency shall establish minimum audit, security,
70 net-worth, and liability-insurance standards, technical
71 requirements, and any other terms and conditions considered
72 necessary in the discretion of the state agency to safeguard the
73 confidentiality of the information released under this section
74 and to otherwise serve the public interest. The agency shall
75 also include, in coordination with any necessary state agencies,
76 necessary audit procedures to ensure that these rules are
77 followed.

78 (6) In contracting with one or more consumer-reporting
79 agencies under this section, any revenues generated by such
80 contract must be used to pay the entire cost of providing access
81 to the information. Further, in accordance with federal
82 regulations, any additional revenues generated by the agency or
83 the state under this section must be paid into the Employment
84 Security Administration Trust Fund for the administration of the
85 unemployment compensation system.

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86 (7) The agency may not provide wage and employment history
 87 information to any consumer-reporting agency before the
 88 consumer-reporting agency or agencies under contract with the
 89 agency pay all development and other startup costs incurred by
 90 the state in connection with the design, installation, and
 91 administration of technological systems and procedures for the
 92 electronic-access program.

93 (8) The release of any information under this section must
 94 be for a purpose authorized by and in the manner permitted by
 95 the United States Department of Labor and any subsequent
 96 regulations adopted by that department.

97 (9) As used in this section, the term:

98 (a) "Consumer-reporting agency" has the same meaning as
 99 that set forth in the federal Fair Credit Reporting Act, 15
 100 U.S.C. s. 1681a.

101 (b) "Creditor" has the same meaning as that set forth in
 102 the federal Fair Debt Collection Practices Act, 15 U.S.C. ss.
 103 1692 et seq.

104 Section 2. This act shall take effect July 1, 2004.