

By Senator Wise

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1 A bill to be entitled
2 An act relating to unemployment compensation
3 records; creating s. 443.17161, F.S.; requiring
4 the Agency for Workforce Innovation to contract
5 with consumer-reporting agencies to provide
6 creditors with secured electronic access to
7 employer-provided information relating to the
8 quarterly wages reports; providing conditions;
9 requiring consent from the credit applicant;
10 prescribing information that must be included
11 in the written consent; providing for
12 confidentiality; limiting use of the
13 information released; providing for termination
14 of contracts under certain circumstances;
15 defining the term "creditor"; requiring the
16 agency to establish minimum audit, security,
17 net worth, and liability insurance standards
18 and other requirements it considers necessary;
19 providing that any revenues generated from a
20 contract with a consumer reporting agency must
21 be used to pay the entire cost of providing
22 access to the information; providing that any
23 additional revenues generated must be paid into
24 an agency trust fund for the administration of
25 the unemployment compensation system; providing
26 restrictions on the release of information
27 under the act; defining the term
28 "consumer-reporting" agency; providing an
29 effective date.

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

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

3 443.17161 Authorized electronic access to employer
4 information.--

5 (1) Notwithstanding any other provision of this
6 chapter, the Agency for Workforce Innovation shall contract
7 with one or more consumer-reporting agencies to provide
8 creditors with secured electronic access to employer-provided
9 information relating to the quarterly wages report submitted
10 in accordance with the state's unemployment compensation law.
11 Such access is limited to the wage reports for the preceding
12 16 calendar quarters.

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

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

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

22 (c) Notice that the files of the Agency for Workforce
23 Innovation containing wage and employment history information
24 submitted by the individual or his or her employers may be
25 accessed; and

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

28 (3) Consumer-reporting agencies and creditors
29 accessing information under this section must safeguard the
30 confidentiality of such information and shall use the
31 information only to support a single consumer credit

1 transaction for the creditor to satisfy standard financial
2 underwriting requirements or other requirements imposed upon
3 the creditor, and to satisfy the creditor's obligations under
4 applicable state or federal Fair Credit Reporting laws and
5 rules governing this section.

6 (4) If any consumer-reporting agency or creditor
7 violates any provision of this section, the Agency for
8 Workforce Innovation shall, upon 30 days' written notice to
9 the consumer-reporting agency, terminate the contract
10 established between the agency and the consumer-reporting
11 agency resulting from this section.

12 (5) The agency shall establish minimum audit,
13 security, net-worth, and liability-insurance standards,
14 technical requirements, and any other terms and conditions
15 considered necessary in the discretion of the state agency to
16 safeguard the confidentiality of the information released
17 under this section and to otherwise serve the public interest.
18 The agency shall also include, in coordination with any
19 necessary state agencies, necessary audit procedures to ensure
20 that these rules are followed.

21 (6) In contracting with one or more consumer-reporting
22 agencies under this section, any revenues generated by such
23 contract must be used to pay the entire cost of providing
24 access to the information. Further, in accordance with federal
25 regulations, any additional revenues generated by the agency
26 or the state under this section must be paid into the
27 Employment Security Administration Trust Fund for the
28 administration of the unemployment compensation system.

29 (7) The agency may not provide wage and employment
30 history information to any consumer-reporting agency before
31 the consumer-reporting agency or agencies under contract with

1 the agency pay all development and other startup costs
2 incurred by the state in connection with the design,
3 installation, and administration of technological systems and
4 procedures for the electronic-access program.

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

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

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

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

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

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19 SENATE SUMMARY

20 Directs the Agency for Workforce Innovation to contract
21 with one or more consumer-reporting agencies to provide
22 secure electronic access to employer information to be
23 used in connection with credit applications. Requires
24 recipients of such information to maintain its
25 confidentiality and to pay all costs of providing access
26 to it.
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