

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 and employers with secured electronic access to
9 employer-provided information relating to the quarterly wages
10 report submitted in accordance with the state's unemployment
11 compensation law. The access is limited to the wage reports
12 for the preceding 16 calendar quarters.

13 (2) Creditors and employers must obtain written
14 consent from the credit or employment applicant. Any written
15 consent from the credit or employment applicant must be signed
16 and must include the following:

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

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

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

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

29 (3) Consumer-reporting agencies, creditors, or
30 employers accessing information under this section must
31 safeguard the confidentiality of the information. A

1 consumer-reporting agency, creditor, or employer may use the
2 information only to support a single transaction for the user
3 to satisfy its standard underwriting or eligibility
4 requirements or for those requirements imposed upon the user,
5 and to satisfy the user's obligations under applicable state
6 or federal laws, rules, or regulations.

7 (4) If a consumer-reporting agency, creditor, or
8 employer violates this section, the Agency for Workforce
9 Innovation shall, upon 30 days' written notice to the
10 consumer-reporting agency, creditor, or employer, terminate
11 the contract established between the Agency for Workforce
12 Innovation and the consumer-reporting agency or require the
13 consumer-reporting agency to terminate the contract
14 established between the consumer-reporting agency and the
15 creditor or employer under this section.

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

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

1 be paid into the Administrative Trust Fund of the Agency for
2 Workforce Innovation for the administration of the
3 unemployment compensation system.

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

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

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

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

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

23 Section 2. This act shall take effect July 1, 2005.

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26 SENATE SUMMARY

27 Directs the Agency for Workforce Innovation to contract
28 with one or more consumer-reporting agencies to provide
29 secure electronic access to employer information to be
30 used in connection with credit and employment
31 applications. Requires recipients of such information to
maintain its confidentiality and to pay all costs of
providing access to it.