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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/08/2012 03:25 PM

Senator Latvala moved the following:

1 **Senate Amendment to Amendment (639620) (with title**
2 **amendment)**

3
4 Delete lines 1859 - 1895

5 and insert:

6 (1) Notwithstanding any other provision of this chapter,
7 the Department of Economic Opportunity Agency for Workforce
8 Innovation shall, using the competitive procurement process,
9 contract with one but not more than three ~~or more~~ consumer
10 reporting agencies to provide users with secured electronic
11 access to employer-provided information relating to the
12 quarterly wages report submitted in accordance with the state's
13 reemployment assistance ~~unemployment compensation~~ law. The



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14 access is limited to the wage reports for the appropriate amount
15 of time for the purpose the information is requested.

16 (2) Users must obtain consent in writing or by electronic
17 signature from an applicant for credit, employment, or other
18 permitted purposes. ~~Any~~ Written or electronic signature consent
19 from an applicant must be signed and must include the following:

20 (c) Notice that the files of the Department of Economic
21 Opportunity Agency for Workforce Innovation or its tax
22 collection service provider containing information concerning
23 wage and employment history which is submitted by the applicant
24 or his or her employers may be accessed; and

25 (4) If a consumer reporting agency or user violates this
26 section, the Department of Economic Opportunity Agency for
27 Workforce Innovation shall, upon 30 days' written notice to the
28 consumer reporting agency, terminate the contract established
29 between the department Agency for Workforce Innovation and the
30 consumer reporting agency or require the consumer reporting
31 agency to terminate the contract established between the
32 consumer reporting agency and the user under this section.

33 (5) The Department of Economic Opportunity Agency for
34 Workforce Innovation shall establish minimum audit, security,
35 net worth, and liability insurance standards, technical
36 requirements, and any other terms and conditions considered
37 necessary in the discretion of the state agency to safeguard the
38 confidentiality of the information released under this section
39 and to otherwise serve the public interest. The department
40 Agency for Workforce Innovation shall also include, in
41 coordination with any necessary state agencies, shall also
42 include a data security audit conducted by a data security firm,



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43 the results of which shall be audited by a certified public
44 accountancy firm ~~necessary audit procedures to ensure that these~~
45 rules are followed. The department shall take all reasonable
46 precautions to ensure that department data:

47 (a) Resides behind the department's existing
48 hardware/software data security systems;

49 (b) Not be transferred in batch or bulk to a consumer
50 reporting agency, and may only be accessed upon an individual
51 query-by-query basis;

52 (c) Not be captured or stored in a consumer reporting
53 agency or third-party databases, except as necessary to fulfill
54 a consumer initiated transaction;

55 (d) Not be comingled with a consumer report by a consumer
56 reporting agency as defined in 15 U.S.C. 1681a(p); and

57 (e) Not be used for purposes of marketing, including, but
58 not limited to, prescreened firm offers of credit.

59 (6) In contracting with ~~one or more~~ consumer reporting
60

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

62 And the title is amended as follows:

63 Delete lines 4224 - 4234

64 and insert:

65 to conform to changes made by the act; amending s.
66 443.17161, F.S.; limiting the Department of Economic
67 Opportunity to contract with one to three consumer
68 reporting agencies for access to wage reports;
69 requiring a data security audit; prescribing
70 precautions for the department to take related to the
71 data; revising references to conform to changes made



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72 by the act; amending ss. 20.60, 27.52, 40.24, 45.031,
73 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041,
74 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096,
75 213.053, 216.292, 220.03, 220.181, 220.191, 220.194,
76 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106,
77 288.1081, 288.1089, 334.30, 408.809, 409.2563,
78 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381,
79 440.42, 443.051, 443.111, 443.1113, 443.1116,
80 443.1215, 443.1312, 443.1313, 443.1315, 443.1316,
81 443.1317, 443.141, 443.163, 443.181, 443.191, 443.221,
82 445.009,
83