



419384

LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/08/2012 10:39 AM

Senator Latvala moved the following:

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

3
4 Delete lines 1859 - 1894

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 (a) Specific notice that information concerning the
21 applicant's wage and employment history will be released to a
22 consumer reporting agency;

23 (b) Notice that the release is made for the sole purpose of
24 reviewing the specific application for credit, employment, or
25 other permitted purpose made by the applicant;

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

31 (d) A listing of the parties authorized to receive the
32 released information.

33 (3) Consumer reporting agencies and users accessing
34 information under this section must safeguard the
35 confidentiality of the information. A consumer reporting agency
36 or user may use the information only to support a single
37 transaction for the user to satisfy its standard underwriting or
38 eligibility requirements or for those requirements imposed upon
39 the user, and to satisfy the user's obligations under applicable
40 state or federal laws and, ~~rules, or regulations.~~

41 (4) If a consumer reporting agency or user violates this
42 section, the Department of Economic Opportunity Agency for



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43 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
44 consumer reporting agency, terminate the contract established
45 between the department ~~Agency for Workforce Innovation~~ and the
46 consumer reporting agency or require the consumer reporting
47 agency to terminate the contract established between the
48 consumer reporting agency and the user under this section.

49 (5) The Department of Economic Opportunity ~~Agency for~~
50 ~~Workforce Innovation~~ shall establish minimum audit, security,
51 net worth, and liability insurance standards, technical
52 requirements, and any other terms and conditions considered
53 necessary in the discretion of the state agency to safeguard the
54 confidentiality of the information released under this section
55 and to otherwise serve the public interest. The department
56 ~~Agency for Workforce Innovation~~ shall also include, in
57 coordination with any necessary state agencies, shall also
58 include a data security audit conducted by a data security firm,
59 the results of which shall be audited by a certified public
60 accountancy firm necessary audit procedures to ensure that these
61 rules are followed. The department shall take all reasonable
62 precautions to ensure that department data:

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

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

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

71 (d) Not be comingled with a consumer report by a consumer



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72 reporting agency as defined in 15 U.S.C. 1681a(p); and
73 (e) Not be used for purposes of marketing, including, but
74 not limited to, prescreened firm offers of credit.

75
76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete lines 4233 - 4234

79 and insert:

80 443.1315, 443.1316, 443.1317, 443.141, and 443.163,
81 F.S.; revising references to conform to changes made
82 by the act; amending s. 443.17161, F.S.; requiring the
83 Department of Economic Opportunity to take precautions
84 relating to the security of department data; amending
85 ss. 443.181, 443.191, 443.221, 445.009,