Florida Senate - 2005

By Senator Wise

5-733-05

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 and employers with secured electronic
7	access to employer-provided information
8	relating to the quarterly wages reports;
9	providing conditions; requiring consent from
10	the credit or employment applicant; prescribing
11	information that must be included in the
12	written consent; providing for confidentiality;
13	limiting use of the information released;
14	providing for termination of contracts under
15	certain circumstances; requiring the agency to
16	establish minimum audit, security, net worth,
17	and liability insurance standards and other
18	requirements it considers necessary; providing
19	that any revenues generated from a contract
20	with a consumer reporting agency must be used
21	to pay the entire cost of providing access to
22	the information; providing that any additional
23	revenues generated must be paid into an agency
24	trust fund for the administration of the
25	unemployment compensation system; providing
26	restrictions on the release of information
27	under the act; defining the terms
28	"consumer-reporting agency" and "creditor";
29	providing an effective date.
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31	Be It Enacted by the Legislature of the State of Florida:
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

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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 employer-provided information relating to the quarterly wages 9 10 report submitted in accordance with the state's unemployment compensation law. The access is limited to the wage reports 11 12 for the preceding 16 calendar guarters. 13 (2) Creditors and employers must obtain written consent from the credit or employment applicant. Any written 14 consent from the credit or employment applicant must be signed 15 and must include the following: 16 17 (a) Specific notice that information concerning the 18 individual's wage and employment history will be released to a consumer-reporting agency; 19 (b) Notice that the release is made for the sole 20 21 purpose of reviewing a specific application for credit or 2.2 employment made by the individual; 23 (c) Notice that the files of the Agency for Workforce Innovation containing information concerning wage and 2.4 employment history which is submitted by the individual or his 25 or her employers may be accessed; and 26 27 (d) A listing of the parties authorized to receive the 2.8 released information. (3) Consumer-reporting agencies, creditors, or 29 employers accessing information under this section must 30 safequard the confidentiality of the information. A 31

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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
б	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

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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>U.S.C. s. 1681a.</u>
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	<u>ss. 1692 et seq.</u>
23	Section 2. This act shall take effect July 1, 2005.
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25	* * * * * * * * * * * * * * * * * * * *
26	SENATE SUMMARY
27	Directs the Agency for Workforce Innovation to contract with one or more consumer-reporting agencies to provide
28	secure electronic access to employer information to be used in connection with credit and employment
29	applications. Requires recipients of such information to maintain its confidentiality and to pay all costs of
30	providing access to it.
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