

By the Committee on Banking and Insurance; and Senator Richter

597-03690-10

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1                   A bill to be entitled  
2           An act relating to employee leasing companies;  
3           amending s. 468.5245, F.S.; deleting the requirement  
4           that an employee leasing company obtain approval of  
5           the Board of Employee Leasing Companies before  
6           changing the name or location of a company; providing  
7           that board approval is not required before the  
8           purchase or acquisition of a company if a controlling  
9           person in the company is licensed; deleting provisions  
10          requiring board approval prior to existing stockholder  
11          or partners of a company acquiring control of a  
12          company; amending s. 468.528, F.S.; providing that  
13          failure to timely pay a license renewal fee subjects  
14          the licensee to disciplinary action; amending s.  
15          468.534, F.S.; specifying that the regulatory  
16          requirements applicable to employee leasing companies  
17          do not affect the eligibility of such companies, their  
18          clients, or leased employees for any local or state  
19          tax credit, economic incentive, or other benefit;  
20          providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24          Section 1. Section 468.5245, Florida Statutes, is amended  
25          to read:

26          468.5245 Change of ownership.—

27          (1) A license or registration issued to any entity under  
28          this part may not be transferred or assigned, ~~and a licensee or~~  
29          ~~registrant may not operate an entity subject to licensure or~~

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30 ~~registration pursuant to this part under any name or at any~~  
31 ~~location other than that specified in the application for the~~  
32 ~~license or registration without having received the prior~~  
33 ~~written consent of the board.~~ The board shall adopt rules to  
34 provide for a licensee's or registrant's change of name or  
35 location.

36 (2) A person or entity that seeks to purchase or acquire  
37 control of an employee leasing company or group entity licensed  
38 or registered under this part must first apply to the board for  
39 a certificate of approval for the proposed change of ownership.  
40 However, prior approval is not required if, at the time the  
41 purchase or acquisition occurs, a controlling person of the  
42 employee leasing company or group maintains a controlling person  
43 license under this part. Notification must be provided to the  
44 board within 30 days after the purchase or acquisition of such  
45 company in the manner prescribed by the board. ~~The application~~  
46 ~~must contain the name and address of the proposed new owner and~~  
47 ~~other information required by the board.~~

48 ~~(3) Any existing stockholders or partners who intend to~~  
49 ~~acquire, from other stockholders or partners, control of an~~  
50 ~~existing entity that is licensed or registered under this part~~  
51 ~~must first apply to the board for a certificate of approval for~~  
52 ~~the proposed change of ownership. The application must contain~~  
53 ~~the names and addresses of the stockholders or partners who own~~  
54 ~~10 percent or more of the entity and who are seeking to acquire~~  
55 ~~control and other information required by the board.~~

56 ~~(4) Before recommending to the board that a certificate of~~  
57 ~~approval be issued to an applicant that has applied under~~  
58 ~~subsection (2) or subsection (3), the department may conduct an~~

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59 ~~investigation of the applicant and examine the records of the~~  
60 ~~entity as part of the investigation in accordance with~~  
61 ~~applicable law and submit its findings to the board. As a part~~  
62 ~~of its investigation, the department shall determine if there~~  
63 ~~are any complaints pending against the company being purchased,~~  
64 ~~the controlling person proposed to operate the purchased entity,~~  
65 ~~or the proposed controlling person's existing company. The~~  
66 ~~board, upon the department's recommendation, shall issue a~~  
67 ~~certificate of approval only after it has determined that the~~  
68 ~~proposed new owner possesses the financial ability, experience,~~  
69 ~~and integrity to operate the entity under s. 468.525.~~

70 ~~(5) The board shall waive the requirements of subsection~~  
71 ~~(4) and automatically approve the proposed change in ownership~~  
72 ~~if the application meets the requirements of subsection (2) or~~  
73 ~~subsection (3), the proposed new owner and the current owner are~~  
74 ~~part of the same controlled entity, and no member or controlling~~  
75 ~~person of the controlled entity is under investigation or has~~  
76 ~~been previously denied a license by the board.~~

77 (3)~~(6)~~ Any application that is submitted to the board under  
78 this section shall be deemed approved if the board has not  
79 approved the application or rejected the application, and  
80 provided the applicant with the basis for a rejection, within 90  
81 days after the receipt of the completed application.

82 (4)~~(7)~~ The board shall establish filing fees for a change-  
83 of-ownership application in accordance with s. 468.524(1).

84 Section 2. Section 468.528, Florida Statutes, is amended to  
85 read:

86 468.528 Delinquent licenses.—Failure to renew the license  
87 at the time of renewal and pay the appropriate fee shall result

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88 in the license becoming delinquent. Licensees ~~shall~~ have 30 days  
89 after the renewal date in which to renew their licenses and pay  
90 a late fee not to exceed \$300. If payment is not received within  
91 30 days ~~this 30-day time period~~, the license is subject to  
92 disciplinary action pursuant to s. 468.532(1)(f) ~~shall~~  
93 ~~automatically become void without further action of the board.~~

94 Section 3. Section 468.534, Florida Statutes, is amended to  
95 read:

96 468.534 Application.—

97 (1) Nothing in This part does not shall exempt any client  
98 of any employee leasing company, or any leased employee, from  
99 any other license requirements of state, local, or federal law.  
100 Any employee leased to a client company, who is licensed,  
101 registered, or certified pursuant to law, is ~~shall be deemed to~~  
102 ~~be~~ an employee of the client company for such licensure  
103 purposes, but remains ~~shall remain~~ an employee of the employee  
104 leasing company as specified in chapters 440 and 443.

105 (2) This part does not affect the eligibility of an  
106 employee leasing company, a client of the leasing company, or a  
107 leased employee to participate in or benefit from any local or  
108 state tax credit, other local or state economic incentive, or  
109 other benefit based on employment which the client or leased  
110 employee would have been eligible for if an employee leasing  
111 relationship did not exist. For the purposes of this subsection,  
112 if the grant or amount of the tax credit, economic incentive, or  
113 other benefit is based on the number of a client's employees,  
114 the leased employees are treated as if they were direct  
115 employees for the purposes of the tax credit, incentive, or  
116 other benefit. Upon the request of a client or a local or state

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117 entity responsible for the administration of the tax credit,  
118 economic incentive, or other benefit, the employee leasing  
119 company shall provide any employment information reasonably  
120 required by such entity to support the request, claim,  
121 application, or other action by a client seeking such tax  
122 credit, economic incentive, or benefit.

123 Section 4. This act shall take effect July 1, 2010.