

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

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 468.5245, Florida Statutes, is amended
 23 to read:

24 468.5245 Change of ownership.—

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

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

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

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

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

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

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

75 (3)~~(6)~~ Any application that is submitted to the board
 76 under this section shall be deemed approved if the board has not
 77 approved the application or rejected the application, and
 78 provided the applicant with the basis for a rejection, within 90
 79 days after the receipt of the completed application.

80 (4)~~(7)~~ The board shall establish filing fees for a change-
 81 of-ownership application in accordance with s. 468.524(1).

82 Section 2. Section 468.528, Florida Statutes, is amended
 83 to read:

84 468.528 Delinquent licenses.—Failure to renew the license

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

92 Section 3. Section 468.534, Florida Statutes, is amended
93 to read:

94 468.534 Application.—

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

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

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113 employees for the purposes of the tax credit, economic
114 incentive, or other benefit. Upon the request of a client or a
115 local or state entity responsible for the administration of the
116 tax credit, economic incentive, or other benefit, the employee
117 leasing company shall provide any employment information
118 reasonably required by such entity to support the request,
119 claim, application, or other action by a client seeking such tax
120 credit, economic incentive, or other benefit.

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