

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative Giallombardo offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (1) of section
8 440.10, Florida Statutes, is amended to read:

9 440.10 Liability for compensation.—

10 (1)

11 (a) Every employer coming within the provisions of this
12 chapter shall be liable for, and shall secure, the payment to
13 his or her employees, or any physician, surgeon, or pharmacist
14 providing services under the provisions of 440.13, of the
15 compensation payable under ss. 440.13, 440.15, and 440.16. Any
16 contractor or subcontractor who engages in any public or private

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17 construction in the state shall secure and maintain compensation
18 for his or her employees under this chapter as provided in s.
19 440.38, or pursuant to an employee leasing arrangement under s.
20 468.525(g).

21 Section 2. Paragraphs (g) and (h) are added to subsection
22 (4) of section 468.525, Florida Statutes, to read:

23 468.525 License requirements.—

24 (4)

25 (g) Provides that during the term of the employee leasing
26 arrangement, if the client company is a subcontractor engaged in
27 the construction industry, all leased and nonleased employees of
28 the subcontractor, including any such employees who are hired by
29 the subcontractor, commence work for the subcontractor, or are
30 hired directly by the employee leasing company during the term
31 of the employee leasing arrangement, are deemed employees of the
32 employee leasing company for purposes of workers' compensation
33 coverage.

34 (h) Provides at least 10 days' notice to a client company
35 who is a subcontractor engaged in the construction industry
36 before terminating an employee leasing arrangement. If the
37 termination is for cause, allows the client company to cure any
38 contractual defaults or deficiencies within that time frame.

39 Section 3. Subsection (1) of section 468.529, Florida
40 Statutes, is amended, present subsections (4) and (5) of that
41 section are redesignated as subsections (5) and (6),

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42 respectively, and new subsections (4), (7), and (8) are added to
43 that section, to read:

44 468.529 Licensee's insurance; employment tax; benefit
45 plans.-

46 (1) A licensed employee leasing company is the employer of
47 the leased employees, except that this provision is not intended
48 to affect the determination of any issue arising under Pub. L.
49 No. 93-406, the Employee Retirement Income Security Act, as
50 amended from time to time. An employee leasing company shall be
51 responsible for timely payment of reemployment assistance taxes
52 pursuant to chapter 443, and shall be responsible for providing
53 workers' compensation coverage pursuant to chapter 440.

54 (a) However, a ~~ne~~ licensed employee leasing company may
55 not shall sponsor a plan of self-insurance for health benefits,
56 except as may be permitted by ~~the provisions of~~ the Florida
57 Insurance Code or, if applicable, by Pub. L. No. 93-406, the
58 Employee Retirement Income Security Act, as amended from time to
59 time. For purposes of this section, the term a "plan of self-
60 insurance" excludes shall exclude any arrangement where an
61 admitted insurance carrier has issued a policy of insurance
62 primarily responsible for the obligations of the health plan.

63 (4) During the term of an employee leasing arrangement
64 with a client company who is a subcontractor engaged in the
65 construction industry, all leased and nonleased employees of the
66 subcontractor, including any such employees who are hired by the

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67 subcontractor, commence work for the subcontractor, or are hired
68 directly by the employee leasing company during the term of the
69 employee leasing arrangement, are deemed employees of the
70 employee leasing company for purposes of workers' compensation
71 coverage.

72 (7) If an employee leasing arrangement between an employee
73 leasing company and a client company who is a subcontractor
74 engaged in the construction industry is terminated, the employee
75 leasing company must send notice by first class mail to the last
76 known address of each employee who was assigned to the client
77 company. The notification must include the date the employee
78 leasing arrangement was terminated. The notice must also be sent
79 by first class mail to all contractors with whom the client
80 company has contracted, if known.

81 (8) Workers' compensation coverage must continue to be
82 provided by the employee leasing company for 20 days after the
83 leasing company terminates the arrangement with a client company
84 who is a subcontractor engaged in the construction industry.

85 Section 4. For the purpose of incorporating the amendment
86 made by this act to section 468.529, Florida Statutes, in a
87 reference thereto, paragraph (g) of subsection (1) of section
88 468.532, Florida Statutes, is reenacted to read:

89 468.532 Discipline.—

90 (1) The following constitute grounds for which
91 disciplinary action against a licensee may be taken by the

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92 board:

93 (g) Failing to maintain workers' compensation insurance as
94 required in s. 468.529.

95 Section 5. This act shall take effect July 1, 2021, and
96 applies to contracts entered into or renewed on or after that
97 date.

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

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to workers' compensation insurance for employee

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leasing companies; amending s. 440.10, F.S.; specifying when a

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subcontractor who engages in public or private construction must

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maintain compensation for his or her employees; amending s.

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468.525, F.S.; providing that if an employee leasing company's

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client company is a subcontractor, workers' compensation

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insurance requirements are not satisfied by the employee leasing

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arrangement unless certain conditions are met; amending s.

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468.529, F.S.; specifying when a person is deemed an employee of

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an employee leasing company for workers' compensation insurance;

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requiring that an employee leasing company provide written

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notice of intent to terminate an employee leasing arrangement

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1305 (2021)

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117 | with a client company who is a subcontractor engaged in the
118 | construction industry; reenacting s. 468.531(1)(g), F.S.,
119 | relating to discipline, to incorporate the amendment made to s.
120 | 468.529, F.S., in a reference thereto; providing an effective
121 | date.