

CHAPTER 2010-126

Committee Substitute for Senate Bill No. 2046

An act relating to employee leasing companies; amending s. 468.5245, F.S.; deleting the requirement that an employee leasing company obtain approval of the Board of Employee Leasing Companies before changing the name or location of a company; providing that board approval is not required before the purchase or acquisition of a company if a controlling person in the company is licensed; deleting provisions requiring board approval prior to existing stockholder or partners of a company acquiring control of a company; amending s. 468.528, F.S.; providing that failure to timely pay a license renewal fee subjects the licensee to disciplinary action; providing an effective date.

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

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

468.5245 Change of ownership.—

(1) ~~A license or registration issued to any entity under this part may not be transferred or assigned, and a licensee or registrant may not operate an entity subject to licensure or registration pursuant to this part under any name or at any location other than that specified in the application for the license or registration without having received the prior written consent of the board. The board shall adopt rules to provide for a licensee's or registrant's change of name or location.~~

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

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

~~(4) Before recommending to the board that a certificate of approval be issued to an applicant that has applied under subsection (2) or subsection (3), the department may conduct an investigation of the applicant and examine the records of the entity as part of the investigation in accordance with applicable law and submit its findings to the board. As a part of its investigation, the department shall determine if there are any complaints pending against the company being purchased, the controlling person proposed to operate the purchased entity, or the proposed controlling person's existing company. The board, upon the department's recommendation, shall issue a certificate of approval only after it has determined that the proposed new owner possesses the financial ability, experience, and integrity to operate the entity under s. 468.525.~~

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

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

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

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

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

Section 3. This act shall take effect July 1, 2010.

Approved by the Governor May 27, 2010.

Filed in Office Secretary of State May 27, 2010.