

Department of Business and Professional Regulation
 Board of Employee Leasing Companies
 Declaratory Statements

last updated January 20, 2015

Subject	Issue presented	Conclusion	Number	Petitioner	File Date
Requirement to Apply for Licensure	Petitioner asked the Board if they were exempt from having to obtain licensure in Florida as an employee leasing company because its contractual agreement with the customer amounts to a "temporary help arrangement" and a "facilities staffing arrangement."	Chapter 468.520(4), Florida Statutes, defines "employee leasing" to mean "an arrangement whereby a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client." However the term "employee leasing" does not encompass a "temporary help arrangement" in which "an organization hires its own employees and assigns them to a client to support or supplement the client's workforce in special work situations such as employee absences, temporary skill shortages, <u>seasonal workloads</u> , and special assignments and projects. The term also does not include a "facilities staffing arrangement" in which an organization assigns its employees to staff, in whole or in part, a specific client function or functions, <u>on an ongoing, indefinite basis</u> , provided that the total number of individuals assigned by that organization under such arrangements comprises no more than 50 percent of the workforce at a client's worksite and provided further that no more than 20 percent of the individuals assigned to staff a particular client function were employed by the client immediately preceding the commencement of the arrangement. Therefore, the Board hereby issues a declaratory statement that the contractual agreement described in the Petition amounts to a "facilities staffing arrangement" described in section 468.520(c), Florida Statutes, and that <u>Amerinca Pool Service is not required to apply for</u>	2008-005	American Pool Service of Orlando, L.L.C.	6/12/2009