

BOARD OF EMPLOYEE LEASING COMPANIES **FREQUENTLY ASKED QUESTIONS AND ANSWERS**

BOARD INFORMATION

1. What are the functions of the Board of Employee Leasing Companies?

The Board of Employee Leasing Companies licenses and regulates employee leasing companies in the state of Florida.

2. What are the statutes and rules that govern Employee Leasing Companies?

Chapter 468, Part XI, Florida Statutes and Rule 61G7, Florida Administrative Code.

3. Where can I obtain the laws and rules of the Board?

The laws and rules may be obtained on the Board's website at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Statutes and Rules.

If you need further assistance, you may call the Customer Contact Center at 850.487.1395.

4. What are the dates and locations of the board meetings?

The dates and locations are available online at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Board Meeting Information.

5. Where can I obtain a copy of the board meeting agenda or past minutes?

The agenda and past minutes are available online at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Board Meeting Information.

LICENSURE INFORMATION

1. What is Employee Leasing?

Employee Leasing is an arrangement whereby a leasing company assigns its employees to a client and allocates the direction and control over those leased employees between the leasing company and the client. We encourage you to visit our website at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies. For assistance in locating applicable laws and rules, you may call the Customer Contact Center at 850.487.1395.

2. How can I obtain an employee leasing company license?

You must submit a completed employee leasing company application, including all required exhibits. The employee leasing company cannot receive a license without at least one licensed controlling person. The application and various other forms relating to employee leasing are available online at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Forms.

3. How can I obtain a controlling person license?

You must submit a completed controlling person application. An individual cannot be licensed as a controlling person unless there is also a licensed employee leasing company. The application and various other forms relating to employee leasing are available online at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Forms.

4. Who must be licensed as a controlling person?

You may be a controlling person by virtue of your position or ownership interest in the employee leasing company. Generally, one must be licensed if any one of the following applies:

- He or she directly or indirectly owns 50 percent or more of the voting securities in an employee leasing company;
- He or she directly or indirectly possesses the power to direct the management or policies of an employee leasing company;
- He or she has the general power to endorse any negotiable instrument payable to or on behalf of the employee leasing company; or
- He or she is employed, authorized or appointed to enter into a contractual relationship with a client company on behalf of the employee leasing company.

5. Can I be a controlling person for more than one employee leasing company or employee leasing company group?

Yes. In order to do so, you must remit \$25.00 in addition to two letters: one stating your desire to become a controlling person for another company and one from the company you wish to join stating they will add you as a controlling person. Please submit your request to the Department of Business and Professional Regulation, Central Intake Unit, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

6. Do I need an employee leasing company license for a temporary agency or temporary staffing company?

No. The department does not regulate temporary agencies or staffing companies. Check with your local government for any licensing requirements it may have.

7. What is an employee leasing company group?

An employee leasing company group is two to five companies operating as one licensee. To qualify as a group, the companies must have common ownership.

8. Am I required to have a license if I have only a few licensed employees in the State of Florida?

Yes. However, you may obtain a De Minimis registration in lieu of full licensure if you meet all the qualification requirements.

9. What is a De Minimis registration? How may I qualify?

A De Minimis registration is for employee leasing companies that are not domiciled in the State of Florida and who have a small number of leased employees working in Florida. De Minimis registrants are exempt from certain filing requirements such as quarterly and annual reports, assessment fees, etc. The De Minimis licensure/renewal fee is \$250 annually for a single company and \$500 for a group.

A company who submits a completed De Minimis application, is domiciled outside the State of Florida and is licensed or registered as an employee leasing company in its state of domicile or residence (if such state requires licensure), may qualify for De Minimis registration and Exemption only if the company:

- Does not provide leased employees to a client whose business is located or domiciled within Florida;
- Does not maintain an office in Florida; and
- Does not have more than 50 leased employees in Florida.

The company must meet all of the above requirements to qualify. The application and various other forms relating to employee leasing are available online at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Forms.

10. How long will it take to process my application?

It usually takes two to three months once the application has been filed. However, it depends upon a number of factors, such as timing of the board meetings and when the application was submitted, as well as the number of deficiencies noted in the application and how quickly the company resolves them.

11. What is the deadline to get an application on the next board agenda?

There is no set date by which one can be guaranteed a place on the board agenda. Once an application is received, board staff has 30 days to inform the applicant, in writing, of any application deficiencies. Upon receipt of the deficiency letter, the applicant has 90 days to resolve any deficiencies. Please be advised that submission of an application prior to a board meeting date does not mean that the application will be on the next agenda.

12. Can you mail an application to me?

Yes, you may request an application by calling the department's Customer Contact Center at 850.487.1395.

The application and various other forms relating to employee leasing are also available online at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Forms. Please note that if you print a controlling person application from the website, you will need to call the Customer Contact Center at 850.487.1395 to request fingerprint cards, which must be submitted as part of the application.

13. I no longer want to operate an employee leasing company. What does the board require me to do in this situation?

You must complete and return a Termination of Employee Leasing Company Operations form. The form may be found online at www.MyFloridaLicense.com > Doing Business With Us > Employee Leasing Companies > Forms.

The board will review the termination form and accept or reject it. The purpose of the board's review is to try to ensure that all employee leasing company liabilities have been settled. Please be advised that you must continue to file all required reports (even if the employee leasing company is not operating) until such time that the board approves the termination.

14. My employee leasing company currently has no leased employees. Do I still need to file reports and provide proof of workers' compensation coverage?

Yes. You must submit all required filings as long as the employee leasing company holds a license.

15. Can I change my license to inactive status?

No. There is no "inactive" status for employee leasing companies.

16. Can I change my address online?

Yes. Visit our website at www.MyFloridaLicense.com > Renew/Maintain A License. You can also change your telephone number and email address here.

17. Your website provides for "main", "mailing", and "location" addresses. What are the differences?

Three types of addresses have been established to support your needs: main, license mailing, and license location.

Main Address - This address is the primary address on file.

License Mailing Address - This is the address where the mail associated with a particular license will be sent (if different from the main or license location addresses).

License Location Address - This is the address where the place of business is physically located.

An example of the use of different addresses:

If Jane Doe is a contractor that works for ACME Builders, she may have 3 different addresses listed in her profile. Her main address would be the address of ACME Builders' corporate headquarters. Her license mailing may be her home so she doesn't have to visit the office to pick up her mail. Finally, her License Location would be the address of the ACME Builders' local office where she works. If Jane Doe worked independently, she might have only one address on file (Main Address) as her office is the same place she wishes to receive her mail.

18. Can I change all license addresses online?

The main address and license mailing address can be changed online for all license types. License location addresses can also be changed online, except for Barbershops, Cosmetology Salons, Veterinary Establishments, and Talent Agencies. The location for these license types is tied to the license, so a location change will require submission of a new application.

19. How can I change my address if I do not have a computer?

You may submit the change in writing or by fax to:
Department of Business and Professional Regulation
Central Intake Unit – License Maintenance
1940 North Monroe Street
Tallahassee, FL 32399-0783
Fax: 850.922.2918

APPLICATION ASSISTANCE

1. How can I obtain assistance on completing my application?

If you have any questions or need assistance completing the application, please contact the department's Customer Contact Center at 850.487.1395.

2. Where do I mail my application?

Department of Business and Professional Regulation
Central Intake Unit
1940 North Monroe Street
Tallahassee, Florida 32399-0783

3. What are the fees for employee leasing applications?

- Company and group application - \$250
- Single company license fee -
 - First year biennium - \$1,500
 - Second year of biennium - \$750
- Group license fee –
 - First year biennium - \$2,500
 - Second year of biennium - \$1,250
- Controlling person application - \$150
- Controlling person -
 - First year biennium licensure fee - \$1,000
 - Second year of biennium licensure fee - \$500
- Assessment fee - based on the applicant company's gross Florida payroll.

4. How do I know whether it is the first or second year of the biennium licensure period?

The first year of the biennium period is from May 1st of every even-numbered year through April 30th of the following odd-numbered year.

RENEWAL INFORMATION

1. How often do I need to renew my license?

With the exception of those with De Minimis registrations, employee leasing company licenses expire April 30th of every even-numbered year. Therefore licenses must be renewed every even numbered year between February and April 30th. De Minimis registrations expire annually, exactly one year from the date of licensure. The registration must be renewed annually before the expiration date.

2. Will I receive a reminder in the mail regarding renewal?

Yes. Notices are mailed 90 days prior to the license expiration date.

3. How much are renewal fees?

- Employee Leasing Company: \$1,500
- Employee Leasing Company Group: \$2,500
- Controlling Person: \$1,000 each

4. Is the renewal fee the same as the assessment fee?

No. Renewal fees are set depending upon the license type and are paid every two years to renew the license of the company(s) and controlling person(s).

Assessment fees are paid annually. The amount is based on the employee leasing company's gross Florida payroll. The assessment fees range from \$ 72 to \$1,019.50.

CONTINUING EDUCATION REQUIRMENTS

1. Are there continuing education requirements for controlling persons?

No.

COMPLAINTS

1. I have a complaint about an employee leasing company or controlling person. Whom do I contact?

Contact the department's Customer Contact Center at 850.487.1395 or file a complaint online at www.MyFloridaLicense.com > For Consumers > File a Complaint against a Business or Professional.

2. I have a complaint about an unlicensed employee leasing company or controlling person. Whom do I contact?

Contact the department's toll-free unlicensed activity complaint line at 1.866.532.1440 or file a complaint online at www.MyFloridaLicense.com > For Consumers > File a Complaint against a Business or Professional.

SPECIAL BOARD ISSUES

1. When is the quarterly report due?

The quarterly report is due within 75 days after the end of each calendar quarter.

2. When is the annual report due?

The annual report is due within 120 days after the employee leasing company's fiscal year end.

3. When is the annual assessment due?

The annual assessment is due each year on April 1st and delinquent after April 30th.

4. Am I required to submit a certificate of insurance with each quarterly report?

Yes.

5. My report will not be ready by the due date. Can I get a time extension?

With the exception of a seven day grace period, the laws and rules do not provide for a time extension. Reports postmarked more than seven days after the due date are considered late.

6. What happens if I file a quarterly or annual report late?

An administrative complaint is filed against the company and controlling person. The penalty could be a letter of guidance or a fine, as well as potential revocation, depending upon the circumstances.

7. What happens if I do not file a quarterly or annual report?

An administrative complaint is filed against the company and controlling person. The penalty could be a fine, as well as potential revocation, depending upon the circumstances.