

BOARD OF EMPLOYEE LEASING COMPANIES
GENERAL BUSINESS MEETING MINUTES

THE HOLIDAY INN RESORT ORLANDO – THE CASTLE
8629 INTERNATIONAL DRIVE
ORLANDO, FLORIDA 32816
800-952-2785

NOVEMBER 17, 2011
10:00 a.m. EST

I. CALL TO ORDER

The meeting was called to order at approximately 10:08 a.m. EST by Mr. John Jones, Board Chair.

II. ROLL CALL

MEMBERS PRESENT

John Jones, Chair
Celeste Dockery
Abram Finkelstein
Eric Arfons

MEMBERS ABSENT

STAFF PRESENT

Rick Morrison, Executive Director, DBPR
Krista B. Woodard, Government Analyst II, DBPR
Mary Ellen Clark, Board Counsel, Office of the Attorney General
Eric Hurst Prosecuting Attorney, DBPR

OTHERS PRESENT

Mark Mark, Department of Financial Services, Workers' Compensation
Michael Miller, Esquire, Kunkel, Miller & Hament, P.A. and FAPEO
Timothy Tack, Esquire, Kunkel, Miller & Hament, P.A.
Torben Madson, Esquire, Kunkel, Miller & Hament, P.A.
Kim Robbins
Tom Harrington
John Dial
Dan McHenry
Jeff Rendel
Brian Nugent, Esquire
Britt Landrum
Keith W. Reeves
Stephanie Schaeffer

The meeting was opened with a roll call and a quorum was established. Mr. Jones welcomed Mr. Arfons to the Board.

III. PLEDGE OF ALLEGIANCE

Mr. Jones led all in the Pledge of Allegiance

IV. REVIEW AND APPROVAL OF THE SEPTEMBER 21, 2011 GENERAL BUSINESS MEETING MINUTES

MOTION: Ms. Dockery moved to approve the minutes.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

V. REVIEW AND APPROVAL OF THE OCTOBER 19, 2011 TELEPHONE CONFERENCE CALL MEETING MINUTES

MOTION: Mr. Finkelstein moved to approve the minutes.
SECOND: Ms. Dockery seconded the motion and it passed unanimously.

VI. DISCIPLINARY PROCEEDINGS – Office of the General Counsel

A. SETTLEMENT STIPULATIONS

	<u>Case #</u>
1. Business Owners Services & Consulting, Inc. <i>(PCP: Reeves and Landrum – July 20, 2011)</i>	2010-051910
2. Thomas B. Rumfelt <i>(PCP: Reeves and Landrum – July 20, 2011)</i>	2010-051917

Mr. Hurst advised that discussion of these cases is being tabled until the March 2012 meeting.

3. OPGUS, LLC <i>(PCP: Reeves and Landrum – July 20, 2011)</i>	2010-050382
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Mr. Hurst presented the case explaining it stems from violations involving failure to submit the December 2009, March 2010, June 2010, September 2010, December 2010, and March 2011 Quarterly Reports, and failure to submit the reviewed Annual Financial Report for 2009 and 2010.

Mr. Hurst stated the settlement stipulation provides for costs of \$88.54 and voluntary relinquishment of license EL 373 with the stipulation to never again apply for licensure as an employee leasing company in the State of Florida.

Mr. Finkelstein asked if all liabilities had been paid.

Mr. Brian Nugent, Esquire, represented the Respondent stating that they had.

Mr. Finkelstein stated he would like to see proof or an affidavit of the payment of the liabilities, internal financial statements of the company, and proof of workers' compensation insurance termination.

Mr. Nugent asked if once the documents are received and approved by the board, if the board would retro back to the date the stipulation was signed and no additional violations would be added to the Respondent.

The board agreed on the retro active date.

After further discussion, the following motion was made.

MOTION: Mr. Finkelstein moved to table discussion of the case until the December 21, 2011 meeting at which time the Respondent would have provided proof or an affidavit of the payments of the liabilities, internal financial statements of the company, and proof of workers' compensation insurance termination.

SECOND: Ms. Dockery seconded the motion and it passed unanimously.

4. Joel Levy

2010-050390

(PCP: Reeves and Landrum – July 20, 2011)

Mr. Hurst presented the case explaining it stems from violations involving failure to submit the December 2009, March 2010, June 2010, September 2010, December 2010, and March 2011 Quarterly Reports, failure to submit the reviewed Annual Financial Report for 2009 and 2010.

Mr. Hurst stated the settlement stipulation provides for costs of \$94.86 and voluntary relinquishment of license CO 898 with the stipulation to never again apply for licensure as an employee leasing company in the State of Florida.

Mr. Hurst stated the discussion of the OPGUS case would apply the same to Mr. Levy's case.

MOTION: Mr. Finkelstein moved to table discussion of the case until the December 21, 2011 meeting at which time the Respondent would have provided proof or an affidavit of the payments of the liabilities, internal financial statements of the company, and proof of workers' compensation insurance termination.

SECOND: Ms. Dockery seconded the motion and it passed unanimously.

VII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING AND CONTROLLING PERSON APPLICATIONS

- A. Century Employer Organization, LLC (GL Applicant)
Century Employer Organization I (GM Applicant)
Century Employer Organization II (GM Applicant)
Century Employer Organization III (GM Applicant)
Celeste Dockery, CO 7
Keith Reeves, Controlling Person Applicant**

Mr. Jones presented the group leader, group member and controlling person applications.

Ms. Dockery recused herself from the vote due to her personal involvement in the company.

MOTION: Mr. Finkelstein moved to approve the applications.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

- B. CoEmployers, Inc. (GL Applicant)
CoEmployers II, Inc. (GM Applicant)
CoEmployers III, Inc. (GM Applicant)
David Eric Arfons, CO 917**

Mr. Jones presented the group leader and group member applications.

Mr. Arfons recused himself from the vote due to his personal involvement in the company.

MOTION: Ms. Dockery moved to approve the applications.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**C. Intercoastal Payroll Solutions, LLC (GL Applicant)
Intercoastal Payroll Solutions II, LLC (GM Applicant)
Intercoastal Payroll Solutions III, LLC (GM Applicant)
Intercoastal Payroll Solutions IV, LLC (GM Applicant)
John W. Dial, Controlling Person Applicant**

Mr. Jones presented the group leader, group member and controlling person applications.

MOTION: Ms. Dockery moved to approve the applications.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**D. IRM, LLC (EL Applicant)
Barry Siskind, Controlling Person Applicant**

Mr. Jones presented the company and controlling person applications.

MOTION: Mr. Arfons moved to approve the applications.

SECOND: Ms. Dockery seconded the motion and it passed unanimously.

**E. Lyons HRO, Inc. (GL Applicant)
Lyons Services, Inc. (GM Applicant)
Bill Lyons, Jr., Controlling Person Applicant
Harold B. Cornutt, Controlling Person Applicant**

Mr. Jones presented the group leader, group member and controlling person applications.

Mr. Finkelstein asked about the "yes" answers to questions "1" and "4" and also about the bankruptcy listed in the agenda materials.

Mr. Brian Nugent, Esquire, represented the applicants and answered the questions asked.

Ms. Dockery stated that the workers' compensation policy needs to state that it covers leased employees in the State of Florida and corporate tax needs to be added to the IRS 8821 form.

After discussion and a brief recess, the following motion was made.

MOTION: Mr. Jones moved to approve the applications.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

- F. M&T Management, LLC (GM Applicant)**
Thomas Lambert, CO 123
Martha Lambert, CO 122

Ms. Woodard advised that at the request of the applicant, the applications are being tabled until the December 2011 meeting.

- G. Pay Admin II, Inc. (GL Applicant)**
A-1 Contract Staffing V, LLC (GM Applicant)
A-1 Contract Staffing VI, LLC (GM Applicant)
A-1 Contract Staffing VII, LLC (GM Applicant)
Melvin Klinghoffer, CO 963
Thomas Harrington, CO 926
Ana Alfonso, CO 918

Mr. Jones presented the group leader and group member applications.

MOTION: Mr. Jones moved to approve the applications.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

- H. Workforce Business Services, Inc. (EL Applicant)**
Robert W. Kelly, CO 562

Mr. Jones presented the application of Workforce Business Services, Inc.

MOTION: Mr. Arfons moved to approve the application.
SECOND: Mr. Jones seconded the motion and it passed unanimously.

- I. George S. Attmore, III, Controlling Person Applicant**
Solantic Corporation – EL 383

Mr. Jones presented the controlling person application of George S. Attmore, III.

MOTION: Mr. Finkelstein moved to approve the application.
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

- J. Stephanie Schaeffer, Controlling Person Applicant**
Paychex Business Solutions, Inc. - GL 7
PBS of America, Inc. – GM 46
PBS of Central Florida, Inc. – GM 14

Mr. Jones presented the controlling person application of Stephanie Schaeffer.

MOTION: Mr. Jones moved to approve the application.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

VIII. REVIEW AND CONSIDERATION OF DE MINIMIS EXEMPTION AND REGISTRATION APPLICATIONS

**A. United Group Service Centers, Inc.
(Jeffrey J. Jensen, President/Owner)**

Mr. Jones presented the company application of United Group Service Centers, Inc.

MOTION: Mr. Finkelstein moved to approve the application.
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

IX. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS

A. Worklife Financial of Florida, LLC – EL 360

**B. Worklife HR of Florida 1, LLC – GL 150
Worklife HR of Florida 2, LLC – GM 373**

Mr. Jones advised that discussion of these applications is tabled until the next meeting.

X. REVIEW AND CONSIDERATION OF TERMINATION OF EMPLOYEE LEASING COMPANY OPERATIONS

A. Checks and Balances, Inc. – DM 77

Mr. Jones presented the application for termination of operations for Checks and Balances, Inc.

MOTION: Mr. Jones moved to approve the termination.
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

XI. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

**A. Robert Befidi, CO 877 2136
Staff One, Inc. – EL 194**

Mr. Jones presented the controlling person relinquishment of Robert Befidi.

Ms. Woodard advised that the licensee had an outstanding citation of \$250.

Mr. Mike Miller represented the licensee stating the citation would be paid within 30 days.

MOTION: Mr. Finkelstein moved to accept the relinquishment pending receipt of payment of the citation within 30 days.
SECOND: Mr. Jones seconded the motion and it passed unanimously.

**B. Karen E. Bowling, CO 913
Solantic Corporation – EL 383**

Mr. Jones presented the controlling person relinquishment of Karen E. Bowling.

MOTION: Mr. Jones moved to accept the relinquishment.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

C. Hodges Rayburn Martin, Jr., CO 611
Progressive Employer Services V, LLC – GL 120
Progressive Employer Services III, LLC – GM 259
Progressive Employer Services IV, LLC– GM 258

Mr. Jones presented the controlling person relinquishment of Hodges R. Martin, Jr.

MOTION: Mr. Jones moved to accept the relinquishment.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

XII. REPORTS

A. Office of the General Counsel – Eric Hurst

Mr. Hurst reported that the prosecuting attorney's report was included in the agenda materials.

He also stated that we would need to schedule a full day at the March 2012 meeting just to do discipline.

B. Office of the Attorney General – Mary Ellen Clark

Ms. Clark advised that a rules report was included in the agenda materials.

Ms. Clark stated that Rule 61G7-5.001 and 61G7-5.002, F.A.C. were considered at the September 2011 meeting and changes were made to both of the rules. She advised that the written changes that were voted upon were included in the materials. *(See Rule Below)*

Sept 2011 Draft

61G7-5.001 Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing.

(1) (a) Applicants for licensure as an employee leasing company ~~or as a controlling person~~ shall file a completed application on form ~~Form~~ DBPR EL 4501, "Application for Licensure as an Employee Leasing Company," effective ~~May 20, 2011~~ ~~March 18, 2004~~ and/or Form DBPR EL 4510, "Application for Licensure as an Employee Leasing Company Controlling Person," effective ~~March 18, 2004~~. The forms, together with their attached instructions for completing the application forms, are incorporated herein by reference and may be obtained from the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at ~~www.myflorida.com~~. This form references and, where applicable, requires the completion and submission of the following additional forms:

- 1. DBPR 0020-1, "Master Organization Application," effective May, 2011;*
- 2. DBPR EL- 4510, "Application for Licensure as an Employee Leasing Company Controlling Person," effective May 20, 2011.*
- 3. DBPR EL-4512, "Historical Sketch," effective May,2011.*
- 4. DBPR EL-4518. "Cross Guarantee Form" effective May, 2011.*
- 5. DBPR EL-4520. "Workers' Compensation and Release Authorization," effective May, 2011.*

6. DBPR EL-4521, "Unemployment Compensation and Payroll Tax Certification," effective May, 2011.

7. DBPR EL-4507, "Health Insurance Statement," effective May, 2011.

8. DBPR EL-4522, "Quarterly Compliance Form," effective May, 2011.

9. DBPR-0050-1, "Explanatory Information for Background Questions," effective May, 2011; and

10. DBPR-0060-1, "General Explanatory Description," effective May, 2011.

(b) All forms referenced above, together with the instructions for completing them, are incorporated herein by reference and may be obtained from the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at www.myflorida.com/dbpr/pro/emplo/forms.html. Applicants shall cure all deficiencies in their application noted by the board within 90 days from the date of the letter notifying the applicant or the application will be denied as an incomplete application. For purposes of this rule, an application is complete when all items on the application form have been fully answered, the applicant has paid the application fee specified in subsection (2), and has submitted all attendant documentation, certifications, ~~electronic fingerprints through the Department's vendor fingerprint cards~~, explanations of answers, and other items specified in the form and its attached instructions. An application for licensure as an employee leasing company or group will not be deemed complete until both the controlling person(s) and employee leasing company parts are complete.

(2) The application fee shall be \$250 for ~~each~~ employee leasing company applicants, ~~\$106.75~~ ~~150~~ for ~~each~~ controlling person applicants, \$250 for ~~each~~ change of ownership applicants, and registration fees for de minimus operations of \$250 for a single employee leasing company and \$500 for ~~a de minimus~~ ~~an~~ employee leasing company group.

(3) License fees shall be assessed as follows:

(a) For initial licensure applications to be effective in the first year of the biennium:

1. ~~\$600.00~~ ~~1,000~~ for each controlling person;
2. ~~\$900.00~~ ~~1,500~~ for each employee leasing company;
3. ~~\$1,500~~ ~~2,500~~ for each employee leasing company group.

(b) For initial licensure applications to be effective in the second year of the biennium:

1. ~~\$300~~ ~~500~~ for each controlling person;
2. ~~\$450~~ ~~750~~ for each employee leasing company;
3. ~~\$750~~ ~~1,250~~ for each employee leasing company group.

(c) For renewal licensure applications:

1. ~~\$600~~ ~~1,000~~ for each controlling person;
2. ~~\$900~~ ~~1,500~~ for each employee leasing company;
3. ~~\$1,500~~ ~~2,500~~ for each employee leasing company group.

(d) For purposes of this rule the first ~~year of the~~ biennium shall end on April 30 of every ~~odd~~ ~~even~~-numbered year.

(e) Unlicensed Activity Fee. From each fee for initial licensure and each fee for licensure renewal, \$5.00 shall be earmarked for the purpose of combatting unlicensed activity.

(f) Initial assessments shall be paid as per Rule 61G7-5.002, F.A.C.

(4) through (5) No change.

(6) In determining that an applicant meets the licensure requirements in Section 468.525, F.S., the Board must find that the applicant:

(a) In the case of an individual applying for licensure as a controlling person:

1. Is at least 18 years of age;
2. Is of good moral character as defined in Section 468.525(2)(a), F.S.;
3. Has sufficient education or experience to successfully operate as a controlling person of an employee leasing company.
4. Notwithstanding the foregoing, an applicant shall not be deemed to meet the requirements of Section 468.525(1)(c), F.S., if the applicant has been affiliated directly or indirectly with any person, persons or entities (not only an employee leasing company) whose business operations are being or have been operated in a manner detrimental to clients, employees, governmental agencies, investors or creditors through the improper manipulation of assets or accounts. The foregoing shall apply only if the applicant would have been considered a "controlling person" of any such entity as that term is defined in Section 468.520(7), F.S. "Business operations which are deemed to be detrimental to clients, employees, governmental agencies, investors or creditors" shall mean a history, pattern or significant incidence of the following:

- a. The imposition of federal or state withholding or payroll tax liens,
- b. Unpaid federal, state or local withholding or payroll taxes,

- c. Violating federal wage and hour laws,
- d. Failure to comply with state or federal workers' compensation requirements,
- e. Failure to comply with applicable laws relating to the providing and maintenance of health insurance benefits to employees, and
- f. Failure to comply with occupational health and safety act (OSHA) requirements.

5. If any person applying for licensure as a controlling person, pursuant to Section 468.525, F.S., has engaged in the activities set forth in sub-subparagraphs 4.a. through f. above, this shall not be deemed to be an automatic bar to licensure. In determining whether to approve an applicant for licensure in spite of such activities, the Board shall consider the following factors:

- a. The length of time since the prior activity.
- b. The steps taken by the applicant to insure the non-occurrence of similar actions in the future.
- c. The restitution of any damages suffered by any company, client or victim of the applicant's actions.
- d. The lack of any recurrent actions by the applicant.
- e. The lack of any wrongful intent by the applicant at the time of the action.

6. Any controlling person's license approved by the board shall exist only in conjunction with a license granted to an employee leasing company. When any controlling person ceases to meet the statutory and rule criteria to be a controlling person then the controlling person's license shall expire and become null and void. If a controlling person notifies the Department within ninety (90) days of the event which ends the individual's status as a controlling person that the individual is going to become a controlling person with another employee leasing company then a new controlling person license will be issued upon payment of a \$5.00 ~~transfer application fee~~ and written notification to the Department from all employee leasing companies involved. For such an application only, the background checks required of all initial controlling person applicants shall be waived insofar as the information would be available from the previous licensure file.

(b) In the case of a sole proprietorship, partnership, corporation, or other form of business entity applying for licensure as an employee leasing company:

1. If a corporation is validly organized in the State of Florida, or appropriately registered as a Foreign Corporation doing business in the State of Florida as evidenced by a Certificate of Standing issued by the Florida Secretary of State.

2. Has and is maintaining, at the time of application, a positive working capital as determined in accordance with generally accepted accounting principles as demonstrated in the information filed with the application.

3. Has a tangible accounting net worth of not less than \$50,000 in accordance with generally accepted accounting principles as demonstrated in the information filed with the application.

4. Has, at the time of application, a contract form meeting the requirements of Sections 468.525(3) and (4), F.S., which will be used after licensure to engage in employee leasing with new or renewal clients.

5. Has provided with the application a certificate of workers' compensation insurance coverage which shall name the Board as a Certificate Holder and shall provide for a minimum of 30 days' notification of cancellation or if a policy from the Florida Workers' Compensation Joint Underwriting Underwriters Association (FWCJUA JUA) or from any carrier authorized by the Florida Office of Insurance Regulation is to be utilized by the applicant, the applicant has provided a letter from the FWCJUA JUA or other authorized carrier which sets forth that the policy will issue immediately upon licensure by the Board, and the policy issues ~~from the JUA~~ within thirty (30) days of the FWCJUA JUA or other authorized carrier's notification from the Board that the applicant has been approved subject to the JUA policy issuing. The employee leasing company may not contract to provide any services to leased employees until the JUA policy has issued.

6.a. Has provided with the application a valid certificate of workers' compensation insurance coverage, pursuant to Rule 61G7-10.0014, F.A.C., for all copies of the declaration pages and all endorsements on all plans for worker's compensation insurance covering leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with the new certificate of workers' compensation insurance coverage copies of any policies, declaration pages and endorsements within sixty (60) days; or

b. Has supplied the Board a letter signed by an agent or a carrier authorized to bind coverage on behalf of such carrier, which substantially reads as follows:

Board of Employee Leasing Companies
 Division of Business and Professional Regulation
 Northwood Centre
 1940 North Monroe Street

Tallahassee, Florida 32399

RE: _____

Dear _____:

Enclosed is a copy of the Certificate of Liability Insurance for _____. _____ is an authorized agent and has the authority to bind coverage with _____. This policy number is _____, effective from _____ to _____ and issued to _____. This policy provides coverage to leased employees in Florida.

~~7. With regard to all plans of group insurance for the provision of health benefits to leased employees, has Has provided the Board a signed statement that is substantially in the form set forth in Rule 61G7-5.001(12)(b), F.A.C. with the application copies of the policies, declaration pages and all endorsements on all plans or arrangements of group insurance for the provision of health benefits to leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with copies of any policies, declaration pages and endorsements within sixty (60) days; or An additional signed statement shall be submitted to the Board within (60) days of any material change in any such plan offered to leased employees.~~

~~b. Has supplied the Board the affidavit set forth in paragraph 61G7-5.001(12)(b), F.A.C.~~

(7) No change.

(8) If the Board determines that an applicant is not qualified for licensure it shall notify the applicant of its intent to deny the applicant's application, which notice shall become a final order of the Board after 21 days. Within this 21-day period the applicant may file with the Board's office a request for ~~formal or informal~~ hearing pursuant to Section 120.57(1) or (2), F.S. A request for ~~formal~~ hearing pursuant to Section 120.57(1), F.S. shall comply with the requirements of Rule 28-106.201 ~~28-5-201~~, F.A.C.

(9) through (11) No change.

~~(12)(a) Every employee leasing company or employee leasing company group which sponsors a plan for health benefits for its employees shall submit a complete copy of the plan or health insurance policy to the Board for review to insure compliance with subsection 468.529(1), F.S. In the event that the Board's review indicates that the submitted plan or policy is a self-insured plan of health benefits, the applicant or licensee shall submit an amended policy in conformity with subsection 468.529(1), F.S.~~

~~(b) As an alternative to the submission of the plan or health insurance policy as provided in paragraph (a) the The applicant or licensee, within (60) days of a licensee's obtaining a plan of group insurance for the provision of health benefits shall may submit a signed statement an affidavit from the insurer showing that the policy or plan is in compliance. Such statement Nothing in this rule shall impose any requirement on any insurer to provide such an affidavit. In the event that an affidavit is submitted, it shall be in substantially the following form:~~

AFFIDAVIT

I, (name of signatory), after being duly sworn upon my oath, depose and state:

1. I am employed by (name of employer) as (position). (Name of employer), is an admitted insurance carrier in the State of Florida. I possess the authority to make the following statements on behalf of (name of employer) and to bind (name of employer) concerning the statements made herein.

2. It is my understanding that, as a requirement for licensure as an employee leasing company in Florida, an employee leasing company may not sponsor a plan of self-insurance for health benefits except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employees Retirement Income Security Act. (name of insurer) Group Insurance Policy # issued to (name of leasing company), is in compliance with the requirements of this law as it is a fully insured insurance product which is fully insured by (name of insurer). Notwithstanding any provision in the policy which could be interpreted to the contrary (name of insurer) is ultimately fully responsible for all incurred claims under the terms of the policy.

After having read the above statements, I state swear that they are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

~~Subscribed to before me this _____ day of _____, 20____, by _____, who being known to me/ produced written identification in the form of _____, and did take an oath.~~

Notary Public

My Commission Expires _____

Rulemaking Specific Authority ~~120.53(1), 455.2281, 468.522, 468.524, 468.5245, 468.5275~~ FS. Law Implemented ~~455.213(11), 455.2281, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529~~ FS. History--New 5-5-92, Amended 7-15-92, 10-20-92, Formerly 21EE-5.001, Amended 10-24-93, 3-14-94, 7-4-94, 9-8-94, 11-13-94, 2-13-95, 6-4-95, 11-9-95, 5-26-96, 5-19-97, 4-29-99, 9-5-04, _____.

Ms. Clark advised that a Notice of Rule Development was done on October 21, 2011 for Rule 61G7-5.001, F.A.C.

Ms. Clark advised that the SERC for Rule 61G7-5.001, F.A.C. needed to be voted upon.

MOTION: Mr. Finkelstein moved to approve the SERC for Rule 61G7-5.001, F.A.C.
SECOND: Mr. Jones seconded the motion and it passed unanimously.

In regards to Rule 61G7-5.002, F.A.C., Ms. Clark advised that there was no action to be taken at this time.

She informed that a Notice for Rule Development was done on October 21, 2011. (See Rule Below)

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) The Department of Business and Professional Regulation shall assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The assessment shall be due on April 1 of each year and shall become delinquent after April 30. For new applicants the initial assessment shall be due with the licensure application. Funds collected under this assessment are to be made payable to the Board and to be deposited into the Professional Regulation Trust Fund as created within the Department. The annual assessment fee shall be calculated in accordance with the following table:

Amount of Gross Florida Payroll	Assessment Fee Due	
less than \$250,000	<u>\$36.00</u>	72.00
250,000 – \$500,000	<u>\$64.00</u>	127.00
\$500,001 – \$1,000,000	<u>\$95.00</u>	190.00
\$1,000,001 – \$2,500,000	<u>\$134.00</u>	267.50
\$2,500,001 – \$5,000,000	<u>\$172.00</u>	344.50
\$5,000,001 – \$7,500,000	<u>\$211.00</u>	422.00
\$7,500,001 – \$10,000,000	<u>\$250.00</u>	499.00
\$10,000,001 – \$15,000,000	<u>\$289.00</u>	577.00
\$15,000,001 – \$20,000,000	<u>\$327.00</u>	654.00
\$20,000,001 – \$30,000,000	<u>\$366.00</u>	731.00
\$30,000,001 – \$40,000,000	<u>\$404.00</u>	808.50
\$40,000,001 – \$50,000,000	<u>\$457.00</u>	914.50
greater than \$50,000,000	<u>\$510.00</u>	1019.50

(2) If the sum of license fees under subparagraph 61G7-5.001(3)(a)2., F.A.C., for any employee leasing company when combined with the assessments levied under subsection (1) for the first and second year of the licensure period shall exceed the maximum biennial fees established in accordance with Section 468.526(4)(a), F.S., the assessment for the second year of the biennial licensure period shall be reduced by the amount of such excess.

(3) If the sum of license fees under subparagraph 61G7-5.001(3)(a)3., F.A.C., for any employee leasing company group when combined with the assessments levied under subsection (1) for the first and second year of the licensure period shall exceed the maximum biennial fees established in accordance with Section 468.526(4)(b), F.S., the assessment for the second year of the biennial licensure period shall be reduced by the amount of such excess.

Rulemaking Specific Authority 468.522 FS. Law Implemented 468.526(3) FS. History—New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, 7-11-00, 9-5-04, 3-27-05, 7-6-05,_____.

In regards to Rule 61G7-10.002, F.A.C., which was worked on in 2009, Ms. Clark advised that the board approved some changes at the August 2011 meeting, which she was able to file a Notice of Change on October 14, 2011.

Ms. Clark advised that she has received new letters from JAPC on this rule and she is currently working on addressing the issues.

Ms. Clark included in the agenda, for informational purposes only, the latest Executive Order from the Governor's Office, EO-11-211, that was filed back in October 2011. She advised this is the Governor's response to the Florida Supreme Court's opinion in the Wiley case.

C. Executive Director – Rick Morrison

No report.

D. Chairperson – John Jones

Mr. Jones asked Ms. Woodard to have the CIU staff to double check the check sheets for accuracy before sending them to the board.

XIII. OLD BUSINESS

None

XIV. NEW BUSINESS

None

XV. PUBLIC COMMENT

Ms. Clark advised that she has a conflict with the August 15, 2012 meeting.

Mr. Jones asked the board to review their schedules and let Ms. Woodard know by the next meeting what dates they have available for August 2012.

XVI. ADJOURNMENT

MOTION: Ms. Dockery moved to adjourn.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

The meeting adjourned at 11:58 am.