

61-32.002 Board of Employee Leasing Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. The citation shall be issued to the subject and shall contain the subject's name and address, license number if applicable, a brief factual statement, the sections of law allegedly violated, and the penalty imposed. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation, unless the licensee has already received two citations within the preceding one year period, in which case the disciplinary procedures contained in Section 455.225, F.S., shall apply:

(a) Conducting a business under a name other than the licensed name of the employee leasing company, in violation of Section 468.530(3), F.S. The fine shall be \$500.00.

(b) Failure to notify the Board of change of address, in violation of Section 468.532(1)(j), F.S. The fine shall be \$100.00.

(c) Failing to post in a conspicuous place in the principal place of business the license of the employee leasing company in violation of Section 468.530(2), F.S. The fine shall be \$100.00.

(d) Failure to submit quarterly reports when due but which are submitted and postmarked more than 7 days, but less than 90 days after the due date, in violation of Rule 61G7-10.001, F.A.C., the fine shall be \$500.00.

(e) Failure to submit annual reports when due but which are submitted and postmarked more than 7 days, but less than 30 days of the date in violation of Rule 61G7-10.0011, F.A.C. The fine shall be \$500.00.

(f) Failure to submit a statement of total gross Florida payroll and annual assessment fees when due but which are submitted and postmarked more than 7 days, but less than 90 days of the due date, in violation of subsection 61G7-5.002(1), F.A.C., the fine shall be \$500.00.

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, restricted delivery, the citation shall become a final order of the Board of Employee Leasing Companies. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 468.532(1)(i), F.S., which shall result in further disciplinary action. All fines and costs are to be made payable to "Board of Employee Leasing Companies."

(5) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.

(6) Should an offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.225, F.S., shall apply.

Rulemaking Authority 455.203(5), 455.224 FS. Law Implemented 455.224, 455.225, 468.530, 468.532 FS. History—New 6-26-95, Amended 2-19-98, 12-3-00, 11-5-17.