

EXECUTIVE SUMMARY

Board of Employee Leasing Companies

Meeting Type: General Business/Committee Meeting
Meeting Date: August 17, 2005
Meeting Loc: Ritz-Carlton Hotel, Sarasota

Board Members: Celeste Dockery (Chair),
Frank Crum Jr., Ryan S. Moore

Members Absent: Carlos Rodriguez (Vice-chair), Kelly Lanza

Department Staff: Eric Hurst, (Prosecuting Attorney)
John Knap, (Executive Director)
Krista Woodard, (Gov. Analyst II)

Other Attendees: Mary Ellen Clark, (Board Counsel)

Major Issues/Actions

- The Probable Cause Panel considered 4 Administrative Complaints, 3 closing orders and conducted 23 cursory reviews.
- The board reviewed 13 employee leasing company and controlling person applications. Total of 10 were approved and 3 were withdrawn.
- The board considered 1 change of ownership application, which was approved.
- The board reviewed 5 applications for consideration of name change, all were approved.
- The board reviewed and considered 1 relinquishment of controlling person license, which was approved.
- The Board did not consider any discipline cases during this meeting due to quorum problems.
- Review of the July 19, 2005 licensee population report for the Board of Employee Leasing Companies
- Unlicensed Activity – A detailed enforcement / unlicensed activity report through 7/31/05 was presented to the Board from the Division of Professions and Regulation.
- Prosecuting Attorney Report OGC – 57 cases currently open in various statuses, 19 are public and 38 confidential.
- Currently 2 vacancies (consumer members) existing on board. Staff was requested to inquire regarding status of board appointments.
- Board member Kelly Lanza was reappointed to the board by Governor Bush on June 15, 2005.

Workers' Compensation Discussion

- Discussion of F.S. 468.529 Licensee's insurance; employment tax; benefit plans.— Are all employee leasing companies required to carry worker's compensation insurance coverage or can they be exempt under the provision that states "coverage must be provided pursuant to chapter 440"? Chapter 440 provides an exemption for 4 or fewer employees.
- A group of 23 discipline cases were presented to the probable cause panel based on this issue. Namely licensed companies not currently covered by worker's compensation. The PC panel declined to consider these cases, voting that the entire board should discuss the matter and make a determination of the intent of the relevant statute.
- Time will be scheduled during the next in person meeting to discuss the above issue as well as: Employee Leasing Brokers and revision of form EL4516 "Workers Compensation Liability Statement."

Legislation/Rule Promulgation

Board counsel provided a Rules Report.

- 61G7-5.002(2) Annual Assessment on Gross Florida Payroll, effective 7/6/05
- 61G7-10.002 Reporting of status of change required, published 8/19/05

Next Meeting: September 21, 2005 Telephone Conference Call

John T. Knap
Executive Director August 22, 2005