

By the Committees on Transportation and Economic Development
Appropriations; Commerce; and Senators Fasano and Lynn

606-05431-08

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1 A bill to be entitled

2 An act relating to unemployment compensation; amending s.
3 443.101, F.S.; redefining the term "temporary help firm"
4 to include a labor pool; redefining the term "temporary
5 employee" to include a day laborer who is employed by a
6 labor pool; providing that a day laborer is disqualified
7 for benefits following loss of employment with a labor
8 pool; providing that the time of hire for a day laborer is
9 upon acceptance of the first assignment with a labor pool;
10 requiring the labor pool to provide written notice to the
11 temporary employee regarding the availability of work and
12 reassignment; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (10) of section 443.101, Florida
17 Statutes, is amended to read:

18 443.101 Disqualification for benefits.--An individual shall
19 be disqualified for benefits:

20 (10) Subject to the requirements of this subsection, if the
21 claim is made based on the loss of employment as a leased
22 employee for an employee leasing company or as a temporary
23 employee for a temporary help firm.

24 (a) As used in this subsection, the term:

25 1. "Temporary help firm" means a firm that hires its own
26 employees and assigns them to clients to support or supplement
27 the client's workforce in work situations such as employee
28 absences, temporary skill shortages, seasonal workloads, and
29 special assignments and projects, and includes a labor pool as

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30 defined in s. 448.22. The term also includes a firm created by an
31 entity licensed under s. 125.012(6), which hires employees
32 assigned by a union for the purpose of supplementing or
33 supporting the workforce of the temporary help firm's clients.
34 The term does not include employee leasing companies regulated
35 under part XI of chapter 468.

36 2. "Temporary employee" means an employee assigned to work
37 for the clients of a temporary help firm. The term also includes
38 a day laborer performing day labor, as defined in s. 448.22, who
39 is employed by a labor pool as defined in s. 448.22.

40 3. "Leased employee" means an employee assigned to work for
41 the clients of an employee leasing company regulated under part
42 XI of chapter 468.

43 (b) A temporary or leased employee is deemed to have
44 voluntarily quit employment and is disqualified for benefits
45 under subparagraph (1)(a)1. if, upon conclusion of his or her
46 latest assignment, the temporary or leased employee, without good
47 cause, failed to contact the temporary help or employee-leasing
48 firm for reassignment, if the employer advised the temporary or
49 leased employee at the time of hire and that the leased employee
50 is notified also at the time of separation that he or she must
51 report for reassignment upon conclusion of each assignment,
52 regardless of the duration of the assignment, and that
53 unemployment benefits may be denied for failure to report. For
54 purposes of this section, the time of hire for a day laborer is
55 upon his or her acceptance of the first assignment following
56 completion of an employment application with the labor pool. The
57 labor pool as defined in s. 448.22(1) must provide notice to the
58 temporary employee upon conclusion of the latest assignment that

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59 work is available the next business day and that the temporary
60 employee must report for reassignment the next business day. The
61 notice must be given by means of a notice printed on the
62 paycheck, written notice included in the pay envelope, or other
63 written notification at the conclusion of the current assignment.

64 Section 2. This act shall take effect July 1, 2008.