

FLORIDA WORKERS' COMPENSATION NEWSLETTER

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Here are summaries of the most recent decisions in Florida Workers' Compensation Law. Please contact us if we can be of any assistance in further interpreting these cases or applying them to your claims. We are available at the below contact points to discuss these or any other issues at your convenience. Remember, these opinions were just released and are not final until the time expires to file a motion for rehearing and that is ultimately ruled on. Feel free to contact us to determine when the opinions become final.



What is an employer?

The 1st DCA in Bolanos v. Workforce Alliance and Amcomp/Pinnacle and Arbor Education & Training/Rescare and Specialty Risk Services, in a case of first impression, works on an answer to this question in one particular situation. The term "employer" is defined in Chapter 440 to include "employment agen-

**1st DCA
Opinions Filed
on October 27,
2009**

cies, employee leasing companies, and similar agents who provide employees to other persons." The claimant in this case went to the Workforce Alliance Career Center to find a job. The Center does not charge employees or employers for job placement. The Center was operated by Workforce Alliance while Arbor Education was responsible for providing job assistance services. The claimant spoke to an unidentified person at the Center who told him "I have a job for you". The person directed the claimant to meet "Lewis" for a tree trimming job. After working for a few hours the claimant was injured when he fell from a tree.

The Court does not address whether "Lewis" had workers' compensation insurance, but it would appear that he did not. The claimant argued one of the entities at the Center was his employer because they were a "similar agent" under the statute. The Court disagreed. Drawing on the definitions of "employment agencies" and "employee leasing companies", the Court held that "similar agents" would need to charge the prospective employees or employers for their services in order to be an "employer" under the statute. Since they did not charge, but rather were federally funded, the entities at the Center were not the claimant's employers.

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