



648194

LEGISLATIVE ACTION

Senate	.	House
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Floor: 2e/AD/3R	.	Floor: C
03/11/2018 03:27 PM	.	03/11/2018 04:13 PM
	.	

Senator Bradley moved the following:

1 **Senate Amendment to Amendment (844462) (with title**
2 **amendment)**

3
4 Between lines 2205 and 2206
5 insert:

6 Section 51. Chapter 451, Florida Statutes, consisting of
7 sections 451.01 and 451.02, Florida Statutes, is created to
8 read:

9 CHAPTER 451

10 MARKETPLACE CONTRACTORS

11 451.01. Definitions.—For purposes of this chapter, the



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12 term:

13 (1) "Household services" means:

14 (a) Furniture assembly;

15 (b) Interior painting;

16 (c) Television mounting;

17 (d) Local moving help, such as packing, lifting, loading,
18 and rearranging household items, but excluding transporting
19 items;

20 (e) Hanging pictures, mirrors, curtains, blinds, and
21 shelves;

22 (f) Home cleaning;

23 (g) Installation of in-home technology that does not
24 require a hardwired electrical connection; or

25 (h) Installing or replacing door hardware.

26

27 Household services do not include services that require
28 licensure under chapter 489.

29 (2) "Marketplace contractor" means any individual who:

30 (a) Enters into an agreement with a marketplace platform to
31 use the platform's technology application to connect with third-
32 party individuals or entities seeking temporary household
33 services.

34 (b) In return for compensation, offers or provides
35 temporary household services to third-party individuals or
36 entities through the marketplace platform's technology
37 application.

38 (3) "Marketplace platform" or "platform" means an entity
39 operating in this state which:

40 (a) Offers an online-enabled technology application



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41 service, website, or system that enables marketplace contractors
42 to provide services to third-party individuals or entities
43 seeking such temporary household services.

44 (b) Accepts service requests from the public only through
45 its online-enabled technology application service, website, or
46 system.

47 451.02 Marketplace contractors.-

48 (1) A marketplace contractor must be treated as an
49 independent contractor, and not as an employee, of the
50 marketplace platform for all purposes under state and local
51 laws, regulations, and ordinances, including, but not limited
52 to, chapters 440 and 443, if all of the following conditions are
53 met:

54 (a) The marketplace platform does not unilaterally
55 prescribe specific hours during which the marketplace contractor
56 must be available to accept service requests submitted through
57 the platform from third-party individuals or entities.

58 (b) The marketplace platform does not prohibit the
59 marketplace contractor from using the technology application
60 offered by other marketplace platforms.

61 (c) The marketplace platform does not restrict the
62 contractor from engaging in any other occupation or business.

63 (d) The marketplace platform and marketplace contractor
64 agree in writing that the marketplace contractor is an
65 independent contractor with respect to the marketplace platform.

66 (e) The marketplace contractor bears all or substantially
67 all of the marketplace contractor's expenses incurred by the
68 marketplace contractor in performing the services.

69 (f) The marketplace contractor is responsible for paying



70 taxes on the marketplace contractor's income.

71 (2) Subsection (1) applies to services performed by a
72 marketplace contractor before July 1, 2018, if the conditions
73 set forth in subsection (1) were satisfied when the services
74 were performed.

75 (3) Compliance with subsection (1) is not mandatory to
76 establish the existence of an independent contractor
77 relationship. The exclusion of any person or service from this
78 section does not create any presumption and is not admissible to
79 deny the existence of an independent contractor relationship.

80 (4) Third-party individuals or entities seeking services
81 through the marketplace platform and marketplace contractors
82 must comply with chapter 440 in the same manner as if they had
83 not connected through the marketplace platform.

84 (5) This section does not apply to:

85 (a) Services performed in the employ of the state, a
86 political subdivision of the state, an Indian tribe, an
87 instrumentality of a state, or any political subdivision of a
88 state or an Indian tribe which is wholly owned by one or more
89 states, political subdivisions, or Indian tribes, respectively,
90 provided that such service is excluded from employment as
91 defined in s. 3306 of the Federal Unemployment Tax Act.

92 (b) Services performed in the employ of a religious,
93 charitable, educational, or other organization which is excluded
94 from employment as defined in ss. 3301-3311 of the Federal
95 Unemployment Tax Act, solely by reason of s. 3306(c)(8) of the
96 act.

97
98 ===== T I T L E A M E N D M E N T =====



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99 And the title is amended as follows:
100 Delete line 2881
101 and insert:
102 brownfield areas; creating ch. 451, F.S., entitled
103 "Marketplace Contractors"; creating s. 451.01, F.S.;
104 defining terms; creating s. 451.02, F.S.; providing
105 that a marketplace contractor is deemed an independent
106 contractor if specified conditions are met; providing
107 applicability and construction; amending s. 624.5105,
108 F.S.;