

By Senator Rodriguez

39-01066-21

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1 A bill to be entitled
 2 An act relating to determinations of employment
 3 status; creating s. 448.111, F.S.; defining the term
 4 "engaged individual"; prohibiting certain actions
 5 taken during a public health emergency or state of
 6 emergency from being the basis of determining in civil
 7 proceedings whether an individual is an employee or
 8 independent contractor or whether an entity is a joint
 9 employer; providing an effective date.

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

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 13 Section 1. Section 448.111, Florida Statutes, is created to
 14 read:

15 448.111 Determination of employment status during
 16 emergencies.-

17 (1) As used in this section, the term "engaged individual"
 18 means an individual who provides a product or service to a
 19 business entity or on behalf of a business entity and receives
 20 remuneration for such service regardless of whether the
 21 individual is classified as an employee or as an independent
 22 contractor.

23 (2) In a civil proceeding, the following actions may not be
 24 the basis for determining whether an engaged individual is an
 25 employee or an independent contractor or whether an entity is
 26 the joint employer of an engaged individual if such actions were
 27 taken during a public health emergency declared pursuant to s.
 28 381.00315 or a state of emergency declared pursuant to s.
 29 252.36:

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30 (a) Providing financial assistance to engaged individuals
31 who are unable to work because of health or safety concerns;

32 (b) Directly providing benefits related to the health and
33 safety of engaged individuals, including, but not limited to,
34 medical or cleaning supplies, personal protective equipment,
35 health checkups, or medical testing;

36 (c) Providing training or information related to the health
37 or safety of engaged individuals or the public; or

38 (d) Taking any action intended to protect public health and
39 safety, including, but not limited to, actions required or
40 suggested by federal, state, or local law.

41 Section 2. This act shall take effect July 1, 2021.