

1 A bill to be entitled
2 An act relating to portable benefits accounts for
3 independent contractors and sole proprietors; creating
4 part III of ch. 448, F.S., entitled the "Voluntary
5 Portable Benefits Act"; creating s. 448.31, F.S.;
6 providing a short title; creating s. 448.32, F.S.;
7 providing definitions; creating s. 448.33, F.S.;
8 authorizing certain parties to make voluntary
9 contributions to portable benefits accounts for
10 independent contractors and sole proprietors;
11 providing requirements for such contributions;
12 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.** Part III of chapter 448, Florida Statutes,
17 consisting of ss. 448.31, 448.32, and 448.33, Florida Statutes,
18 is created and entitled the "Voluntary Portable Benefits Act."

19 **Section 2. Section 448.31, Florida Statutes, is created to**
20 **read:**

21 448.31 Short title.—This part may be cited as the
22 "Voluntary Portable Benefits Act."

23 **Section 3. Section 448.32, Florida Statutes, is created to**
24 **read:**

25 448.32 Definitions.—As used in this part, the term:

26 (1) "Hiring party" means a person who hires or enters into
27 a contract with an independent contractor or a sole proprietor.

28 (2) (a) "Independent contractor" means a person who meets
29 four of the following criteria:

30 1. Maintains a separate business with his or her own work
31 facility, truck, equipment, materials, or similar
32 accommodations.

33 2. Holds or has applied for a federal employer
34 identification number, unless the person is a sole proprietor
35 who is not required to obtain a federal employer identification
36 number under state or federal regulations.

37 3. Receives compensation for services rendered or work
38 performed and such compensation is paid to a business rather
39 than to an individual.

40 4. Holds one or more bank accounts in the name of the
41 business entity for purposes of paying business expenses or
42 other expenses related to services rendered or work performed
43 for compensation.

44 5. Performs work or is able to perform work for any entity
45 in addition to or besides the hiring party at his or her own
46 election without the necessity of completing an employment
47 application or process.

48 6. Receives compensation for work or services rendered on
49 a competitive-bid basis or completion of a task or a set of
50 tasks as defined by a contractual agreement, unless such

51 contractual agreement expressly states that an employment
52 relationship exists.

53 (b) If a person does not meet at least four of the
54 criteria under paragraph (a), a person may still be presumed to
55 be an independent contractor and not an employee based on full
56 consideration of the nature of the person's situation with
57 regard to whether the person meets any of the following
58 conditions:

59 1. Performs or agrees to perform specific services or work
60 for a specific amount of money and controls the means of
61 performing the work or services.

62 2. Incurs the principal expenses related to the service or
63 work that he or she performs or agrees to perform.

64 3. Is responsible for the satisfactory completion of the
65 work or services that he or she performs or agrees to perform.

66 4. Receives compensation for work or services performed
67 for a commission or on a per-job basis and not on any other
68 basis.

69 5. May realize a profit or suffer a loss in connection
70 with performing work or services.

71 6. Has continuing or recurring business liabilities or
72 obligations.

73 7. Has success or failure in the person's business which
74 depends on the relationship of business receipts to
75 expenditures.

76 (3) (a) "Portable benefits account" means an account that
77 meets the following conditions:

78 1. The account is opened by an independent contractor or a
79 sole proprietor to fund the purchase of one or more benefit
80 plans and is administered by a third-party portable benefits
81 account provider chosen by the independent contractor or the
82 sole proprietor.

83 2. The account is assigned to a beneficiary of one or more
84 benefit plans rather than to a hiring party.

85 (b) As used in paragraph (a), the term "benefit plan"
86 includes, but is not limited to, the following products:

87 1. Health insurance.

88 2. Income replacement insurance.

89 3. Life insurance.

90 4. Retirement benefits.

91 (4) "Portable benefits account provider" means the
92 administrator of a portable benefits account and includes:

93 (a) A bank, as defined in s. 220.62(1).

94 (b) An investment management firm.

95 (c) A technology provider or program manager that offers
96 services through a bank or investment management firm.

97 (d) Any other person that demonstrates to the satisfaction
98 of the Financial Services Commission that the manner in which
99 the person will administer the portable benefits account will be

consistent with the portable benefits account requirements under
s. 448.33.

(5) "Sole proprietor" has the same meaning as in s.
440.02.

**Section 4. Section 448.33, Florida Statutes, is created to
read:**

448.33 Voluntary contributions to portable benefits
accounts for independent contractors and sole proprietors.—

(1) Any person or entity, including an independent
contractor; a sole proprietor; a hiring party, whether a public
or private entity; or an Internet-based or application-based
company, may voluntarily contribute funds to a portable benefits
account for an independent contractor or a sole proprietor.

(2) (a) Contributions to a portable benefits account may
not be used as a criterion for determining a worker's employment
classification.

(b) Contributions to a portable benefits account may be
made using:

1. The funds of the hiring party; or
2. A percentage of funds withheld from compensation owed
to the independent contractor or sole proprietor if all the
following conditions are met:

a. The withholdings are voluntary and expressly agreed to
in writing, and the agreement is written in clear and
unambiguous language and prominently displayed in the work

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125 contract or a separate notice.

126 b. The withholdings require the independent contractor or
127 sole proprietor to opt in, and the independent contractor or
128 sole proprietor may choose to opt out of the withholdings at any
129 time.

130 **Section 5.** This act shall take effect July 1, 2026.