

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Brodeur offered the following:

**Amendment (with title amendment)**

Between lines 2573 and 2574, insert:

Section 52. Chapter 451, Florida Statutes, consisting of sections 451.01 and 451.02, Florida Statutes, is created to read:

CHAPTER 451

MARKETPLACE CONTRACTORS

451.01. Definitions.—For purposes of this chapter, the term:

(1) "Marketplace contractor" or "contractor" means any individual or entity that:

(a) Enters into an agreement with a marketplace platform to use the platform's technology application to receive

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17 connections to third-party individuals or entities seeking  
18 services; and

19 (b) In return for compensation, offers or provides  
20 services to third-party individuals or entities through the  
21 marketplace platform's technology application.

22 (2) "Marketplace platform" or "platform" means an entity  
23 operating in this state that:

24 (a) Offers an online-enabled technology application  
25 service, website, or system that enables the provision of  
26 services by marketplace contractors to third-party individuals  
27 or entities seeking such services; and

28 (b) Accepts service requests from the public only through  
29 its online-enabled technology application service, website, or  
30 system.

31 451.02 Marketplace contractors.-

32 (1) A marketplace contractor shall be treated as an  
33 independent contractor, and not an employee, of the marketplace  
34 platform for all purposes under state and local laws,  
35 regulations, and ordinances, including, but not limited to,  
36 chapters 440 and 443, if all of the following conditions are  
37 met:

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

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42 (b) The marketplace platform does not prohibit the  
43 marketplace contractor from using the technology application  
44 offered by other marketplace platforms.

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

47 (d) The marketplace platform and marketplace contractor  
48 agree in writing that the contractor is an independent  
49 contractor with respect to the marketplace platform.

50 (e) The marketplace contractor bears all or substantially  
51 all of the marketplace contractor's expenses incurred by the  
52 marketplace contractor in performing the services.

53 (f) The marketplace contractor is responsible for the  
54 taxes on the marketplace contractor's income.

55 (2) The provisions of subsection (1) apply to services  
56 performed by a marketplace contractor before July 1, 2018, if  
57 the conditions set forth in subsection (1) were satisfied during  
58 the period when the services were performed.

59 (3) Compliance with this section is not mandatory to  
60 establish the existence of an independent contractor  
61 relationship. The exclusion of any contractor or digital  
62 platform from this section does not create any presumption and  
63 is not admissible to deny the existence of an independent  
64 contractor relationship.

65 (4) This section does not apply to:

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66        (a) Services performed in the employ of the state, a  
67 political subdivision of the state, an Indian tribe, an  
68 instrumentality of a state, or any political subdivision of a  
69 state or an Indian tribe that is wholly owned by one or more  
70 states, political subdivisions, or Indian tribes, respectively,  
71 provided that such service is excluded from employment as  
72 defined in ss. 3301 and 3306 of the Federal Unemployment Tax  
73 Act.

74        (b) Services performed in the employ of a religious,  
75 charitable, educational, or other organization that is excluded  
76 from employment as defined in ss. 3301 through 3311 of the  
77 Federal Unemployment Tax Act, solely by reason of s. 3306(c)(8)  
78 of the act.

79        (c) Services consisting of transporting freight; sealed  
80 and closed envelopes, boxes, or parcels; or other sealed and  
81 closed containers, for compensation.

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83 -----  
84                    **T I T L E   A M E N D M E N T**

85        Between lines 201 and 202, insert:  
86        creating ch. 451, F.S.; providing definitions;  
87        specifying that certain contractors under specified  
88        conditions, are to be treated as independent  
89        contractors for taxation purposes under the workers'  
90        compensation and reemployment assistance laws and

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91 regulations; providing retroactive applicability;  
92 providing exceptions;