Senator Bradley moved the following:

**Senate Amendment to Amendment (486636) (with title amendment)**

Between lines 2302 and 2303
insert:
Section 55. 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) “Household services” means:
   (a) Furniture assembly;
   (b) Interior painting;
   (c) Television mounting;
   (d) Local moving help, such as packing, lifting, loading, and rearranging household items, but excluding transporting items;
   (e) Hanging pictures, mirrors, curtains, blinds, and shelves;
   (f) Home cleaning;
   (g) Installation of in home technology that does not require a hard-wired electrical connection; or
   (h) Installing or replacing door hardware.

Household services shall not include services that require licensure under chapter 489.

(2) “Marketplace contractor” means any individual that:
   (a) Enters into an agreement with a marketplace platform to use the platform’s technology application to connect with third-party individuals or entities seeking temporary household services.
   (b) In return for compensation, offers or provides temporary household services to third-party individuals or entities through the marketplace platform’s technology application.

(3) “Marketplace platform” or “platform” means an entity operating in this state that:
   (a) Offers an online-enabled technology application
service, website, or system that enables marketplace contractors to provide services to third-party individuals or entities seeking such temporary household services.

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

451.02 Marketplace contractors.—

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

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

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

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

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

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

(f) The marketplace contractor is responsible for paying
taxes on the marketplace contractor’s income.

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

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

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

(5) This section does not apply to:

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

(b) Services performed in the employ of a religious, charitable, educational, or other organization that is excluded from employment as defined in ss. 3301-3311 of the Federal Unemployment Tax Act, solely by reason of s. 3306(c)(8) of the act.
And the title is amended as follows:

Delete line 2900
and insert:

school districts for certain purposes; creating ch. 451, F.S., entitled “Marketplace Contractors”; creating s. 451.01, F.S.; defining terms; creating s. 451.02, F.S.; providing that a marketplace contractor is deemed an independent contractor if specified conditions are met; providing applicability and construction; providing sales