Senator Bradley moved the following:

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

Between lines 2205 and 2206 insert:

Section 51. 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
(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 hardwired electrical connection; or
   (h) Installing or replacing door hardware.

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

(2) “Marketplace contractor” means any individual who:
   (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 which:
   (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 must be treated as an
independent contractor, and not as 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 which 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 which 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 2881

and insert:

brownfield areas; 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; amending s. 624.5105, F.S.;