

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to contracts entered into by unlicensed
7 contractors; amending ss. 489.128 and 489.532, F.S.;
8 providing that individuals performing certain construction
9 contracting or electrical and alarm system contracting
10 work are not considered unlicensed for purposes of
11 contract enforceability; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (a) of subsection (1) of section
16 489.128, Florida Statutes, is amended to read:

17 489.128 Contracts entered into by unlicensed contractors
18 unenforceable.--

19 (1) As a matter of public policy, contracts entered into
20 on or after October 1, 1990, by an unlicensed contractor shall
21 be unenforceable in law or in equity by the unlicensed
22 contractor.

HB 1351

2006
CS

23 (a) For purposes of this section, an individual is
24 unlicensed if the individual does not have a license required by
25 this part concerning the scope of the work to be performed under
26 the contract. A business organization is unlicensed if the
27 business organization does not have a primary or secondary
28 qualifying agent in accordance with this part concerning the
29 scope of the work to be performed under the contract. For
30 purposes of this section, if no state or local license is
31 required for the scope of work to be performed under the
32 contract, the individual performing that work shall not be
33 considered unlicensed.

34 Section 2. Paragraph (a) of subsection (1) of section
35 489.532, Florida Statutes, is amended to read:

36 489.532 Contracts entered into by unlicensed contractors
37 unenforceable.--

38 (1) As a matter of public policy, contracts entered into
39 on or after October 1, 1990, by an unlicensed contractor shall
40 be unenforceable in law or in equity by the unlicensed
41 contractor.

42 (a) For purposes of this section, an individual is
43 unlicensed if the individual does not have a license required by
44 this part concerning the scope of the work to be performed under
45 the contract. A business organization is unlicensed if the
46 business organization does not have a primary or secondary
47 qualifying agent in accordance with this part concerning the
48 scope of the work to be performed under the contract. For
49 purposes of this section, if no state or local license is
50 required for the scope of work to be performed under the

HB 1351

2006
CS

51 | contract, the individual performing that work shall not be
52 | considered unlicensed.

53 | Section 3. This act shall take effect July 1, 2006.