

Bill No. SB 1894

Barcode 345568

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Haridopolos)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (a) and (b) of subsection (1) of
section 489.128, Florida Statutes, are amended to read:

489.128 Contracts entered into by unlicensed
contractors unenforceable.--

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

(a) For purposes of this section, an individual is
unlicensed if the individual does not have a license required
by this part concerning the scope of the work to be performed
under the contract. A business organization is unlicensed if
the business organization does not have a primary or secondary
qualifying agent in accordance with this part concerning the

Bill No. SB 1894

Barcode 345568

1 scope of the work to be performed under the contract. For
 2 purposes of this section, if no state or local license is
 3 required for the scope of work to be performed under the
 4 contract, the individual performing that work shall not be
 5 considered unlicensed.

6 (b) For purposes of this section, an individual or
 7 business organization may ~~shall~~ not be considered unlicensed
 8 for failing to have an occupational license certificate issued
 9 under the authority of chapter 205. A business organization
 10 may ~~shall~~ not be considered unlicensed for failing to have a
 11 certificate of authority as required by ss. 489.119 and
 12 489.127. For purposes of this section, a business
 13 organization entering into the contract may not be considered
 14 unlicensed if, before the date established by paragraph (c),
 15 an individual possessing a license required by this part
 16 concerning the scope of the work to be performed under the
 17 contract has submitted an application for a certificate of
 18 authority designating that individual as a qualifying agent
 19 for the business organization entering into the contract, and
 20 the application was not acted upon by the department or
 21 applicable board within the time limitations imposed by s.
 22 120.60.

23 Section 2. Subsection (21) is added to section
 24 489.503, Florida Statutes, to read:

25 489.503 Exemptions.--This part does not apply to:

26 (21) Alarm system inspections, audits, or quality
 27 assurance services performed by a nationally recognized
 28 testing laboratory that the Occupational Safety and Health
 29 Administration has recognized as meeting the requirements of
 30 29 C.F.R. s. 1910.7.

31 Section 3. Subsection (29) is added to section

Bill No. SB 1894

Barcode 345568

1 489.505, Florida Statutes, to read:

2 489.505 Definitions.--As used in this part:

3 (29) "Nationally recognized testing laboratory" means
4 an organization that the Occupational Safety and Health
5 Administration has legally recognized to be in compliance with
6 29 C.F.R. s. 1910.7 and that provides quality assurance,
7 product testing, or certification services.

8 Section 4. Paragraph (a) of subsection (1) of section
9 489.532, Florida Statutes, is amended to read:

10 489.532 Contracts entered into by unlicensed
11 contractors unenforceable.--

12 (1) As a matter of public policy, contracts entered
13 into on or after October 1, 1990, by an unlicensed contractor
14 shall be unenforceable in law or in equity by the unlicensed
15 contractor.

16 (a) For purposes of this section, an individual is
17 unlicensed if the individual does not have a license required
18 by this part concerning the scope of the work to be performed
19 under the contract. A business organization is unlicensed if
20 the business organization does not have a primary or secondary
21 qualifying agent in accordance with this part concerning the
22 scope of the work to be performed under the contract. For
23 purposes of this section, if no state or local license is
24 required for the scope of work to be performed under the
25 contract, the individual performing that work shall not be
26 considered unlicensed.

27 Section 5. Sections 1 and 4 are intended to be
28 remedial in nature and to clarify existing law. Sections 1 and
29 4 shall apply retroactively to all actions, including any
30 action on a lien or bond claim, initiated on or after, or
31 pending as of, July 1, 2006. If the retroactivity of any

Bill No. SB 1894

Barcode 345568

1 provision of section 1 or section 4 or its retroactive
 2 application to any person or circumstance is held invalid, the
 3 invalidity does not affect the retroactivity or retroactive
 4 application of other provisions of sections 1 and 4.

5 Section 6. This act shall take effect July 1, 2006.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 Delete everything before the enacting clause

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12 and insert:

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A bill to be entitled

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An act relating to contracting; amending s.

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489.503, F.S.; exempting nationally recognized

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testing laboratories from certain alarm system

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contracting provisions; amending s. 489.505,

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F.S.; defining the term "nationally recognized

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testing laboratory"; amending ss. 489.128 and

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489.532, F.S.; providing that individuals

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performing certain construction contracting or

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electrical and alarm system contracting work

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are not considered unlicensed for purposes of

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contract enforceability; providing for

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retroactive application; providing an effective

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date.

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