

Bill No. SB 2590

Barcode 963440

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/03/2006 04:30 PM

.
. .
. .
. .
. .
. .

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (b) of subsection (1) of section
489.128, Florida Statutes, is amended to read:

489.128 Contracts entered into by unlicensed
contractors unenforceable.--

(1)

(b) For purposes of this section, an individual or
business organization may ~~shall~~ not be considered unlicensed
for failing to have an occupational license certificate issued
under the authority of chapter 205. A business organization
may ~~shall~~ not be considered unlicensed for failing to have a
certificate of authority as required by ss. 489.119 and
489.127. For purposes of this section, a business organization
entering into the contract may not be considered unlicensed
if, before the date established by paragraph (c), an

Bill No. SB 2590

Barcode 963440

1 individual possessing a license required by this part
 2 concerning the scope of the work to be performed under the
 3 contract had submitted an application for a certificate of
 4 authority designating that individual as a qualifying agent
 5 for the business organization entering into the contract, and
 6 the application was not acted upon by the department or
 7 applicable board within the applicable time limitations
 8 imposed by s. 120.60.

9 Section 2. Section 1 is intended to be remedial in
 10 nature and to clarify existing law. Section 1 shall apply
 11 retroactively to all actions, including any action on a lien
 12 or bond claim, initiated on or after, or pending as of, July
 13 1, 2006. If the retroactivity of any provision of section 1 or
 14 its retroactive application to any person or circumstance is
 15 held invalid, the invalidity does not affect the retroactivity
 16 or retroactive application of other provisions of section 1.

17 Section 3. This act shall take effect July 1, 2006.
 18
 19

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

21 And the title is amended as follows:

22 Delete everything before the enacting clause
 23

24 and insert:

25 A bill to be entitled
 26 An act relating to contracting; amending s.
 27 489.128, F.S.; providing that a business
 28 organization entering into a construction
 29 contract is not deemed unlicensed under certain
 30 conditions; providing for retroactive
 31 application; providing an effective date.