

By Senator Crist

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1 A bill to be entitled
2 An act relating to locksmith services; creating part
3 XII of ch. 559, F.S.; providing a short title;
4 providing findings and purpose; preempting to the
5 state the regulation of locksmith services and those
6 performing such services; providing scope and
7 application; providing exemptions; providing
8 definitions; providing rulemaking authority for the
9 Department of Agriculture and Consumer Services;
10 requiring licensure of locksmith services businesses;
11 delineating requirements for licensing; authorizing
12 licensure by endorsement under certain circumstances;
13 providing license renewal requirements and process;
14 requiring a locksmith services business employer to
15 meet certain requirements in order to employ persons
16 as locksmiths or automotive-only locksmiths; requiring
17 certain information to be in specified employee
18 records; requiring a locksmith services business to
19 meet certain requirements in order to employ an
20 apprentice locksmith; requiring a locksmith services
21 business to have liability insurance; requiring a
22 locksmith services business to issue a photo
23 identification card to each employee performing
24 locksmith services; requiring display of photo
25 identification; requiring a locksmith services
26 business to display its license and to display the
27 license number and other information in all
28 advertising; requiring maintenance of certain records
29 by a locksmith services business; specifying

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30 acceptable forms of payment for work performed;
31 authorizing review of records by law enforcement and
32 the department; prohibiting a locksmith services
33 business to require a person to waive certain rights
34 as a precondition for service; requiring the
35 Department of Law Enforcement to provide certain
36 records to the department upon request; delineating
37 prohibited acts; providing administrative remedies and
38 penalties, civil penalties and remedies, and criminal
39 penalties; providing that a violation of this part
40 constitutes a deceptive and unfair trade practice;
41 providing for deposit of penalty proceeds in the
42 General Inspection Trust Fund; creating the Florida
43 Locksmith Services Advisory Council within the
44 Department of Agriculture and Consumer Services;
45 providing membership and terms; providing operating
46 procedures and powers and duties; requiring the
47 department to provide administrative and staff
48 support; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Part XII of chapter 559, Florida Statutes,
53 consisting of sections 559.941, 559.942, 559.943, 559.944,
54 559.945, 559.946, 559.947, 559.948, 559.949, 559.95, 559.951,
55 559.952, 559.953, 559.954, 559.955, 559.956, 559.957, 559.958,
56 559.959, 559.96, 559.961, and 559.962, is created to read:

57 PART XII

58 LOCKSMITH SERVICES

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59 559.941 Short title.—This part may be cited as the “Florida
60 Locksmith Services Act.”

61 559.942 Findings and purpose.—

62 (1) The Legislature finds that:

63 (a) Locksmiths and automotive-only locksmiths operate in
64 the public trust to service, secure, and protect persons and
65 property.

66 (b) Locksmiths and automotive-only locksmiths must be
67 trained in regulations and laws applicable to their profession,
68 such as the Americans with Disabilities Act, building codes, and
69 fire and life safety codes, as well as trained in the proper
70 installation and maintenance of security devices, motor vehicle
71 locks, keys, and built-in security systems.

72 (c) The licensing and regulation of persons performing
73 locksmith services in this state is necessary to protect the
74 safety and security of the public.

75 (2) The purpose of this part is to protect the public from
76 the misuse of locksmithing knowledge, supplies, manuals, or
77 equipment which results in the violation of public safety and
78 security, through the licensing of locksmith services
79 businesses.

80 559.943 Preemption.—Effective July 1, 2010, this part
81 preempts any local act, law, ordinance, or regulation of a
82 county or municipality which pertains to locksmith services and
83 those who perform locksmith services.

84 559.944 Scope and application; exemptions.—This part shall
85 apply to all locksmith services businesses and all those
86 providing locksmith services in the state but does not apply to
87 the following:

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88 (1) A member of a police department, fire department, or
89 other government agency, in his or her official line of duty,
90 providing emergency opening services.

91 (2) A sales representative providing a bona fide sales
92 demonstration of products to locksmiths.

93 (3) An in-store employee of a hardware, do-it-yourself home
94 products sales store, or other retail store rekeying locks just
95 purchased, or about to be purchased, in the store of the
96 employee.

97 (4) A licensed low voltage contractor installing or
98 servicing electromechanical, electronic, or electromagnetic
99 devices and peripheral hardware.

100 (5) A person acquiring or using a key-duplication machine
101 or key blanks to duplicate keys.

102 (6) A property owner or an agent of the property owner
103 maintaining a file of key cutting data for a master-key system
104 on the property.

105 (7) An employee of a bank, savings and loan, credit union,
106 or trust company providing safe, safe-deposit box, or vault
107 opening or servicing services at his or her place of employment.

108 (8) An automotive service dealer, a lock manufacturer, or
109 an agent of a lock manufacturer servicing, installing,
110 repairing, or rebuilding automotive locks or originating and
111 duplicating automotive keys.

112 (9) Building trades personnel installing locks or locking
113 devices on a project that requires a building permit.

114 (10) A wrecker operator as defined in s. 1.01(15)
115 possessing and using car-opening tools necessary to unlock
116 vehicles to facilitate towing.

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117 (11) A purchaser of locksmith services or other consumer
118 who possesses equipment, manuals, or instructions intended and
119 necessary for that person to maintain and operate specific
120 locking, opening, or security systems installed into real or
121 personal property owned, leased, rented, or occupied by the
122 purchaser or consumer.

123 559.945 Definitions.—As used in this part, the term:

124 (1) "Advertise" means to advise, announce, give notice of,
125 publish, or call attention to by use of oral, written, or
126 graphic statement made in any media form, including, without
127 limitation, a newspaper or other publication, directory listing,
128 telephone book listing, or on radio or television, any
129 electronic medium; or contained in any notice, handbill, sign,
130 including signage on vehicle, flyer, catalog or letter; or
131 printed on or contained in any tag or label attached to or
132 accompanying any good.

133 (2) "Apprentice locksmith" means a natural person 15 years
134 of age or older who performs locksmith services for the public
135 for compensation under the indirect supervision of an owner of a
136 licensed locksmith services business and under the direct and
137 continuous supervision of a locksmith employed by the licensed
138 locksmith service business. Each apprentice application must
139 identify the name and owner of the licensed locksmith service
140 business who has agreed to serve as the supervisor of the
141 apprentice locksmith. An apprentice may not conduct, or contract
142 to conduct, locksmith services without the express approval of
143 his or her supervisor.

144 (3) "Automotive-only locksmith" means a natural person, at
145 least 18 years of age, who performs locksmith services, as

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146 defined in paragraphs (21)(e)-(g), for the public for
147 compensation while in the employ of a locksmith services
148 business.

149 (4) "Bump key" means a fabricated, specially shaped, or
150 modified key intended to be used to unlock a lock by any means
151 other than the specific method designed to open the lock.

152 (5) "Car-opening tool" means a metal, cloth, nylon, rubber,
153 or plastic tool or device designed to enter, bypass, or
154 otherwise overcome the locking systems or locking mechanisms of
155 a motor vehicle by any means other than the specific method
156 designed to open the lock.

157 (6) "Change key" means a key planned and cut to operate a
158 specific group or series of locks that all have the same
159 combination of tumblers, pins, or wafers.

160 (7) "Codebook" means a compilation, in any form, of key
161 codes.

162 (8) "Code-grabbing device" means a device that can receive,
163 record, or receive and record the code signal sent by the
164 transmitter of a motor vehicle's security, alarm, or immobilizer
165 system and playback the signal to disarm, bypass, or neutralize
166 the system.

167 (9) "Compensation" means money, fee, emolument, quid pro
168 quo, barter, remuneration, pay, reward, indemnification, or
169 satisfaction.

170 (10) "Consumer" or "customer" means the person who
171 purchases or receives locksmith services.

172 (11) "Department" means the Department of Agriculture and
173 Consumer Services.

174 (12) "Emergency" means a life-threatening situation

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175 involving a person, livestock, or an animal generally regarded
176 as a pet.

177 (13) "Key-duplication machine" means a device capable of
178 copying or reproducing keys.

179 (14) "License" means a document issued by the department
180 and granted to a locksmith services business according to the
181 requirements of this part.

182 (15) "Licensee" means a locksmith services business issued
183 a license under this part.

184 (16) "Licensing" means the granting of a license by the
185 department pursuant to the requirements of chapter 120 and this
186 part.

187 (17) "Lock" means a mechanical, electromechanical,
188 electronic, or electromagnetic device or similar device,
189 including any peripheral hardware such as, but not limited to,
190 closed-circuit television systems, wireless or infrared
191 transmitters, card readers, keypads, or biometric scanners that
192 are designed to control access to and egress from something or
193 are designed to control the use of something.

194 (18) "Lock pick" means a manual, electric, or electronic
195 tool or device used to bypass, override, or neutralize a lock by
196 any means other than the specific method designed to open the
197 lock.

198 (19) "Locksmith" means a natural person, at least 18 years
199 of age, who may perform all locksmith services, as defined in
200 subsection (21), for the public for compensation while in the
201 employ of a locksmith services business. The term does not mean
202 a person whose activities are limited to making duplicate keys.

203 (20) "Locksmith services business" means a person, who, for

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204 compensation, provides or attempts to provide locksmith services
205 to persons located in this state or who maintains a place of
206 business in this state.

207 (21) "Locksmithing" or "locksmith services" means:

208 (a) Selling, installing, servicing, repairing, repinning,
209 recombinating, and adjusting locks, safes, vaults, or safe-
210 deposit boxes;

211 (b) Originating, duplicating, and copying keys;

212 (c) Opening, bypassing, and neutralizing locks, safes,
213 vaults, or safe-deposit boxes;

214 (d) Creating, documenting, selling, installing, managing,
215 and servicing master-key systems;

216 (e) Unlocking, bypassing, or neutralizing locks of motor
217 vehicles by means other than intended by the manufacturer;

218 (f) Originating keys for motor vehicles that includes, if
219 necessary, the programming, reprogramming, or bypassing of any
220 security, transponder, or immobilizer systems or subsequent
221 technology built in by the manufacturer; and

222 (g) Keying, rekeying, or recombinating of motor vehicle
223 locks.

224 (22) "Locksmithing tool" means a tool that is designed, or
225 intended by the user to be used, to open a mechanical,
226 electronic, magnetic, or electrical locking device by any means
227 other than that intended by the manufacturer for such a device
228 in normal operation.

229 (23) "Manipulation key" means a key other than a change or
230 master key that can be variably positioned or manipulated in a
231 keyway to bypass, override, or neutralize a lock by any means
232 other than the specific method designed to open the lock. For

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233 the purposes of this part, the term also applies to wiggle and
234 bump keys.

235 (24) "Master key" means a key planned or cut to operate all
236 locks in a series or group of locks, with each lock in the
237 series or group having its own unique key. For the purposes of
238 this part, sub-master, grand master, great grand master,
239 emergency override, and maid's keys are considered the same as a
240 master key.

241 (25) "Master-key system" means a system of locks in which a
242 lock is keyed so that it can be operated by its own individual
243 key as well as by a key that operates other locks in the system
244 that are also keyed to their own individual keys.

245 (26) "Motor vehicle" means a "motor vehicle" as defined in
246 s. 559.903(5).

247 (27) "Organization" means an entity other than a natural
248 person.

249 (28) "Person" means a "person" as defined in s. 1.01(3).

250 (29) "Photo identification card" means a document supplied
251 by the locksmith services business licensee with a photograph of
252 the employee authorized to perform locksmith services as a
253 locksmith, an apprentice, or as an automotive-only locksmith,
254 the format of which is approved by the department.

255 (30) "Place of business" means a physical location where
256 the business of locksmith services is conducted or, if the
257 licensee conducts the business of locksmith services exclusively
258 from one or more vehicles and not from a specific location, the
259 physical location where the records of the locksmith services
260 business are maintained.

261 (31) "Safe-opening tool" means a tool designed, or intended

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262 by the user to be used, to open a safe, safe-deposit box, or
263 similar object by means other than that which is intended by the
264 manufacturer of the safe, vault, safe-deposit box, or similar
265 object for normal opening.

266 (32) "Tryout key" means a manipulation key that may or may
267 not be one of a set of similar keys used for a specific series,
268 keyway, or brand of lock to open, bypass, override, or
269 neutralize a lock by means other than intended by the
270 manufacturer.

271 559.946 Rulemaking authority.—

272 (1) The department may adopt rules pursuant to ss.
273 120.536(1) and 120.54 to implement provisions of this part.

274 (2) The department shall adopt rules relating, but not
275 limited, to the following:

276 (a) Requirements for licensing locksmith services
277 businesses.

278 (b) Requirements and process for background checks and
279 fingerprint checks for persons governed by this part.

280 (c) Forms required to implement this part, including
281 license applications, license renewals, fingerprint submissions,
282 background checks, and photo identification cards.

283 (d) Establishment of application, licensing, renewal, and
284 other reasonable and necessary fees, based upon the department's
285 estimate of the costs to the department in administering this
286 part.

287 (e) Creation and periodic update of a background check fee
288 schedule to incorporate fee changes by the Federal Bureau of
289 Investigation, the Department of Law Enforcement, and other
290 entities involved in such background checks.

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291 (f) Methods to obtain and renew photographs for photo
292 identification.

293 (g) Use and display of licenses and license numbers.
294 559.947 Locksmith services business licensing;
295 application.-

296 (1) Each locksmith services business providing or
297 attempting to provide locksmith services must have a valid
298 license issued by the department prior to doing business in this
299 state. The application for a license must be on a form provided
300 by the department and must include at least the following
301 information:

302 (a) The full legal name of the applicant.

303 (b) The name or names under which the applicant is doing
304 business. If the applicant is doing business under one or more
305 fictitious names, the date or dates on which the applicant
306 registered each fictitious name with the Department of State.

307 (c) The physical address of the applicant's place of
308 business.

309 (d) If the applicant will perform locksmith services at
310 more than one physical location, the applicant must designate
311 the following:

312 1. The physical address of the applicant's principal place
313 of business.

314 2. The physical address of each additional location which
315 is not the applicant's principal place of business.

316 3. The mailing address of the applicant, as well as the
317 mailing address of his or her principal place of business.

318 4. The mailing address of each additional location that is
319 not the applicant's principal place of business.

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320 (e) The full name, address, and telephone number for each
321 of the following:

322 1. Each locksmith or automotive-only locksmith employed by
323 the applicant.

324 2. If the applicant is not a corporation or partnership,
325 each owner of the applicant.

326 3. If the applicant is a partnership, each general partner.

327 4. If the applicant is a limited liability corporation,
328 each managing member.

329 5. If the applicant is a corporation, each officer and
330 director, and the official position and corporate office of each
331 officer and director.

332 6. The applicant's Florida agent for service of process.

333 (f) If the applicant is not a natural person, a statement
334 providing the following:

335 1. The type of legal entity, such as a corporation,
336 partnership, or other limited liability corporation.

337 2. The applicant's federal employer identification number.

338 3. If a foreign business entity, the date the applicant
339 registered with the Department of State for authority to do
340 business in the state.

341 (g) The names of all other corporations, business entities,
342 and trade names through which each owner of the locksmith
343 services business operated, was known, or did business as a
344 locksmith services business within the 5 years immediately
345 preceding the date of the application.

346 (h) Proof of insurance as required under s. 559.951.

347 (i) The number of locksmiths and automotive-only locksmiths
348 which the applicant intends to employ or which are currently

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349 employed.

350 (2) The application must be accompanied by the following:

351 (a) For each individual identified in paragraph (1)(e), a
352 set of fingerprints, along with a completed affidavit of the
353 individual's criminal record, if any, and a nonrefundable
354 payment in an amount equal to the actual costs incurred by the
355 department for the fingerprint analysis and criminal background
356 check of the applicant. The department shall submit each set of
357 fingerprints to the Department of Law Enforcement for state and
358 federal processing, if the federal service is available, to be
359 processed for any criminal justice information as defined in s.
360 943.045. The cost of processing fingerprints shall be borne by
361 the applicant and paid to the Department of Law Enforcement.

362 1. Before the expiration of the time limit under s. 120.60
363 for approving the application, if the department does not
364 receive criminal history information for an individual
365 identified in paragraph (1)(e) which confirms whether or not the
366 individual is qualified as specified in subsection (5), or
367 receives criminal history information with no final disposition
368 on a crime which may disqualify the individual, the time limit
369 under s. 120.60 for approving the application is suspended until
370 receipt of the final disposition of the criminal charge or proof
371 of restoration of civil rights.

372 2. If a legible set of fingerprints, as determined by the
373 Department of Law Enforcement or the Federal Bureau of
374 Investigation, cannot be obtained after two attempts, the
375 department shall determine eligibility based upon the name
376 checks conducted by the Department of Law Enforcement.

377 (b) A nonrefundable payment for the biennial license fee,

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378 calculated as follows:

379 1. If the applicant employs one to five locksmiths,
380 automotive-only locksmiths, or a combination of the two, an
381 amount not to exceed \$800.

382 2. If the applicant employs six or more locksmiths,
383 automotive-only locksmiths, or a combination of the two, an
384 amount not to exceed \$1,600.

385 (3) Periodically, including at the time of license renewal,
386 the department shall consult with state and federal law
387 enforcement officials to determine whether any of the
388 individuals disclosed by a licensee have any change in their
389 criminal records.

390 (4) Each licensee must file with the department the
391 information and fingerprints required by this section for any
392 new locksmith or automotive-only locksmith employee or other
393 individual subject to the disclosure requirements of paragraph
394 (1) (e) within 10 days after the date the individual assumes such
395 duties with the licensee.

396 (5) An individual may not be a locksmith, an automotive-
397 only locksmith, or an independent contractor, owner, partner,
398 officer, director, or managing member of a licensee if the
399 individual:

400 (a) Was convicted or found guilty of, or pled guilty or
401 nolo contendere to, or was incarcerated as a result of having
402 previously been convicted or found guilty of, or pled guilty or
403 nolo contendere to, regardless of adjudication, a felony within
404 the last 10 years; or

405 (b) Was convicted or found guilty of, or pled guilty or
406 nolo contendere to, or was incarcerated as a result of having

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407 previously been convicted or found guilty of, or pled guilty or
408 nolo contendere to, regardless of adjudication, a crime
409 involving trespass, burglary, theft, larceny, dealing in stolen
410 property, receiving stolen property, embezzlement, obtaining
411 property by false pretenses, possession of altered property, or
412 any other fraudulent or dishonest dealing within the last 10
413 years.

414 (6) The department shall issue to each applicant a license
415 certificate in the form and size as prescribed by the department
416 in accordance with s. 120.60. The certificate must show at least
417 the name, each address disclosed by the applicant pursuant to
418 paragraph (1)(c), and the license number of the locksmith
419 services business. In the case of a mobile locksmith services
420 business, the certificate must show the home address of the
421 owner, if different from the business address.

422 (7) Any person applying for or renewing a local business
423 tax receipt to engage in business as a locksmith services
424 business must exhibit a valid license certificate from the
425 department before the local business tax receipt may be issued
426 or renewed.

427 (8) In the case of a mobile locksmith services business,
428 the established place of business shall be considered the home
429 address of the owner, if different from the business address.

430 (9) A licensee who seeks to move a locksmith services
431 business to another location must give 30 days' prior written
432 notice to the department by certified or registered mail, return
433 receipt requested, and the department must then amend the
434 license to indicate the new location and issue an amended
435 license certificate.

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436 (10) The license granted under this part may not be
437 transferred or assigned and is valid only for the licensee and
438 the location for which it is issued.

439 (11) The department may deny, revoke, or refuse to renew
440 the license of a locksmith services business based upon a
441 determination that the locksmith services business or any of its
442 directors, officers, owners, general partners, locksmiths, or
443 automotive-only locksmiths:

444 (a) Failed to meet the requirements for licensure as
445 provided in this part;

446 (b) Failed to satisfy a civil fine, administrative fine, or
447 other penalty arising out of any administrative or enforcement
448 action brought by any governmental agency;

449 (c) Received any civil, criminal, or administrative
450 adjudication in any jurisdiction;

451 (d) Have pending against them any criminal, administrative,
452 or enforcement proceedings in any jurisdiction; or

453 (e) Have had a judgment entered against them in any action
454 brought pursuant to part II of chapter 501, the Florida
455 Deceptive and Unfair Trade Practices Act.

456 (12) To implement the biennial registration requirements in
457 s. 559.949, the department may adopt rules to stagger the
458 registrations over a 2-year period.

459 559.948 Licensing by endorsement.-

460 (1) A nonresident of this state may be licensed as a
461 locksmith services business by meeting one of the following
462 requirements:

463 (a) Conforming to the provisions of this part and the rules
464 of the department pertaining to this part; or

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465 (b) Holding a valid locksmith services business license, or
466 the equivalent thereof, in another state with which reciprocity
467 has been established by the department.

468 (2) The department may establish reciprocity criteria by
469 rule pursuant to the following guidelines:

470 (a) The licensure program of the other state must grant
471 Florida-licensed locksmith services businesses reciprocity under
472 the same terms and conditions required by this part.

473 (b) Licensing criteria in the other state must require the
474 same information as required under s. 559.947.

475 (c) The other state must license all locksmith services
476 businesses that are residents in that state and seek to perform
477 locksmith services in this state.

478 559.949 License renewal.—

479 (1) Each license must be renewed biennially on or before
480 the expiration date of the current license.

481 (2) To apply for renewal of a license, the licensee shall
482 file all of the following with the department:

483 (a) A renewal application on the form required by the
484 department, providing the information and disclosures required
485 by s. 559.947.

486 (b) The annual license fees calculated as required by s.
487 559.947.

488 (c) Proof of insurance as required in s. 559.951.

489 (d) Verification of no changes in the criminal history of
490 each individual disclosed during the previous license period
491 pursuant to s. 559.947.

492 (e) The complete information, fingerprints, and fees
493 required by s. 559.947(2) for all individuals disclosed pursuant

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494 to s. 559.947(1)(e) who were not previously disclosed in the
495 prior license period.

496 559.95 Locksmith services business employer requirements.-

497 (1) A locksmith services business may not employ any person
498 who performs any locksmith services as defined under this part
499 unless:

500 (a) The locksmith services business issues each locksmith
501 and automotive-only locksmith an identification card pursuant to
502 s. 559.952;

503 (b)1. If employed as an automotive-only locksmith, the
504 employee completes a course of training in industry ethics; or

505 2. If employed as a locksmith, the employee completes 16
506 hours of training, including training in industry ethics, the
507 Americans with Disabilities Act, the Florida Fire Prevention
508 Code, and the Life Safety Code; and

509 (c) The employee completes a minimum of 8 hours of
510 industry-related training every 2 years. A portion of the
511 training must include classes on Americans with Disabilities Act
512 and life safety and fire codes.

513 (2) Each locksmith services business shall maintain a
514 record of each locksmith and automotive-only locksmith employee
515 that contains the following information:

516 (a) Two photographs of the employee, which shall be taken
517 within 10 days after the date the employee begins employment.
518 One copy shall be used for the employee's photo identification
519 card. The second shall be retained in the employee's personnel
520 record. These photographs shall be replaced with a current
521 photograph every 2 calendar years.

522 (b) A background check on each employee, which shall be

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523 prepared and maintained in the employee's personnel record as
524 the department may require by rule.

525 (c) Each certificate showing completion of the training
526 required under subparagraph (1)(b)1. for an automotive-only
527 locksmith employee or under subparagraph (1)(b)2. for a
528 locksmith employee.

529 (d) Each certificate showing completion of the training
530 under subparagraph (1)(c).

531 (3) A locksmith service business may not employ an
532 apprentice locksmith unless:

533 (a) The supervisor of the apprentice is responsible for any
534 acts or omissions of the apprentice that constitute a violation
535 of law in relation to locksmith services.

536 (b) The apprentice completes a minimum of 16 hours of
537 industry-related training, a portion of which must include
538 classes on industry ethics, the Americans with Disabilities Act,
539 the Florida Fire Prevention Code, and the Life Safety Code. A
540 certificate of completion shall be kept by the apprentice's
541 supervisor.

542 (c) Two photographs of the apprentice are taken within 10
543 days after the date of employment. One copy shall be used for
544 the apprentice photo identification card. The second shall be
545 retained in the employee's personnel record.

546 559.951 Liability insurance.—Each locksmith services
547 business must maintain current and valid liability insurance
548 coverage of at least \$100,000 per incident for loss or damages
549 resulting from the negligence of the locksmith services business
550 or its locksmith or automotive-only locksmith employees.

551 (1) The locksmith services business must provide the

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552 department with evidence of liability insurance coverage before
553 the business is licensed by the department.

554 (2) The failure of a locksmith services business to
555 maintain insurance coverage in accordance with this section
556 constitutes an immediate threat to the public health, safety,
557 and welfare. If a locksmith services business fails to maintain
558 insurance coverage, the department may immediately suspend the
559 business's license or eligibility for licensure, and the
560 business shall immediately cease operating as a locksmith
561 services business. In addition, and notwithstanding the
562 availability of any administrative relief pursuant to chapter
563 120, the department may seek from the appropriate circuit court
564 an immediate injunction prohibiting the locksmith services
565 business from operating until the business complies with this
566 section and imposing a civil penalty not to exceed \$10,000 and
567 court costs.

568 (3) The required insurance coverage must be issued by an
569 insurance company or carrier licensed to transact business in
570 this state under the Florida Insurance Code as designated in s.
571 624.01. The department shall require a locksmith services
572 business to present a certificate of insurance of the required
573 coverage before issuance or renewal of a license. The department
574 shall be named as a certificateholder in the certificate and
575 must be notified at least 30 days before any changes in
576 insurance coverage.

577 559.952 Identification cards; display of license and
578 license number.-

579 (1) Each locksmith services business shall issue a photo
580 identification card to each employee performing locksmith

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581 services as a locksmith or as an automotive-only locksmith.

582 (a) Every photo identification card must contain the name
583 of the individual employee, the name of the locksmith services
584 business, and the license number of the locksmith services
585 business.

586 (b) An identification card for a person employed as a
587 locksmith must include the word "Locksmith."

588 (c) An identification card for a person employed as an
589 automotive-only locksmith must include the words "Automotive-
590 Only Locksmith."

591 (2) All locksmith employees and automotive-only locksmith
592 employees of a licensed locksmith services business shall
593 display a photo identification card on their person at all times
594 when performing locksmith services.

595 (3) A locksmith services business shall display a copy of
596 the license issued by the department at the place of business
597 and in a manner easily readable by the general public. A
598 locksmith services business providing mobile-only service shall
599 retain a copy of the license issued by the department in the
600 service vehicle for presentation to any person of the general
601 public, any law enforcement officer, or any state or local
602 official immediately upon request.

603 (4) Any advertisement or advertising, service vehicles, and
604 forms must include the license number of the locksmith services
605 business and the name of the business listed with the
606 department.

607 559.953 Acceptable forms of payment; locksmith services
608 business records.-

609 (1) A locksmith services business shall accept a minimum of

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610 two of the three following forms of payment:

611 (a) Cash, cashier's check, money order, or traveler's
612 check;

613 (b) Valid personal check, showing upon its face the name
614 and address of the person for whom the locksmith services were
615 performed or an authorized representative; or

616 (c) Valid credit card, which includes, but is not limited
617 to, Visa or MasterCard.

618 (2) A locksmith services business shall clearly and
619 conspicuously disclose to the person requesting locksmith
620 services in the work order, invoice, or sales receipt the forms
621 of payment the locksmith services business will accept,
622 including the forms of payment described in subsection (1).

623 (3) A copy of each work order, invoice, or sales receipt
624 shall be retained for 2 years and must include the name of the
625 person performing the service. A copy of each work order,
626 invoice, or sales receipt must be readily available for
627 inspection by any law enforcement officer or by the department
628 anytime during normal business hours.

629 559.954 Requirement of waiver of rights prohibited.—It is
630 unlawful for a locksmith services business to require that a
631 person waive his or her rights provided in this part as a
632 precondition to the performance of locksmith services by the
633 business.

634 559.955 Records of the Department of Law Enforcement.—The
635 Department of Law Enforcement, on request, shall supply to the
636 department any arrest and conviction records in its possession
637 of an individual applying for or holding a license under this
638 part.

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639 559.956 Violations.—It is a violation of this part to:

640 (1) Offer to provide or provide locksmith services without
641 a valid license by the department.

642 (2) Advertise or represent oneself as a locksmith services
643 business without first being issued a valid license by the
644 department.

645 (3) Obtain, own, or possess locksmithing tools; bump,
646 change, master, manipulation, or tryout keys; car-opening tools;
647 code-grabbing devices; lock picks; safe-opening tools; or
648 manuals or codebooks in any format, either in person, through an
649 intermediary, through mail order, or by any other remote-
650 procurement method, without a valid license to perform locksmith
651 services issued by the department.

652 (4) Obtain, own, or possess car opening tools, either in
653 person, through an intermediary, or through mail order or by any
654 other remote procurement method, without first being issued a
655 valid license by the department.

656 (5) Possess locksmithing tools, implements, or outfits,
657 unless the person is a dealer, a locksmith services business
658 licensed under this part or a locksmith or automotive-only
659 locksmith employed by such a business, an automobile
660 repossessor, a motor vehicle recovery or towing service
661 employee, or a locking-device manufacturer or such
662 manufacturer's agent, who has a reasonable need to possess
663 locksmithing tools, implements, or outfits for demonstration,
664 testing, and research purposes.

665 (6) Fraudulently misuse any customer's credit card.

666 (7) Fail or refuse, after notice, to provide any law
667 enforcement officer or the department with any document or

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668 record or disclose any information required to be produced or
669 disclosed.

670 (8) File with the department the fingerprints of a person
671 other than the specific individual for whom fingerprints must be
672 submitted pursuant to s. 559.947(2)(a) or s. 559.949(2)(e) or
673 fail to submit replacement fingerprints for a locksmith or
674 automotive-only locksmith employee whose original fingerprint
675 submissions are returned to the department as unclassifiable by
676 the screening agency.

677 (9) Use a local mailing address, registration facility,
678 drop box, or answering service in the promotion, advertisement,
679 solicitation, or sale of locksmith services, unless the licensed
680 business address of the locksmith services business is clearly
681 disclosed during any telephone solicitation and is prominently
682 and conspicuously disclosed in all advertisements and on the
683 work orders, invoices, or sales receipts.

684 (10) Operate as a locksmith services business in a location
685 other than that stated on the license certificate.

686 (11) Make a false statement in response to a request or
687 investigation by the department, the Department of Legal
688 Affairs, a law enforcement officer, or the state attorney.

689 (12) Make a material false statement in an application,
690 document, or record required to be submitted or retained under
691 this part.

692 (13) Commit any other act of fraud or misrepresentation, or
693 fail to disclose a material fact.

694 (14) Disclose or permit the disclosure of any customer
695 information without the customer's written approval, except as
696 authorized by this part.

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697 (15) Violate any provisions of this part or of the rules
698 adopted or orders issued under this part.

699 559.957 Administrative remedies; penalties.-

700 (1) The department shall process consumer complaints as
701 provided in ss. 570.07 and 570.544.

702 (2) Any locksmith services business shall allow department
703 personnel to enter its place or places of business to ascertain
704 whether the license certificate is current. If department
705 personnel are refused entry or access to the premises, the
706 department may seek injunctive relief in circuit court in order
707 to obtain compliance with this subsection.

708 (3) The department may enter an order doing one or more of
709 the following if the department finds that a locksmith services
710 business has violated or is operating in violation of this part
711 or the rules adopted or orders issued under this part:

712 (a) Issuing a notice of noncompliance under s. 120.695.

713 (b) Imposing an administrative fine not to exceed \$10,000
714 for each act or omission.

715 (c) Directing that the locksmith services business cease
716 and desist specified activities.

717 (d) Refusing to issue a license or revoking or suspending a
718 license.

719 (e) Placing the licensee on probation for a period of time,
720 subject to the conditions specified by the department.

721 (4) The administrative proceedings that could result in the
722 entry of an order imposing any of the penalties specified in
723 subsection (3) are governed by chapter 120.

724 (5) In a final order imposing an administrative fine or
725 suspending, revoking, or denying initial issuance or renewal of

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726 a license, the department may assess against the sanctioned
727 party the cost of conducting such administrative proceedings,
728 unless the department determines that the offense was
729 inadvertent or done in a good faith belief that the act did not
730 violate a state law or rule. The cost is limited to the
731 reasonable hourly rate for the hearing officer and the actual
732 cost of recording or transcribing the proceedings.

733 (6) The department shall post a prominent "Closed by Order
734 of the Department" sign on any locksmith services business that
735 has had its license suspended or revoked. The department shall
736 also post a sign on any locksmith services business that has
737 been judicially or administratively determined to be operating
738 without a license. It is a misdemeanor of the second degree,
739 punishable as provided in s. 775.082 or s. 775.083, for any
740 person to deface such sign or remove such sign without written
741 authorization by the department, or for any locksmith services
742 business to open for operation without a license or to open for
743 operation as a locksmith services business while its license is
744 suspended or revoked. The department may impose administrative
745 sanctions provided for in this section for violations of this
746 subsection.

747 559.958 Civil penalties; remedies.-

748 (1) Any customer injured by a violation of this part may
749 bring an action in the appropriate court for relief. The
750 prevailing party in that action may be entitled to damages plus
751 court costs and reasonable attorney's fees. The customer may
752 also bring an action for injunctive relief in the circuit court.

753 (2) The department may institute a civil action in a court
754 of competent jurisdiction to recover any penalties or damages

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755 authorized in this part and for injunctive relief to enforce
756 compliance with this part.

757 (3) The department may seek a civil penalty of up to
758 \$10,000 for each violation of this part.

759 (4) The department may seek restitution for and on behalf
760 of any consumer injured by a violation of this part.

761 (5) Any agreement or representation that purports to waive,
762 limit, restrict, or avoid any of the duties, obligations, or
763 prescriptions of the locksmith services business, as provided in
764 this part, is void.

765 (6) The remedies provided in this part are in addition to
766 any other remedies available for the same conduct.

767 559.959 Criminal penalties.—

768 (1) Any person who violates any provision of s. 559.956(1)–
769 (4) commits a misdemeanor of the first degree, punishable as
770 provided in s. 775.082 or s. 775.083.

771 (2) Any person, other than a licensed locksmith services
772 business or the identified employees of a licensed locksmith
773 services business performing locksmith services, who has in his
774 or her possession any locksmithing tools, implements, or outfits
775 with intent to commit burglary, robbery, or larceny, upon
776 conviction thereof, is guilty of a felony of the third degree,
777 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

778 (3) Unless otherwise specified, any person or organization
779 that engages in any unlawful act enumerated in s. 559.956
780 commits a misdemeanor of the first degree, punishable as
781 provided in s. 775.082 or s. 775.083.

782 559.96 Deceptive and unfair trade practice.—Any violation
783 of this part constitutes a deceptive and unfair trade practice

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784 under part II of chapter 501, the Florida Deceptive and Unfair
785 Trade Practices Act, and administrative rules adopted in
786 accordance with that act.

787 559.961 General Inspection Trust Fund; payments.—Any moneys
788 recovered by the department as a penalty under this part shall
789 be deposited in the General Inspection Trust Fund.

790 559.962 Florida Locksmith Services Advisory Council.—The
791 Florida Locksmith Services Advisory Council is created to advise
792 and assist the department in carrying out this part.

793 (1) The membership of the council may not exceed nine
794 members appointed by the Commissioner of Agriculture.

795 (a) Six industry members of the council shall be chosen
796 from individuals already engaged in the locksmith services
797 business licensed under this part, as follows:

798 1. Five members of the council must be individuals employed
799 by separate, licensed locksmith services businesses and do not
800 provide automotive-only locksmith services.

801 2. One member of the council must be an individual employed
802 by a licensed locksmith services business and provides
803 automotive-only locksmith services.

804 (b) One member of the council must be an electrical
805 contractor certified under chapter 489.

806 (c) One member of the council must be a consumer who is not
807 connected with the locksmith services business.

808 (d) One member of the council must have private security,
809 investigative or law enforcement expertise or experience.

810
811 Each council member, except the consumer member, must have at
812 least 3 years' experience in his or her profession and be

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813 currently engaged in that profession. Each council member must
814 be a resident of the state. Council members must be from
815 different geographic regions of the state.

816 (2) Council members shall be appointed for 4-year terms. A
817 member whose term has expired shall continue to serve until such
818 time as a replacement is appointed. Any vacancy occurring before
819 the expiration of a term shall be filled by the commissioner for
820 the remainder of the term.

821 (3) (a) The council shall annually elect from its membership
822 a chair and a vice chair.

823 (b) The council shall meet at the call of its chair, at the
824 request of a majority of its membership, or at the request of
825 the department.

826 (c) In conducting its meetings, the council shall use
827 accepted rules of procedure. The department shall keep a
828 complete record of each meeting, which must show the names of
829 members present and the actions taken. These records and other
830 documents about matters within the jurisdiction of the council
831 shall be kept on file with the department.

832 (4) The members of the council receive no compensation for
833 their services, except that they may receive per diem and travel
834 expenses as provided in s. 112.061.

835 (5) The department shall be responsible for providing
836 administrative and staff support services relating to the
837 functions of the council.

838 (6) The council may review the rules relating to this part
839 which are adopted by the department and may advise the
840 department on matters relating to advancements in industry
841 standards and practices and other issues that require technical

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842 expertise and consultation or that promote better consumer
843 protection in the locksmith services industry.

844 Section 2. This act shall take effect July 1, 2009.