

By the Committee on Commerce; and 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; providing definitions;
5 providing exemptions from the application of the part;
6 requiring the licensure of locksmith services
7 businesses and locksmith referral services by the
8 Department of Agriculture and Consumer Services;
9 specifying licensure and application requirements;
10 requiring license fees; authorizing the waiver or
11 reduction of fees under certain circumstances;
12 providing for expiration of licenses; requiring
13 fingerprinting and background screening for criminal
14 records checks of the owner and certain other persons
15 affiliated with a locksmith services business;
16 specifying background screening requirements;
17 disqualifying certain persons from performing
18 locksmith services based upon background screening;
19 requiring the Department of Law Enforcement to retain
20 the fingerprints and search arrest records against the
21 fingerprints; requiring fees for background screening;
22 requiring the Department of Law Enforcement to provide
23 certain records to the Department of Agriculture and
24 Consumer Services upon request; authorizing licensure
25 by endorsement under certain circumstances; providing
26 license renewal requirements and procedures; providing
27 for the denial, suspension, revocation, or refusal to
28 renew a license under certain circumstances; requiring
29 a locksmith services business to maintain liability

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30 insurance; prohibiting the performance of locksmith
31 services except by certain persons; authorizing
32 locksmiths, automotive-only locksmiths, and apprentice
33 locksmiths to perform locksmith services under certain
34 circumstances; establishing qualifications and
35 training requirements for locksmiths, automotive-only
36 locksmiths, and apprentice locksmiths; requiring
37 locksmith services businesses to keep certain records
38 and issue photo identification cards to locksmiths,
39 automotive-only locksmiths, and locksmith apprentices;
40 requiring display of photo identification cards and
41 licenses; requiring a locksmith services business to
42 display its license, license number, and other
43 information in all advertising; requiring a locksmith
44 services business to accept certain methods of payment
45 and keep certain business records; authorizing the
46 review of records by the department; specifying
47 certain prohibited acts relating to the operation of a
48 locksmith services business; providing civil penalties
49 and remedies; providing administrative remedies and
50 penalties; providing that a violation of the act is a
51 deceptive and unfair trade practice; providing
52 criminal penalties; requiring the department to adopt
53 rules; providing for the deposit and use of certain
54 funds; preempting to the state the regulation of
55 locksmith services, locksmiths, and locksmith services
56 businesses; prohibiting the issuance or renewal of
57 local business tax receipts to locksmith services
58 businesses except under certain circumstances;

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59 creating the Florida Locksmith Services Advisory
60 Council within the department; providing membership
61 and terms; providing operating procedures and duties;
62 requiring the department to provide administrative and
63 staff support; providing an effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. Part XII of chapter 559, Florida Statutes,
68 consisting of sections 559.941, 559.942, 559.943, 559.944,
69 559.945, 559.946, 559.947, 559.948, 559.949, 559.95, 559.951,
70 559.952, 559.953, 559.954, 559.955, 559.956, 559.957, 559.958,
71 559.959, 559.96, and 559.961, is created to read:

72 PART XII

73 LOCKSMITH SERVICES

74 559.941 Short title.—This part may be cited as the “Florida
75 Locksmith Services Act.”

76 559.942 Findings and purpose.—The Legislature finds that:

77 (1) Locksmiths operate in the public trust to service,
78 secure, and protect persons and property.

79 (2) Locksmiths must be trained in regulations and laws
80 applicable to their profession, including, but not limited to,
81 the federal Americans with Disabilities Act, the Florida
82 Building Code, the Florida Fire Prevention Code, and the Life
83 Safety Code, and must be trained in the proper installation and
84 maintenance of security devices, motor vehicle locks, keys, and
85 built-in security systems.

86 (3) The purpose of this part is to provide for the
87 licensing and regulation of locksmith services businesses in

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88 this state which are necessary to protect the public from the
89 misuse of locksmithing knowledge, supplies, manuals, and
90 equipment that threaten public safety and security.

91 559.943 Definitions.—As used in this part, the term:

92 (1) "Advertise" means to advise, announce, give notice of,
93 publish, or call attention to by use of oral, written, or
94 graphic statement made in a newspaper or other publication or on
95 radio or television; made in any other electronic medium;
96 contained in any notice, handbill, sign, including signage on
97 any vehicle, flyer, catalog, or letter; or printed on or
98 contained in any tag or label attached to or accompanying any
99 good.

100 (2) "Apprentice locksmith" means a natural person who
101 performs locksmith services on behalf of a locksmith services
102 business under the direct and continuous supervision of a
103 locksmith.

104 (3) "Automotive-only locksmith" means a locksmith who
105 performs only those locksmith services relating to motor
106 vehicles as described in paragraphs (11)(e)-(g) on behalf of a
107 locksmith services business.

108 (4) "Business location" means a physical location where a
109 licensee operates a locksmith services business or, if the
110 licensee is a mobile locksmith services business, the physical
111 location where the licensee's records are kept.

112 (5) "Department" means the Department of Agriculture and
113 Consumer Services.

114 (6) "Key duplication machine" means a device capable of
115 copying or reproducing keys.

116 (7) "Licensee" means a locksmith services business licensed

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117 under this part.

118 (8) "Lock" means a mechanical, electromechanical,
119 electronic, or electromagnetic device or system, including, but
120 not limited to, any peripheral hardware, such as a closed-
121 circuit television system, wireless or infrared transmitter,
122 card reader, keypad, or biometric scanner, which is designed to
123 control access to and egress from a door, gate, safe, vault,
124 safe-deposit box, motor vehicle, or other enclosure or which is
125 designed to control the use of such an enclosure.

126 (9) "Locksmith" means a natural person who performs any
127 locksmith services on behalf of a locksmith services business.
128 The term includes an automotive-only locksmith but does not
129 include a person whose activities are limited to making
130 duplicate keys.

131 (10) "Locksmith referral service" means the advertisement
132 of locksmith services in this state by a person who does not
133 perform the locksmith services but who subcontracts with, or
134 refers the customer to, another locksmith services business for
135 the performance of the locksmith services.

136 (11) "Locksmith services" means:

137 (a) Selling, installing, servicing, repairing, repinning,
138 recombinating, and adjusting locks, safes, vaults, or safe-
139 deposit boxes.

140 (b) Originating, duplicating, and copying keys.

141 (c) Opening, bypassing, and neutralizing locks, safes,
142 vaults, or safe-deposit boxes.

143 (d) Creating, documenting, selling, installing, managing,
144 and servicing master key systems.

145 (e) Unlocking, bypassing, or neutralizing motor vehicle

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146 locks by means other than intended by the manufacturer.

147 (f) Originating keys for motor vehicles, which includes, if
148 necessary, the programming, reprogramming, or bypassing of any
149 security, transponder, or immobilizer systems or subsequent
150 technology built in by the manufacturer.

151 (g) Keying, rekeying, or recombining motor vehicle locks.

152
153 The term does not include contracting as defined in s. 489.505
154 for which a registration or certification is required under part
155 II of chapter 489.

156 (12) "Locksmith services business" means a person who
157 performs or offers to perform locksmith services for
158 compensation, advertises or represents himself or herself as a
159 locksmith services business, or operates a locksmith referral
160 service in this state.

161 (13) "Master key system" means a system of locks in which a
162 lock is keyed so that it can be operated by its own individual
163 key as well as by a key that operates other locks in the system
164 which are also keyed to their own individual keys.

165 (14) "Mobile locksmith services business" means a locksmith
166 services business that operates exclusively from one or more
167 vehicles and not from a specific physical location.

168 (15) "Motor vehicle" has the same meaning as in s.
169 559.903(5).

170 559.944 Application of part; exemptions.—This part does not
171 apply to:

172 (1) A law enforcement officer, firefighter or voluntary
173 firefighter, emergency medical technician or paramedic, or other
174 government employee or agent who, in his or her official line of

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175 duty, performs locksmith services in an emergency situation in
176 which the life of a person, livestock, or an animal generally
177 regarded as a pet is endangered.

178 (2) A sales representative who provides a bona fide sales
179 demonstration of products to locksmiths.

180 (3) An in-store employee of a hardware store, do-it-
181 yourself home products store, or other retail store who rekeys
182 locks being purchased in the store.

183 (4) An electrical or alarm system contractor registered or
184 certified under chapter 489 who is acting within the scope of
185 his or her practice.

186 (5) A person who lawfully acquires and uses a key
187 duplication machine or key blanks to duplicate keys.

188 (6) A property owner or agent of a property owner who
189 maintains a file of key cutting data for a master key system on
190 the property.

191 (7) An employee of a financial institution as defined in s.
192 655.005 who provides safe, safe-deposit box, or vault services
193 at the financial institution.

194 (8) A motor vehicle dealer as defined in s. 320.27, a motor
195 vehicle repair shop as defined in s. 559.903, or a lock
196 manufacturer or agent of a lock manufacturer who services,
197 installs, repairs, or rebuilds motor vehicle locks or originates
198 and duplicates motor vehicle keys.

199 (9) Building trades personnel who:

200 (a) Install locks or locking devices on a construction
201 project that requires a building permit; or

202 (b) Install locks or locking devices for home repair or
203 improvement, if the locks are designed for installation by the

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204 customer and such home repair or improvement is part of a larger
205 repair or replacement project.

206 (10) A wrecker operator as defined in s. 1.01(15) who
207 possesses or uses car-opening tools as described in s.
208 559.953(2) (b) which are necessary to unlock vehicles, if the
209 wrecker operator does not advertise locksmith services or
210 otherwise advertise himself or herself as a locksmith.

211 (11) An automobile club as defined in s. 627.8405(1) when
212 towing a motor vehicle for a club member or assisting a club
213 member in entering a locked motor vehicle.

214 (12) A hardware store, do-it-yourself home product store,
215 or other retail store that sells locks and safes that are
216 designed for use and installation by the customer without
217 professional assistance.

218 559.945 Locksmith services business; licensure.-

219 (1) A person may not perform or offer to perform locksmith
220 services for compensation, advertise or represent himself or
221 herself as a locksmith services business, or operate a locksmith
222 referral service in this state unless the person is licensed
223 under this part. However, a locksmith or apprentice locksmith
224 performing locksmith services on behalf of a licensee is not
225 required to obtain a separate license. An application for
226 licensure must be submitted to the department in the format
227 prescribed by the department and must include, at a minimum, the
228 following:

229 (a) The full legal name and mailing address of the
230 applicant.

231 (b) Each name under which the applicant does business in
232 this state and, if the applicant is doing business under a

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233 fictitious name, the date on which the applicant registered the
234 fictitious name with the Department of State.

235 (c) The mailing address, street address, and telephone
236 number of the applicant's principal business location and, if
237 the applicant performs locksmith services or operates a
238 locksmith referral service at more than one business location,
239 the mailing address, street address, and telephone number of
240 each additional business location.

241 (d) If the applicant is not a natural person, a statement
242 of:

243 1. The applicant's type of business entity, such as a
244 corporation, partnership, or other limited liability
245 corporation.

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

247 3. Whether the applicant is a foreign or domestic business
248 entity, the state and date of incorporation, the charter number,
249 and the date that the applicant first registered with the
250 Department of State to do business in the state.

251 (e) Each corporate, fictitious, or other business or trade
252 name under which any owner of the locksmith services business
253 operated, was known, or did business as a locksmith services
254 business within 5 years before the date of the application.

255 (f) The full name, address, and telephone number of:

256 1. Each locksmith, automotive-only locksmith, and
257 apprentice locksmith who performs locksmith services on behalf
258 of the applicant.

259 2. Each officer and director of the corporation, their
260 official positions, and corporate offices, if the applicant is a
261 corporation.

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262 3. Each general partner, if the applicant is a partnership.

263 4. Each managing member, if the applicant is a limited
264 liability corporation.

265 5. The owner of the applicant, if the applicant is a
266 proprietorship.

267 6. The applicant's registered agent for service of process
268 in this state.

269 (g) The number of locksmiths that the applicant currently
270 employs or intends to employ.

271 (2) Each application must be accompanied by:

272 (a) Payment of a nonrefundable biennial license fee,
273 calculated as follows:

274 1. If the applicant employs one to five locksmiths, an
275 amount not to exceed \$800.

276 2. If the applicant employs six or more locksmiths, an
277 amount not to exceed \$1,600.

278 3. If the applicant operates a locksmith referral service
279 but does not employ any locksmiths, an amount not to exceed
280 \$800.

281
282 If the department determines that the biennial license fees
283 established under this subsection for an initial or renewal
284 application impose a significant financial hardship upon the
285 applicant, the department may waive or reduce the fees to the
286 amount necessary to alleviate the hardship.

287 (b) Proof of liability insurance coverage as required in s.
288 559.95.

289 (c) For each person listed in paragraph (1)(f), a set of
290 fingerprints submitted in the manner prescribed by the

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291 department, an affidavit of the person's criminal history, if
292 any, and payment of any fees or costs required under s. 559.946
293 for background screening.

294 (3) (a) The department shall issue a license to each
295 applicant in the format prescribed by the department in
296 accordance with s. 120.60. The license must show at least the
297 name, the street address of each business location listed in the
298 application pursuant to paragraph (1) (c), and the license number
299 of the locksmith services business. If the applicant is a mobile
300 locksmith services business, the license must show the residence
301 address of the owner, if different than the street address of
302 the business location where the applicant's records are kept.

303 (b) A license issued under this part may not be transferred
304 or assigned and is valid only for the licensee and the business
305 locations for which it is issued.

306 (c) A locksmith services business license is valid for 2
307 years from the date of issuance. To provide for the biennial
308 renewal of licenses under s. 559.948, the department may adopt
309 rules to stagger the license expiration dates over a 2-year
310 period.

311 (4) (a) A licensee must notify the department in writing at
312 least 30 days before changing a locksmith services business
313 location. The department shall issue to the licensee an amended
314 license that shows the new business location.

315 (b) Within 10 days after a person listed in paragraph
316 (1) (f) begins his or her duties with a licensee, the licensee
317 must submit a set of the person's fingerprints in the manner
318 prescribed by the department, an affidavit of the person's
319 criminal history, if any, and payment of any fees or costs

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320 required under s. 559.946 for background screening.

321 559.946 Locksmith services businesses; fingerprinting and
322 background screening; disqualification.-

323 (1) (a) Each person listed in s. 559.945(1) (f) must be
324 fingerprinted and undergo background screening for criminal
325 justice information as defined in s. 943.045. The department
326 shall submit each set of fingerprints to the Department of Law
327 Enforcement for statewide criminal records checks, and the
328 Department of Law Enforcement shall forward the fingerprints to
329 the Federal Bureau of Investigation for federal criminal records
330 checks. The cost of the fingerprint processing and criminal
331 records checks shall be borne by the locksmith services business
332 or the person required to be fingerprinted and shall be paid to
333 the department. The Department of Law Enforcement shall submit a
334 monthly invoice to the department for the fingerprint processing
335 and criminal records checks performed during the month, and the
336 department shall pay the invoice from the fees collected. The
337 results of the criminal records checks shall be returned to the
338 department, and the department shall screen the results to
339 determine whether the person is disqualified under subsection
340 (2).

341 (b) If a legible set of fingerprints, as determined by the
342 Department of Law Enforcement or the Federal Bureau of
343 Investigation, cannot be obtained after two attempts, the
344 department shall determine whether the person is disqualified
345 based upon criminal records checks under the person's name
346 conducted by the Department of Law Enforcement and the Federal
347 Bureau of Investigation.

348 (2) (a) A person required to undergo background screening

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349 pursuant to this section must not have been convicted of a crime
350 involving trespass, burglary, theft, larceny, dealing in stolen
351 property, receiving stolen property, embezzlement, obtaining
352 property by false pretenses, possession of altered property, or
353 any other fraudulent or dishonest dealing within the previous 10
354 years.

355 (b) The department may grant a person disqualified under
356 paragraph (a) an exemption from disqualification for conviction
357 of:

358 1. Any felony committed more than 3 years before the date
359 of disqualification.

360 2. Any misdemeanor.

361 (c) In order for the department to grant an exemption, the
362 disqualified person must demonstrate by clear and convincing
363 evidence of rehabilitation, including, but not limited to, the
364 circumstances surrounding the criminal incident for which an
365 exemption is sought, the time period that has elapsed since the
366 incident, the nature of the harm caused to the victim, and the
367 history of the disqualified person since the incident, or any
368 other evidence or circumstances indicating that the disqualified
369 person will not present a danger to the public if an exemption
370 is granted.

371 (3) (a) All fingerprints shall be submitted electronically
372 to the Department of Law Enforcement, as required by this
373 section, and shall be retained by the Department of Law
374 Enforcement in a manner provided by rule and entered in the
375 statewide automated fingerprint identification system authorized
376 by s. 943.05(2)(b). The fingerprints shall thereafter be
377 available for all purposes and uses authorized for arrest

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378 fingerprints entered in the statewide automated fingerprint
379 identification system pursuant to s. 943.051.

380 (b) The Department of Law Enforcement shall search all
381 arrest fingerprints received under s. 943.051 against the
382 fingerprints retained in the statewide automated fingerprint
383 identification system under paragraph (a). Any arrest record
384 that is identified with the retained fingerprints of a person
385 subject to background screening under this section shall be
386 reported to the department. Each locksmith services business
387 must participate in the search process by notifying the
388 department of any change in a person's status as a person listed
389 s. 559.945(1)(f) if, as a result of the change, the person's
390 fingerprints are no longer required to be retained under
391 paragraph (a).

392 (c) Each licensee shall pay to the department a fee for the
393 cost of retaining the fingerprints and performing the ongoing
394 searches of arrest records under paragraph (b). The Department
395 of Law Enforcement shall submit an invoice to the department for
396 the fingerprints retained and searches performed, and the
397 department shall pay the invoice from the fees collected. The
398 Department of Law Enforcement shall adopt rules establishing the
399 amount of the fee and procedures for retaining the fingerprints,
400 performing the searches, and disseminating the search results.
401 The department shall notify the Department of Law Enforcement of
402 any change in a person's status as a person listed in s.
403 559.945(1)(f) if, as a result of the change, the person's
404 fingerprints are no longer required to be retained under
405 paragraph (a).

406 (4) Before expiration of the time limit in s. 120.60 for

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407 approving an application, if the department does not receive
408 criminal justice information for any person listed in s.
409 559.945(1)(f), or receives criminal justice information that
410 includes a crime that may disqualify the person but does not
411 include a final disposition of the crime, the time limit in s.
412 120.60 for approving the application is extended until the
413 department receives final disposition of the crime or proof of
414 restoration of civil rights. However, an applicant may only
415 operate as an apprentice locksmith until the applicant's case
416 disposition or proof of restoration of the applicant's civil
417 rights are received by the department.

418 (5) The Department of Law Enforcement shall provide the
419 department, upon request, with any criminal justice information
420 in its possession of a person who is:

421 (a) A licensee or applicant for a license under this part;

422 or

423 (b) Employed by a licensee or applicant for a license under
424 this part.

425 559.947 Licensure by endorsement.-

426 (1) A person may be licensed as a locksmith services
427 business in this state upon applying to the department,
428 remitting the nonrefundable biennial license fee calculated as
429 required in s. 559.945(2)(a), and demonstrating to the
430 department that the applicant:

431 (a) Meets the qualifications for licensure in s. 559.945;

432 or

433 (b) Holds a valid locksmith services business license, or
434 the equivalent thereof, issued by another state, territory, or
435 possession of the United States, the District of Columbia, or

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436 the Commonwealth of Puerto Rico with which the department has
437 established reciprocity.

438 (2) The department may establish reciprocity with other
439 states, territories, or possessions of the United States, the
440 District of Columbia, or the Commonwealth of Puerto Rico and may
441 adopt criteria for establishing reciprocity, subject to the
442 following:

443 (a) The licensing requirements of the other state,
444 territory, or possession must substantially meet or exceed the
445 requirements of s. 559.945.

446 (b) The other state, territory, or possession must issue a
447 license, or the equivalent thereof, to a locksmith services
448 business that is licensed in this state and seeks to do business
449 in the other state, territory, or possession.

450 559.948 License renewal.—Each locksmith services business
451 license must be renewed biennially on or before the license's
452 expiration date. To apply for renewal of a license, the licensee
453 must submit each of the following to the department:

454 (1) A renewal application in the format prescribed by the
455 department which includes the information required for initial
456 licensure in s. 559.945(1).

457 (2) Payment of the nonrefundable biennial license fee,
458 calculated as required in s. 559.945(2)(a).

459 (3) Proof of liability insurance coverage as required in s.
460 559.95.

461 (4) For each person listed in s. 559.945(1)(f), an updated
462 affidavit of the person's criminal history, if any.

463 (5) For each person listed in s. 559.945(1)(f) who has not
464 undergone background screening, a set of fingerprints submitted

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465 in the manner prescribed by the department, an affidavit of the
466 person's criminal history, if any, and payment of any fees or
467 costs required under s. 559.946.

468 559.949 Denial, suspension, revocation, or refusal to renew
469 license.—The department may deny, suspend, revoke, or refuse to
470 renew the license of a locksmith services business based upon a
471 determination that the locksmith services business or any person
472 listed in s. 559.945(1)(f):

473 (1) Failed to meet the requirements for licensure as
474 provided in this part;

475 (2) Is disqualified based upon background screening
476 pursuant to s. 559.946(2);

477 (3) Received any civil, criminal, or administrative
478 adjudication in any jurisdiction; or

479 (4) Has had a judgment entered against the business or
480 person in any action brought under the Florida Deceptive and
481 Unfair Trade Practices Act in part II of chapter 501.

482 559.95 Liability insurance.—

483 (1) A locksmith services business must maintain current and
484 valid liability insurance coverage of at least \$100,000 per
485 incident for loss or damages resulting from the negligence of
486 the locksmith services business or any of its locksmiths,
487 apprentice locksmiths, employees, or agents.

488 (2) The insurance coverage must be issued by an insurance
489 company or carrier licensed to transact business in this state
490 under the Florida Insurance Code. The department shall require a
491 locksmith services business to present a policy or certificate
492 of insurance of the required coverage before issuance or renewal
493 of a license. The department shall be named as a

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494 certificateholder in the policy or certificate and must be
495 notified at least 30 days before any changes in insurance
496 coverage.

497 (3) If a locksmith services business does not maintain the
498 required insurance coverage, the department may immediately
499 suspend the business's license or eligibility for licensure and
500 the business shall immediately cease operating as a locksmith
501 services business. In addition, notwithstanding the availability
502 of administrative relief under chapter 120, the department may
503 seek an immediate injunction in the circuit court of the county
504 in which the business is located which prohibits the locksmith
505 services business from operating until the business complies
506 with this section and imposes a civil penalty not to exceed
507 \$10,000 and reasonable court costs.

508 559.951 Locksmiths; apprentice locksmiths; photo
509 identification cards; display of license and license number.—

510 (1) A person may not perform locksmith services on behalf
511 of a locksmith services business unless the person is the
512 licensee or one of the following:

513 (a) Locksmith.—Except as provided in paragraph (b) for an
514 automotive-only locksmith, a locksmith must be 18 years of age
515 or older and complete 16 hours of training, including training
516 in industry ethics, the federal Americans with Disabilities Act,
517 the Florida Building Code, the Florida Fire Prevention Code, and
518 the Life Safety Code, as they apply to locksmith services.

519 (b) Automotive-only locksmith.—An automotive-only locksmith
520 must be 18 years of age or older and complete a training course
521 in industry ethics.

522 (c) Apprentice locksmith.—An apprentice locksmith must be

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523 15 years of age or older and complete a minimum of 16 hours of
524 training, including training in industry ethics, the federal
525 Americans with Disabilities Act, the Florida Building Code, the
526 Florida Fire Prevention Code, and the Life Safety Code, as they
527 apply to locksmith services. An apprentice locksmith may perform
528 locksmith services only under the direct and continuous
529 supervision of a locksmith or automotive-only locksmith. An
530 apprentice locksmith may not perform or contract to perform
531 locksmith services without the express approval of his or her
532 supervising locksmith. The supervising locksmith is responsible
533 for any violation of this part committed by the apprentice
534 locksmith.

535 (2) (a) Except as provided in paragraph (b) for an
536 automotive-only locksmith, a locksmith must complete at least 16
537 hours of training every 2 years, including training on the
538 federal Americans with Disabilities Act, the Florida Building
539 Code, the Florida Fire Prevention Code, and the Life Safety
540 Code, as they apply to locksmith services.

541 (b) Every 2 years, an automotive-only locksmith must
542 complete at least 8 hours of industry-related training. The
543 training must include, but is not limited to, training in
544 industry ethics.

545 (3) Each locksmith services business must maintain a
546 personnel record of each locksmith, automotive-only locksmith,
547 and apprentice locksmith who performs locksmith services on
548 behalf of the licensee. The personnel record must include:

549 (a) Two copies of a photograph taken of the locksmith,
550 automotive-only locksmith, or apprentice locksmith within 10
551 days after the date that he or she begins to perform locksmith

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552 services on behalf of the licensee. One copy shall be used for
553 the locksmith's or apprentice's photo identification card. The
554 second copy shall be retained in his or her personnel record.
555 Both copies of the photograph shall be replaced with a current
556 photograph at least once every 2 calendar years.

557 (b) An affidavit of the locksmith's, automotive-only
558 locksmith's, or apprentice locksmith's criminal history, if any.

559 (c) Documentation provided by the locksmith services
560 business which demonstrates completion of the training required
561 in subsections (1) and (2).

562 (4) Each locksmith services business shall issue a photo
563 identification card to each locksmith, automotive-only
564 locksmith, and apprentice locksmith performing locksmith
565 services on behalf of the licensee. A photo identification card
566 must contain the name and photograph of the locksmith or
567 apprentice, the name of the locksmith services business, and the
568 license number. The photo identification card must also include:

569 (a) For a locksmith, the word "Locksmith."

570 (b) For an automotive-only locksmith, the phrase
571 "Automotive-Only Locksmith."

572 (c) For an apprentice locksmith, the word "Apprentice."

573
574 Each locksmith, automotive-only locksmith, and apprentice
575 locksmith must display the photo identification card on his or
576 her person at all times while performing locksmith services.

577 (5) A locksmith services business must display a copy of
578 its locksmith services business license at each business
579 location in a manner easily readable by the general public. A
580 mobile locksmith services business shall keep a copy of the

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581 license in each service vehicle for immediate presentation upon
582 request by a law enforcement officer, state or local official,
583 or member of the general public.

584 (6) Each advertisement or other form of advertising, each
585 service vehicle, and each work order, invoice, sales receipt, or
586 other business form of a licensee must include the license
587 number and name of the locksmith services business as they
588 appear on the license issued by the department.

589 559.952 Acceptable forms of payment; locksmith services
590 business records.-

591 (1) A locksmith services business shall accept at least two
592 of the following methods of payment:

593 (a) Cash, cashier's check, money order, or traveler's
594 check;

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

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

600 (2) A locksmith services business shall clearly and
601 conspicuously disclose to the person requesting locksmith
602 services in a work order, invoice, or sales receipt the methods
603 of payment that the locksmith services business accepts.

604 (3) (a) A locksmith services business must retain a copy of
605 each work order, invoice, and sales receipt for at least 2
606 years.

607 (b) Each work order, invoice, and sales receipt must
608 include the name of the person performing the service.

609 (c) A copy of each work order, invoice, and sales receipt

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610 must be readily available for inspection at any time during
611 normal business hours by the department.

612 559.953 Prohibited acts.—

613 (1) A person may not:

614 (a) Perform or offer to perform locksmith services without
615 having or acting under a valid license issued by the department
616 under this part.

617 (b) Advertise or represent himself or herself as a
618 locksmith services business without having a valid license
619 issued by the department under this part.

620 (c) Operate a locksmith referral service without having a
621 valid license issued by the department under this part.

622 (2) A licensee, or a locksmith, apprentice locksmith, or
623 other person acting on behalf of a licensee, may not:

624 (a) Require a consumer to waive his or her rights provided
625 in this part as a precondition to the performance of locksmith
626 services.

627 (b) Fail or refuse, after notice, to provide any law
628 enforcement officer or the department with any document or
629 record or disclose any information required to be produced or
630 disclosed.

631 (c) Employ or contract with any person disqualified under
632 s. 559.946 to perform locksmith services on behalf of the
633 licensee.

634 (d) Submit to the department the fingerprints of a person
635 other than the person for whom fingerprints must be submitted
636 pursuant to s. 559.946 or fail to submit replacement
637 fingerprints for a locksmith or apprentice locksmith whose
638 original fingerprint submissions are returned to the department

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639 as unclassifiable by the screening agency.

640 (e) Use a mailing address, registration facility, drop box,
641 or answering service in the promotion, advertisement,
642 solicitation, or sale of locksmith services, unless the street
643 address of the licensed business location is clearly disclosed
644 during any telephone solicitation and is prominently and
645 conspicuously disclosed in all advertisements and on the work
646 orders, invoices, and sales receipts.

647 (f) Operate as a locksmith services business at a business
648 location other than the location that appears on the license
649 issued by the department.

650 (g) Make a false statement in response to a request or
651 investigation by the department, the Department of Legal
652 Affairs, a law enforcement officer, or a state attorney.

653 (h) Make a material false statement in an application,
654 document, or record required to be submitted or kept under this
655 part.

656 (i) Commit any other act of fraud or misrepresentation or
657 fail to disclose a material fact.

658 (j) Disclose or permit the disclosure of any consumer
659 information without the consumer's written approval, except as
660 authorized by this part.

661 (k) Violate this part or any rule adopted or order issued
662 under this part.

663 559.954 Civil penalties; remedies.—

664 (1) A consumer injured by a violation of this part may
665 bring an action in the appropriate court for relief. The court
666 may award reasonable costs and attorney's fees to the prevailing
667 party. The consumer may also bring an action for injunctive

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668 relief in the circuit court.

669 (2) (a) The department may bring an action in a court of
670 competent jurisdiction to recover any penalties or damages
671 authorized in this part and for injunctive relief to enforce
672 this part.

673 (b) The department may seek a civil penalty of up to
674 \$10,000 for each violation of this part.

675 (c) The department may seek restitution for and on behalf
676 of any consumer injured by a violation of this part.

677 (3) An agreement or representation that waives, limits,
678 restricts, or avoids any duty, obligation, or requirement of a
679 locksmith services business, as provided in this part, is void.

680 (4) A remedy provided in this part is in addition to any
681 other remedy otherwise available for the same conduct.

682 559.955 Administrative remedies; penalties.-

683 (1) The department shall process a consumer complaint
684 against a locksmith services business in the manner described in
685 ss. 570.07 and 570.544.

686 (2) A locksmith services business shall allow department
687 personnel to enter its business locations for purposes of
688 determining whether the license is current. If department
689 personnel are refused entry or access to the premises, the
690 department may seek injunctive relief in circuit court to
691 enforce this subsection.

692 (3) If the department determines that a locksmith services
693 business has violated, or is operating in violation of, this
694 part or any rules adopted or orders issued under this part, the
695 department may enter an order doing one or more of the
696 following:

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

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

700 (c) Directing that the locksmith services business cease
701 and desist specified activities.

702 (d) Refusing to issue or renew, suspending, or revoking a
703 license.

704 (e) Placing the licensee on probation for a specified
705 period, subject to conditions specified by the department.

706 (4) Administrative proceedings that may result in an order
707 imposing any of the penalties specified in subsection (3) are
708 governed by chapter 120.

709 (5) In a final order imposing an administrative fine or
710 refusing to issue or renew, suspending, or revoking a license,
711 the department may assess against the sanctioned party the cost
712 of conducting the administrative proceedings, unless the
713 department determines that the offense was inadvertent or done
714 in a good faith belief that the act or omission did not violate
715 a state law or rule. An assessment is limited to the reasonable
716 hourly rate of the hearing officer and the actual cost of
717 recording or transcribing the proceedings.

718 (6) (a) The department shall prominently post a "Closed by
719 Order of the Department" sign on a locksmith services business
720 whose license is suspended or revoked. The department shall also
721 post a sign on a locksmith services business that is judicially
722 or administratively determined to be operating without a
723 license.

724 (b) A person who defaces or removes the sign without
725 written authorization from the department, or a locksmith

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726 services business that opens for operation without a license or
727 opens for operation as a locksmith services business while its
728 license is suspended or revoked, commits a misdemeanor of the
729 second degree, punishable as provided in s. 775.082 or s.
730 775.083.

731 (c) A criminal penalty imposed under this subsection shall
732 be in addition to any administrative sanction imposed by the
733 department under subsection (3).

734 559.956 Deceptive and unfair trade practices.—A person who
735 violates any provision of this part commits an unfair or
736 deceptive trade practice and is subject to the penalties and
737 remedies provided in part II of chapter 501.

738 559.957 Criminal penalties.—A person who violates s.
739 559.954 commits a misdemeanor of the first degree, punishable as
740 provided in s. 775.082 or s. 775.083.

741 559.958 Rulemaking authority.—The department shall adopt
742 rules pursuant to ss. 120.536(1) and 120.54 to administer this
743 part. The rules shall include, but are not limited to, the
744 following:

745 (1) Requirements and procedures for the licensure of
746 locksmith services businesses.

747 (2) Requirements and procedures for the fingerprinting and
748 background screening of persons listed in s. 559.945(1)(f) for
749 criminal justice information.

750 (3) Forms required to implement this part, including
751 license applications, renewal applications, fingerprint
752 submissions, affidavits of criminal history, and photo
753 identification cards.

754 (4) Establishment of application, license, renewal, and

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755 other reasonable and necessary fees based upon the department's
756 estimate of the costs of administering this part.

757 (5) Establishment and periodic update of a background
758 screening fee schedule to incorporate fee changes by the Federal
759 Bureau of Investigation, the Department of Law Enforcement, and
760 other entities involved in conducting the background screenings.

761 (6) Methods of obtaining and renewing photographs for photo
762 identification.

763 (7) Use and display of licenses and license numbers.

764 559.959 Deposit and use of revenues from fees, civil
765 penalties, and fines.—Any fees, civil penalties, administrative
766 finances, or other funds collected by the department pursuant to
767 this part shall be deposited in the General Inspection Trust
768 Fund and used to administer this part.

769 559.96 Preemption; local business tax receipts.—

770 (1) Effective July 1, 2011, this part preempts any local
771 act, law, ordinance, or regulation of a county or municipality
772 which relates to locksmith services, locksmiths, or locksmith
773 services businesses that do not meet or exceed the requirements
774 in this part.

775 (2) A county or municipality may not issue or renew a local
776 business tax receipt for a locksmith services business unless
777 the person applying for or renewing the local business tax
778 receipt exhibits a valid license issued by the department.

779 559.961 Florida Locksmith Services Advisory Council.—The
780 Florida Locksmith Services Advisory Council is created within
781 the department to advise and assist the department in carrying
782 out this part.

783 (1) The council shall be composed of nine members appointed

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784 by the Commissioner of Agriculture, as follows:

785 (a) Six industry members must be owners or employees of
786 locksmith services businesses licensed under this part, as
787 follows:

788 1. Five members must be locksmiths who are owners or
789 employees of separate, licensed locksmith services businesses
790 who do not perform automotive-only locksmith services.

791 2. One member must be an automotive-only locksmith who is
792 an owner or employee of a licensed locksmith services business.

793 (b) One member must be an electrical contractor certified
794 under part II of chapter 489.

795 (c) One member must have private investigative, private
796 security, motor vehicle recovery, or law enforcement experience
797 or expertise.

798 (d) One member must be a consumer who is not affiliated
799 with any locksmith services business.

800

801 Each member must be a resident of the state. Each member, except
802 the consumer member, must have at least 3 years of experience
803 and be currently engaged in the profession. Initial industry
804 members must be owners or employees of locksmith services
805 businesses but, notwithstanding paragraph (a), the locksmith
806 services businesses of the initial members are not required to
807 be licensed.

808 (2) Members shall be appointed for 4-year terms and must be
809 geographically representative of the state. A member whose term
810 expires shall continue to serve until his or her successor is
811 appointed. A vacancy occurring before the expiration of a
812 member's term shall be filled by the commissioner for the

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813 remainder of the term.

814 (3) (a) The council shall annually elect a chair and a vice
815 chair from among its appointed members.

816 (b) The council shall meet at the call of the chair, upon
817 the request of a majority of its membership, or upon the request
818 of the Commissioner of Agriculture.

819 (c) In conducting its meetings, the council shall use
820 accepted rules of procedure. The department shall keep a
821 complete record of each meeting, which must show the names of
822 the members present and actions taken. The department shall keep
823 the records of the council.

824 (4) Members of the council shall serve without compensation
825 but are entitled to per diem and travel expenses as provided in
826 s. 112.061.

827 (5) The department shall provide administrative and staff
828 support for the council.

829 (6) The council may review any rules adopted by the
830 department pursuant to this part and may advise the department
831 on matters relating to advancements in industry standards,
832 practices, and other issues that require technical expertise and
833 consultation or that promote consumer protection in the
834 locksmith services industry.

835 Section 2. This act shall take effect July 1, 2010.