

1                   A bill to be entitled  
2           An act relating to locksmith services; creating part XII  
3           of ch. 559, F.S.; providing a short title; providing  
4           findings and purpose; providing definitions; providing  
5           exemptions from the application of the part; requiring  
6           licensure of locksmith services businesses by the  
7           Department of Agriculture and Consumer Services;  
8           specifying licensure and application requirements;  
9           requiring license fees; providing for expiration of  
10          licenses; requiring fingerprinting and background  
11          screening for criminal records checks of the owner and  
12          certain other persons affiliated with a locksmith services  
13          business; specifying background screening requirements;  
14          disqualifying certain persons from performing locksmith  
15          services based upon background screening; requiring the  
16          Department of Law Enforcement to retain the fingerprints  
17          and search arrest records against the fingerprints;  
18          requiring fees for background screening; requiring the  
19          Department of Law Enforcement to provide certain records  
20          to the Department of Agriculture and Consumer Services  
21          upon request; authorizing licensure by endorsement under  
22          certain circumstances; providing license renewal  
23          requirements and procedures; providing for the denial,  
24          suspension, revocation, or refusal to renew a license  
25          under certain circumstances; requiring a locksmith  
26          services business to maintain liability insurance;  
27          prohibiting the performance of locksmith services except  
28          by certain persons; authorizing locksmiths, automotive-

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

57 membership and terms; providing operating procedures and  
 58 duties; requiring the department to provide administrative  
 59 and staff support; providing an effective date.

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61 Be It Enacted by the Legislature of the State of Florida:

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63 Section 1. Part XII of chapter 559, Florida Statutes,  
 64 consisting of sections 559.941, 559.942, 559.943, 559.944,  
 65 559.945, 559.946, 559.947, 559.948, 559.949, 559.95, 559.951,  
 66 559.952, 559.953, 559.954, 559.955, 559.956, 559.957, 559.958,  
 67 559.959, 559.96, 559.961, and 559.962, is created to read:

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PART XII

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LOCKSMITH SERVICES

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559.941 Short title.--This part may be cited as the

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"Florida Locksmith Services Act."

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559.942 Findings and purpose.--The Legislature finds that:

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(1) Locksmiths operate in the public trust to service,

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secure, and protect persons and property.

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(2) Locksmiths must be trained in regulations and laws

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applicable to their profession, including, but not limited to,

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the federal Americans with Disabilities Act, the Florida

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Building Code, the Florida Fire Prevention Code, and the Life

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Safety Code, and must be trained in the proper installation and

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maintenance of security devices, motor vehicle locks, keys, and

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built-in security systems.

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(3) The purpose of this part is to provide for the

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licensing and regulation of locksmith services businesses in

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this state that are necessary to protect the public from the

85 misuse of locksmithing knowledge, supplies, manuals, and  
 86 equipment which threaten public safety and security.

87 559.943 Definitions.--As used in this part, the term:

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

96 (2) "Apprentice locksmith" means a natural person who  
 97 performs locksmith services on behalf of a locksmith services  
 98 business under the direct and continuous supervision of a  
 99 locksmith.

100 (3) "Automotive-only locksmith" means a locksmith who  
 101 performs only those locksmith services relating to motor  
 102 vehicles as described in paragraphs (10)(e)-(g) on behalf of a  
 103 locksmith services business.

104 (4) "Business location" means a physical location where a  
 105 licensee operates a locksmith services business or, if the  
 106 licensee is a mobile locksmith services business, the physical  
 107 location where the licensee's records are kept.

108 (5) "Department" means the Department of Agriculture and  
 109 Consumer Services.

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

112 (7) "Licensee" means a locksmith services business

113 licensed under this part.

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

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

127 (10) "Locksmith services" means:

128 (a) Selling, installing, servicing, repairing, repinning,  
129 recombinating, and adjusting locks, safes, vaults, or safe-  
130 deposit boxes.

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

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

134 (d) Creating, documenting, selling, installing, managing,  
135 and servicing master key systems.

136 (e) Unlocking, bypassing, or neutralizing motor vehicle  
137 locks by means other than intended by the manufacturer.

138 (f) Originating keys for motor vehicles that includes, if  
139 necessary, the programming, reprogramming, or bypassing of any  
140 security, transponder, or immobilizer systems or subsequent

141 technology built in by the manufacturer.

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

144 (11) "Locksmith services business" means a person who  
145 performs or offers to perform locksmith services for  
146 compensation or advertises or represents himself or herself as a  
147 locksmith services business in this state.

148 (12) "Locksmith tool" means a tool that is designed, or  
149 intended by the user to be used, to open a lock by any means  
150 other than the specific method designed for the normal operation  
151 of opening the lock. The term includes the locksmith tools  
152 described in s. 559.953(2).

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

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

160 (15) "Motor vehicle" has the same meaning as in s.  
161 559.903(5).

162 559.944 Application of part; exemptions.--This part does  
163 not apply to:

164 (1) A law enforcement officer, firefighter or voluntary  
165 firefighter, emergency medical technician or paramedic, or other  
166 government employee or agent who, in his or her official line of  
167 duty, performs locksmith services in an emergency situation in  
168 which the life of a person, livestock, or an animal generally

169 regarded as a pet is endangered.

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

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

175 (4) An electrical or alarm system contractor registered or  
176 certified under chapter 489 who installs or services  
177 electromechanical, electronic, or electromagnetic devices and  
178 peripheral hardware.

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

181 (6) A property owner or agent of a property owner who  
182 maintains a file of key cutting data for a master key system on  
183 the property.

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

187 (8) A motor vehicle dealer as defined in s. 320.27, a  
188 motor vehicle repair shop as defined in s. 559.903, or a lock  
189 manufacturer or agent of a lock manufacturer who services,  
190 installs, repairs, or rebuilds motor vehicle locks or originates  
191 and duplicates motor vehicle keys.

192 (9) Building trades personnel who install locks or locking  
193 devices on a construction project that requires a building  
194 permit.

195 (10) A wrecker operator as defined in s. 1.01(15) who  
196 possesses or uses car-opening tools as described in s.

197 559.953(2)(b) to unlock vehicles to facilitate towing.  
 198 559.945 Locksmith services business; licensure.--  
 199 (1) A person may not perform or offer to perform locksmith  
 200 services for compensation or advertise or represent himself or  
 201 herself as a locksmith services business in this state unless  
 202 the person is licensed under this part. However, a locksmith or  
 203 apprentice locksmith performing locksmith services on behalf of  
 204 a licensee is not required to obtain a separate license. An  
 205 application for licensure must be submitted to the department in  
 206 the format prescribed by the department and must include, at a  
 207 minimum, the following:  
 208 (a) The full legal name and mailing address of the  
 209 applicant.  
 210 (b) Each name under which the applicant does business in  
 211 this state and, if the applicant is doing business under a  
 212 fictitious name, the date on which the applicant registered the  
 213 fictitious name with the Department of State.  
 214 (c) The mailing address, street address, and telephone  
 215 number of the applicant's principal business location and, if  
 216 the applicant performs locksmith services at more than one  
 217 business location the mailing address, street address, and  
 218 telephone number of each additional business location.  
 219 (d) If the applicant is not a natural person, a statement  
 220 of:  
 221 1. The applicant's type of business entity, such as a  
 222 corporation, partnership, or other limited liability  
 223 corporation.  
 224 2. The applicant's federal employer identification number.

225 3. Whether the applicant is a foreign or domestic business  
 226 entity, the state and date of incorporation, the charter number,  
 227 and the date that the applicant first registered with the  
 228 Department of State to do business in the state.

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

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

234 1. Each locksmith, automotive-only locksmith, and  
 235 apprentice locksmith who performs locksmith services on behalf  
 236 of the applicant.

237 2. Each officer and director of the corporation, their  
 238 official positions, and corporate offices, if the applicant is a  
 239 corporation.

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

242 4. Each managing member, if the applicant is a limited  
 243 liability corporation.

244 5. The owner of the applicant, if the applicant is a  
 245 proprietorship.

246 6. The applicant's registered agent for service of process  
 247 in this state.

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

250 (2) Each application must be accompanied by:

251 (a) Payment of a nonrefundable biennial license fee,  
 252 calculated as follows:

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

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

257 (b) Proof of liability insurance coverage as required in  
258 s. 559.95.

259 (c) For each person listed in paragraph (1)(f), a set of  
260 fingerprints submitted in the manner prescribed by the  
261 department, an affidavit of the person's criminal history, if  
262 any, and payment of any fees or costs required under s. 559.946  
263 for background screening.

264 (3)(a) The department shall issue a license to each  
265 applicant in the format prescribed by the department in  
266 accordance with s. 120.60. The license must show at least the  
267 name, the street address of each business location listed in the  
268 application pursuant to paragraph (1)(c), and the license number  
269 of the locksmith services business. If the applicant is a mobile  
270 locksmith services business, the license must show the residence  
271 address of the owner, if different than the street address of  
272 the business location where the applicant's records are kept.

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

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

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

285       (b) Within 10 days after a person listed in paragraph  
286 (1) (f) begins his or her duties with a licensee, the licensee  
287 must submit a set of the person's fingerprints in the manner  
288 prescribed by the department, an affidavit of the person's  
289 criminal history, if any, and payment of any fees or costs  
290 required under s. 559.946 for background screening.

291       559.946 Locksmith services businesses; fingerprinting and  
292 background screening; disqualification.--

293       (1) (a) Each person listed in s. 559.945(1) (f) must be  
294 fingerprinted and undergo background screening for criminal  
295 justice information as defined in s. 943.045. The department  
296 shall submit each set of fingerprints to the Department of Law  
297 Enforcement for statewide criminal records checks, and the  
298 Department of Law Enforcement shall forward the fingerprints to  
299 the Federal Bureau of Investigation for federal criminal records  
300 checks. The cost of the fingerprint processing and criminal  
301 records checks shall be borne by the locksmith services business  
302 or the person required to be fingerprinted and shall be paid to  
303 the Department of Law Enforcement. The results of the criminal  
304 records checks shall be returned to the department, and the  
305 department shall screen the results to determine whether the  
306 person is disqualified under subsection (2).

307       (b) If a legible set of fingerprints, as determined by the  
308 Department of Law Enforcement or the Federal Bureau of

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309 Investigation, cannot be obtained after two attempts, the  
310 department shall determine whether the person is disqualified  
311 based upon criminal records checks under the person's name  
312 conducted by the Department of Law Enforcement and the Federal  
313 Bureau of Investigation.

314 (2) A person required to undergo background screening  
315 pursuant to this section may not:

316 (a) Have been convicted or found guilty of, or pled guilty  
317 or nolo contendere to, or have been incarcerated as a result of  
318 having previously been convicted or found guilty of, or pled  
319 guilty or nolo contendere to, regardless of adjudication, a  
320 felony within the previous 10 years; or

321 (b) Have been convicted or found guilty of, or pled guilty  
322 or nolo contendere to, or have been incarcerated as a result of  
323 having previously been convicted or found guilty of, or pled  
324 guilty or nolo contendere to, regardless of adjudication, a  
325 crime involving trespass, burglary, theft, larceny, dealing in  
326 stolen property, receiving stolen property, embezzlement,  
327 obtaining property by false pretenses, possession of altered  
328 property, or any other fraudulent or dishonest dealing within  
329 the previous 10 years.

330 (3) (a) All fingerprints submitted to the Department of Law  
331 Enforcement as required by this section shall be retained by the  
332 Department of Law Enforcement in a manner provided by rule and  
333 entered in the statewide automated fingerprint identification  
334 system authorized by s. 943.05(2) (b). The fingerprints shall  
335 thereafter be available for all purposes and uses authorized for  
336 arrest fingerprints entered in the statewide automated

337 fingerprint identification system pursuant to s. 943.051.

338 (b) The Department of Law Enforcement shall search all  
339 arrest fingerprints received under s. 943.051 against the  
340 fingerprints retained in the statewide automated fingerprint  
341 identification system under paragraph (a). Any arrest record  
342 that is identified with the retained fingerprints of a person  
343 subject to background screening under this section shall be  
344 reported to the department and the locksmith services business.  
345 Each locksmith services business must participate in the search  
346 process by notifying the Department of Law Enforcement of any  
347 change in a person's status as a person listed s. 559.945(1)(f)  
348 if, as a result of the change, the person's fingerprints are no  
349 longer required to be retained under paragraph (a). The  
350 Department of Law Enforcement shall adopt a rule setting the  
351 amount of the annual fee to be imposed upon each locksmith  
352 services business for performing these searches and establishing  
353 the procedures for the retention of fingerprints and the  
354 dissemination of search results. The fee may be borne by the  
355 locksmith services business or the person fingerprinted.

356 (4) Before expiration of the time limit in s. 120.60 for  
357 approving an application, if the department does not receive  
358 criminal justice information for any person listed in s.  
359 559.945(1)(f), or receives criminal justice information that  
360 includes a crime that may disqualify the person but does not  
361 include a final disposition of the crime, the time limit in s.  
362 120.60 for approving the application is extended until the  
363 department receives final disposition of the crime or proof of  
364 restoration of civil rights.

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

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

370 (b) Employed by a licensee or applicant for a license  
 371 under this part.

372 559.947 Licensure by endorsement.--

373 (1) A person may be licensed as a locksmith services  
 374 business in this state upon applying to the department,  
 375 remitting the nonrefundable biennial license fee calculated as  
 376 required in s. 559.945(2) (a), and demonstrating to the  
 377 department that the applicant:

378 (a) Meets the qualifications for licensure in s. 559.945;  
 379 or

380 (b) Holds a valid locksmith services business license, or  
 381 the equivalent thereof, issued by another state, territory, or  
 382 possession of the United States, the District of Columbia, or  
 383 the Commonwealth of Puerto Rico with which the department has  
 384 established reciprocity.

385 (2) The department may establish reciprocity with other  
 386 states, territories, or possessions of the United States, the  
 387 District of Columbia, or the Commonwealth of Puerto Rico and may  
 388 adopt criteria for establishing reciprocity, subject to the  
 389 following:

390 (a) The licensing requirements of the other state,  
 391 territory, or possession must substantially meet or exceed the  
 392 requirements of s. 559.945.

393        (b) The other state, territory, or possession must issue a  
 394 license, or the equivalent thereof, to a locksmith services  
 395 business that is licensed in this state and seeks to do business  
 396 in the other state, territory, or possession.

397        559.948 License renewal.--Each locksmith services business  
 398 license must be renewed biennially on or before the license's  
 399 expiration date. To apply for renewal of a license, the licensee  
 400 must submit each of the following to the department:

401        (1) A renewal application in the format prescribed by the  
 402 department that includes the information required for initial  
 403 licensure in s. 559.945(1).

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

406        (3) Proof of liability insurance coverage as required in  
 407 s. 559.95.

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

410        (5) For each person listed in s. 559.945(1) (f) who has not  
 411 undergone background screening, a set of fingerprints submitted  
 412 in the manner prescribed by the department, an affidavit of the  
 413 person's criminal history, if any, and payment of any fees or  
 414 costs required under s. 559.946.

415        559.949 Denial, suspension, revocation, or refusal to  
 416 renew license.--The department may deny, suspend, revoke, or  
 417 refuse to renew the license of a locksmith services business  
 418 based upon a determination that the locksmith services business  
 419 or any person listed in s. 559.945(1) (f):

420        (1) Failed to meet the requirements for licensure as

421 provided in this part;

422 (2) Is disqualified based upon background screening  
 423 pursuant to s. 559.946(2);

424 (3) Failed to satisfy a civil penalty, administrative  
 425 fine, or other penalty arising out of an administrative or  
 426 enforcement action brought by any governmental agency;

427 (4) Received any civil, criminal, or administrative  
 428 adjudication in any jurisdiction;

429 (5) Has pending against the business or person any  
 430 criminal, administrative, or enforcement proceedings in any  
 431 jurisdiction; or

432 (6) Has had a judgment entered against the business or  
 433 person in any action brought under the Florida Deceptive and  
 434 Unfair Trade Practices Act in part II of chapter 501.

435 559.95 Liability insurance.--

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

441 (2) The insurance coverage must be issued by an insurance  
 442 company or carrier licensed to transact business in this state  
 443 under the Florida Insurance Code. The department shall require a  
 444 locksmith services business to present a policy or certificate  
 445 of insurance of the required coverage before issuance or renewal  
 446 of a license. The department shall be named as a  
 447 certificateholder in the policy or certificate and must be  
 448 notified at least 30 days before any changes in insurance

449 coverage.

450 (3) If a locksmith services business does not maintain the  
451 required insurance coverage, the department may immediately  
452 suspend the business's license or eligibility for licensure and  
453 the business shall immediately cease operating as a locksmith  
454 services business. In addition, notwithstanding the availability  
455 of administrative relief under chapter 120, the department may  
456 seek an immediate injunction in the circuit court of the county  
457 in which the business is located that prohibits the locksmith  
458 services business from operating until the business complies  
459 with this section and imposes a civil penalty not to exceed  
460 \$10,000 and reasonable court costs.

461 559.951 Locksmiths; apprentice locksmiths; photo  
462 identification cards; display of license and license number.--

463 (1) A person may not perform locksmith services on behalf  
464 of a locksmith services business unless the person is the  
465 licensee or one of the following:

466 (a) Locksmith.--Except as provided in paragraph (b) for an  
467 automotive-only locksmith, a locksmith must be 18 years of age  
468 or older and complete 16 hours of training, including training  
469 in industry ethics, the federal Americans with Disabilities Act,  
470 the Florida Building Code, the Florida Fire Prevention Code, and  
471 the Life Safety Code.

472 (b) Automotive-only locksmith.--An automotive-only  
473 locksmith must be 18 years of age or older and complete a  
474 training course in industry ethics.

475 (c) Apprentice locksmith.--An apprentice locksmith must be  
476 15 years of age or older and complete a minimum of 16 hours of

477 training, including training in industry ethics, the federal  
478 Americans with Disabilities Act, the Florida Building Code, the  
479 Florida Fire Prevention Code, and the Life Safety Code. An  
480 apprentice locksmith may perform locksmith services only under  
481 the direct and continuous supervision of a locksmith or  
482 automotive-only locksmith. An apprentice locksmith may not  
483 perform or contract to perform locksmith services without the  
484 express approval of his or her supervising locksmith. The  
485 supervising locksmith is responsible for any violation of this  
486 part committed by the apprentice locksmith.

487 (2) Every 2 years, each locksmith and automotive-only  
488 locksmith must complete at least 8 hours of training, including  
489 training on the federal Americans with Disabilities Act, the  
490 Florida Building Code, the Florida Fire Prevention Code, and the  
491 Life Safety Code.

492 (3) Each locksmith services business must maintain a  
493 personnel record of each locksmith, automotive-only locksmith,  
494 and apprentice locksmith who performs locksmith services on  
495 behalf of the licensee. The personnel record must include:

496 (a) Two copies of a photograph taken of the locksmith,  
497 automotive-only locksmith, or apprentice locksmith within 10  
498 days after the date that he or she begins performing locksmith  
499 services on behalf of the licensee. One copy shall be used for  
500 the locksmith's or apprentice's photo identification card. The  
501 second copy shall be retained in his or her personnel record.  
502 Both copies of the photograph shall be replaced with a current  
503 photograph at least once every 2 calendar years.

504 (b) An affidavit of the locksmith's, automotive-only

505 locksmith's, or apprentice locksmith's criminal history, if any,  
506 and the results of the background screening conducted pursuant  
507 to s. 559.946.

508 (c) Each certificate showing completion of the training  
509 required in subsections (1) and (2).

510 (4) Each locksmith services business shall issue a photo  
511 identification card to each locksmith, automotive-only  
512 locksmith, and apprentice locksmith performing locksmith  
513 services on behalf of the licensee. A photo identification card  
514 must contain the name and photograph of the locksmith or  
515 apprentice, the name of the locksmith services business, and the  
516 license number. The photo identification card must also include:

517 (a) For a locksmith or automotive-only locksmith, the word  
518 "Locksmith."

519 (b) For an apprentice locksmith, the word "Apprentice."

520  
521 Each locksmith, automotive-only locksmith, and apprentice  
522 locksmith must display the photo identification card on his or  
523 her person at all times while performing locksmith services.

524 (5) A locksmith services business must display a copy of  
525 its locksmith services business license at each business  
526 location in a manner easily readable by the general public. A  
527 mobile locksmith services business shall keep a copy of the  
528 license in each service vehicle for immediate presentation to  
529 any law enforcement officer, state or local official, or member  
530 of the general public upon request.

531 (6) Each advertisement or other form of advertising, each  
532 service vehicle, and each work order, invoice, sales receipt, or

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533 other business form of a licensee must include the license  
534 number and name of the locksmith services business as they  
535 appear on the license issued by the department.

536 559.952 Acceptable forms of payment; locksmith services  
537 business records.--

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

540 (a) Cash, cashier's check, money order, or traveler's  
541 check;

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

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

547 (2) A locksmith services business shall clearly and  
548 conspicuously disclose to the person requesting locksmith  
549 services in a work order, invoice, or sales receipt the methods  
550 of payment that the locksmith services business accepts.

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

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

556 (c) A copy of each work order, invoice, and sales receipt  
557 must be readily available for inspection at any time during  
558 normal business hours by any law enforcement officer or by the  
559 department.

560 559.953 Locksmith tools; exemptions; prohibited acts.--

- 561        (1) This section does not apply to:
- 562        (a) A licensee.
- 563        (b) A locksmith or apprentice locksmith performing
- 564 locksmith services on behalf of a licensee.
- 565        (c) A motor vehicle dealer as defined in s. 320.27.
- 566        (d) A recovery agent licensed under part IV of chapter
- 567 493.
- 568        (e) A wrecker operator as defined in s. 1.01(15).
- 569        (f) A lock manufacturer or the lock manufacturer's agent
- 570 who has a reasonable need to possess locksmith tools,
- 571 implements, or outfits for demonstration, testing, or research
- 572 purposes.
- 573        (2) Except as otherwise provided in subsection (1), a
- 574 person may not obtain, own, or possess locksmith tools,
- 575 implements, or outfits, in any format, either in person, through
- 576 an intermediary, through mail order, or by any other procurement
- 577 method. As used in this subsection, the term "locksmith tools"
- 578 includes, but is not limited to:
- 579        (a) A bump key, which is a fabricated, specially shaped or
- 580 modified key intended to be used to unlock a lock by any means
- 581 other than the specific method designed for the normal operation
- 582 of opening the lock.
- 583        (b) A car-opening tool, which is a metal, cloth, nylon,
- 584 rubber, or plastic tool or device designed to enter, bypass, or
- 585 otherwise overcome the locking systems or locking mechanisms of
- 586 a motor vehicle by any means other than the specific method
- 587 designed for the normal operation of opening the lock.
- 588        (c) A change key, which is a key planned and cut to

589 operate a specific group or series of locks that all have the  
590 same combination of tumblers, pins, or wafers.

591 (d) A manual or codebook, which is a compilation, in any  
592 form, of key codes.

593 (e) A code-grabbing device, which is a device that can  
594 receive, record, or receive and record the code signal sent by  
595 the transmitter of a motor vehicle's security, alarm, or  
596 immobilizer system and play back the signal to disarm, bypass,  
597 or neutralize the system.

598 (f) A lock pick, which is a manual, electric, or  
599 electronic tool or device used to bypass, override, or  
600 neutralize a lock by any means other than the specific method  
601 designed for the normal operation of opening the lock.

602 (g) A manipulation key, which is a key other than a change  
603 or master key that can be variably positioned or manipulated in  
604 a keyway to bypass, override, or neutralize a lock by any means  
605 other than the specific method designed for the normal operation  
606 of opening the lock. As used in this paragraph, the term  
607 "manipulation key" includes wiggle and bump keys.

608 (h) A master key, which is a key planned or cut to operate  
609 all locks in a series or group of locks, with each lock in the  
610 series or group having its own unique key. As used in this  
611 paragraph, the term "master key" includes sub-master, grand  
612 master, great grand master, emergency override, and maid's keys.

613 (i) A safe-opening tool, which is a tool designed, or  
614 intended by the user to be used, to open a safe, safe-deposit  
615 box, or similar object by means other than that which is  
616 intended by the manufacturer of the safe, vault, safe-deposit

617 box, or similar object for normal opening.

618 (j) A tryout key, which is a manipulation key that may or  
619 may not be one of a set of similar keys used for a specific  
620 series, keyway, or brand of lock to open, bypass, override, or  
621 neutralize a lock by means other than intended by the  
622 manufacturer.

623 559.954 Prohibited acts.--

624 (1) A person may not:

625 (a) Perform or offer to perform locksmith services without  
626 having or acting under a valid license issued by the department  
627 under this part.

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

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

633 (a) Fraudulently misuse any consumer's credit card.

634 (b) Require a consumer to waive his or her rights provided  
635 in this part as a precondition to the performance of locksmith  
636 services.

637 (c) Fail or refuse, after notice, to provide any law  
638 enforcement officer or the department with any document or  
639 record or disclose any information required to be produced or  
640 disclosed.

641 (d) Employ or contract with any person disqualified under  
642 s. 559.946 to perform locksmith services on behalf of the  
643 licensee.

644 (e) Submit to the department the fingerprints of a person

645 other than the person for whom fingerprints must be submitted  
646 pursuant to s. 559.946 or fail to submit replacement  
647 fingerprints for a locksmith or apprentice locksmith whose  
648 original fingerprint submissions are returned to the department  
649 as unclassifiable by the screening agency.

650 (f) Use a mailing address, registration facility, drop  
651 box, or answering service in the promotion, advertisement,  
652 solicitation, or sale of locksmith services, unless the street  
653 address of the licensed business location is clearly disclosed  
654 during any telephone solicitation and is prominently and  
655 conspicuously disclosed in all advertisements and on the work  
656 orders, invoices, and sales receipts.

657 (g) Operate as a locksmith services business at a business  
658 location other than the location that appears on the license  
659 issued by the department.

660 (h) Make a false statement in response to a request or  
661 investigation by the department, the Department of Legal  
662 Affairs, a law enforcement officer, or a state attorney.

663 (i) Make a material false statement in an application,  
664 document, or record required to be submitted or kept under this  
665 part.

666 (j) Commit any other act of fraud or misrepresentation or  
667 fail to disclose a material fact.

668 (k) Disclose or permit the disclosure of any consumer  
669 information without the consumer's written approval, except as  
670 authorized by this part.

671 (l) Violate this part or any rule adopted or order issued  
672 under this part.

673 559.955 Civil penalties; remedies.--

674 (1) A consumer injured by a violation of this part may  
675 bring an action in the appropriate court for relief. The court  
676 shall award reasonable costs and attorney's fees to the  
677 prevailing party. The consumer may also bring an action for  
678 injunctive relief in the circuit court.

679 (2) (a) The department may bring an action in a court of  
680 competent jurisdiction to recover any penalties or damages  
681 authorized in this part and for injunctive relief to enforce  
682 this part.

683 (b) The department may seek a civil penalty of up to  
684 \$10,000 for each violation of this part.

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

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

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

692 559.956 Administrative remedies; penalties.--

693 (1) The department shall process a consumer complaint  
694 against a locksmith services business in the manner described in  
695 ss. 570.07 and 570.544.

696 (2) A locksmith services business shall allow department  
697 personnel to enter its business locations for purposes of  
698 determining whether the license is current. If department  
699 personnel are refused entry or access to the premises, the  
700 department may seek injunctive relief in circuit court to

701 enforce this subsection.

702 (3) If the department determines that a locksmith services  
 703 business has violated, or is operating in violation of, this  
 704 part or any rules adopted or orders issued under this part, the  
 705 department may enter an order doing one or more of the  
 706 following:

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

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

710 (c) Directing that the locksmith services business cease  
 711 and desist specified activities.

712 (d) Refusing to issue or renew, suspending, or revoking a  
 713 license.

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

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

719 (5) In a final order imposing an administrative fine or  
 720 refusing to issue or renew, suspending, or revoking a license,  
 721 the department may assess against the sanctioned party the cost  
 722 of conducting the administrative proceedings, unless the  
 723 department determines that the offense was inadvertent or done  
 724 in a good faith belief that the act or omission did not violate  
 725 a state law or rule. An assessment is limited to the reasonable  
 726 hourly rate of the hearing officer and the actual cost of  
 727 recording or transcribing the proceedings.

728 (6) (a) The department shall prominently post a "Closed by

729 Order of the Department" sign on a locksmith services business  
 730 whose license is suspended or revoked. The department shall also  
 731 post a sign on a locksmith services business that is judicially  
 732 or administratively determined to be operating without a  
 733 license.

734 (b) A person who defaces or removes the sign without  
 735 written authorization from the department, or a locksmith  
 736 services business that opens for operation without a license or  
 737 opens for operation as a locksmith services business while its  
 738 license is suspended or revoked, commits a misdemeanor of the  
 739 second degree, punishable as provided in s. 775.082 or s.  
 740 775.083.

741 (c) A criminal penalty imposed under this subsection shall  
 742 be in addition to any administrative sanction imposed by the  
 743 department under subsection (3).

744 559.957 Deceptive and unfair trade practices.--A person  
 745 who violates any provision of this part commits an unfair or  
 746 deceptive trade practice and is subject to the penalties and  
 747 remedies provided in part II of chapter 501.

748 559.958 Criminal penalties.--

749 (1) A person who violates s. 559.953 or s. 559.954 commits  
 750 a misdemeanor of the first degree, punishable as provided in s.  
 751 775.082 or s. 775.083.

752 (2) A person who violates s. 559.953 with the intent of  
 753 committing burglary, robbery, or larceny commits a felony of the  
 754 third degree, punishable as provided in s. 775.082, s. 775.083,  
 755 or s. 775.084.

756 559.959 Rulemaking authority.--The department shall adopt

757 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
758 part. The rules shall include, but are not limited to, the  
759 following:

760 (1) Requirements and procedures for the licensure of  
761 locksmith services businesses.

762 (2) Requirements and procedures for the fingerprinting and  
763 background screening of persons listed in s. 559.945(1)(f) for  
764 criminal justice information.

765 (3) Forms required to implement this part, including  
766 license applications, renewal applications, fingerprint  
767 submissions, affidavits of criminal history, and photo  
768 identification cards.

769 (4) Establishment of application, license, renewal, and  
770 other reasonable and necessary fees based upon the department's  
771 estimate of the costs of administering this part.

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

776 (6) Methods of obtaining and renewing photographs for  
777 photo identification.

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

779 559.96 Deposit and use of revenues from fees, civil  
780 penalties, and fines.--Any fees, civil penalties, administrative  
781 fees, or other funds collected by the department pursuant to  
782 this part shall be deposited in the General Inspection Trust  
783 Fund and used to administer this part.

784 559.961 Preemption; local business tax receipts.--

785 (1) Effective July 1, 2010, this part preempts any local  
786 act, law, ordinance, or regulation of a county or municipality  
787 that relates to locksmith services, locksmiths, or locksmith  
788 services businesses.

789 (2) A county or municipality may not issue or renew a  
790 local business tax receipt for a locksmith services business  
791 unless the person applying for or renewing the local business  
792 tax receipt exhibits a valid license issued by the department.

793 559.962 Florida Locksmith Services Advisory Council.--The  
794 Florida Locksmith Services Advisory Council is created within  
795 the department to advise and assist the department in carrying  
796 out this part.

797 (1) The council shall be composed of nine members  
798 appointed by the Commissioner of Agriculture, as follows:

799 (a) Six industry members must be owners or employees of  
800 locksmith services businesses licensed under this part, as  
801 follows:

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

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

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

809 (c) One member must have private investigative, private  
810 security, motor vehicle recovery, or law enforcement experience  
811 or expertise.

812 (d) One member must be a consumer who is not affiliated

813 with any locksmith services business.

814

815 Each member must be a resident of the state. Each member, except  
816 the consumer member, must have at least 3 years of experience  
817 and be currently engaged in the profession. Initial industry  
818 members must be owners or employees of locksmith services  
819 businesses but, notwithstanding paragraph (a), the locksmith  
820 services businesses of the initial members are not required to  
821 be licensed.

822 (2) Members shall be appointed for 4-year terms and must  
823 be geographically representative of the state. A member whose  
824 term expires shall continue to serve until his or her successor  
825 is appointed. A vacancy occurring before the expiration of a  
826 member's term shall be filled by the commissioner for the  
827 remainder of the term.

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

830 (b) The council shall meet at the call of the chair, upon  
831 the request of a majority of its membership, or upon the request  
832 of the Commissioner of Agriculture.

833 (c) In conducting its meetings, the council shall use  
834 accepted rules of procedure. The department shall keep a  
835 complete record of each meeting, which must show the names of  
836 the members present and actions taken. The department shall keep  
837 the records of the council.

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

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841       (5) The department shall provide administrative and staff  
842 support for the council.

843       (6) The council may review any rules adopted by the  
844 department pursuant to this part and may advise the department  
845 on matters relating to advancements in industry standards,  
846 practices, and other issues that require technical expertise and  
847 consultation or that promote consumer protection in the  
848 locksmith services industry.

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