

By Senator Crist

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1 A bill to be entitled
2 An act relating to locksmith services; creating part XVII
3 of ch. 468, F.S.; providing a short title; providing
4 findings and purpose; preempting, by a time certain,
5 regulation of locksmith services and those performing such
6 services to the state; requiring, by a time certain,
7 specified qualifications to provide locksmith services;
8 providing exemptions; providing definitions; creating the
9 Florida Board of Locksmiths within the Department of
10 Business and Professional Regulation; providing
11 membership; providing board operating procedures and
12 powers and duties; providing rulemaking authority for the
13 board and the department; authorizing the board to develop
14 and administer an examination program or to use a program
15 developed and administered by others; providing
16 applicability of ch. 455, F.S.; delineating requirements
17 for licensing; authorizing licensure by endorsement under
18 certain circumstances; providing biennial license renewal
19 requirements and process; requiring continuing education
20 as a prerequisite for license renewal; establishing hours
21 of continuing education for locksmith contractors and
22 automotive-only locksmith contractors; requiring
23 registering of certain information on locksmiths and
24 apprentice locksmiths with the department and the board;
25 requiring a locksmith contractor to employ persons as
26 locksmiths or apprentice locksmiths who meet specified
27 requirements; providing continuing education requirements
28 for locksmiths and apprentice locksmiths; providing that
29 failure to meet continuing education requirements results

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30 in certain board-imposed sanctions; requiring biennial
31 renewal of registrations; providing board and department
32 access to all locksmith and apprentice locksmith records
33 relating to compliance with this part; providing employer
34 requirements for locksmith contractors; providing
35 insurance requirements for locksmith contractors;
36 requiring photo identification cards for locksmith
37 contractors, locksmiths, and apprentice locksmiths;
38 requiring locksmith contractors to display licenses and to
39 display license numbers and other information in all
40 advertising; providing fines for noncompliance; requiring
41 the department to provide in rule certain directions
42 related to photo identification cards and license and
43 license number display; requiring customer identification
44 information when locksmith services are performed;
45 requiring retention of work order or sales receipts for a
46 specified time; requiring access to such information by
47 law enforcement, the board, and the department;
48 delineating prohibited acts; providing penalties;
49 delineating disciplinary proceedings; requiring the
50 department to maintain a list of locksmith contractors,
51 locksmiths, and apprentice locksmiths; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Part XVII of chapter 468, Florida Statutes,
57 consisting of sections 468.901, 468.902, 468.9025, 468.903,
58 468.904, 468.905, 468.906, 468.907, 468.908, 468.909, 468.911,

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59 468.912, 468.913, 468.914, 468.915, 468.916, 468.917, 468.918,
60 and 468.919, is created to read:

61 PART XVII

62 LOCKSMITH SERVICES

63 468.901 Short title.--This part may be cited as the
64 "Florida Locksmith Services Act."

65 468.902 Findings and purpose.--

66 (1) The Legislature finds that:

67 (a) Locksmiths operate in the public trust to service,
68 secure, and protect persons and property;

69 (b) Locksmiths must be trained in regulations and laws
70 applicable to their profession such as the Americans with
71 Disabilities Act, building codes, and fire and life safety codes,
72 as well as trained in the proper installation and maintenance of
73 security devices and in the ever-evolving knowledge of motor
74 vehicle locks, keys, and built-in security systems;

75 (c) The current laws and rules of this state do not protect
76 its citizens from the unscrupulous use of the tools and knowledge
77 of the locksmith profession by untrained persons or by persons
78 who have criminal intent or have been convicted of certain
79 crimes;

80 (d) As trained and tested experts in physical, motor
81 vehicle, and electronic security, locksmiths make positive
82 contributions to statewide homeland security by protecting and
83 providing services for homes, businesses, hospitals, schools,
84 government buildings, and motor vehicles of first responders or
85 emergency responders; and

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86 (e) The licensing and regulation of persons performing
87 locksmith services in this state is necessary to protect the
88 safety and security of the public.

89 (2) The purpose of this part is to protect the public from
90 the misuse of locksmithing knowledge, supplies, manuals, or
91 equipment which results in the violation of public safety and
92 security, through the licensing of locksmith contractors.

93 468.9025 Preemption.--Effective July 1, 2009, this part
94 preempts any local act, law, ordinance, or regulation of a county
95 or municipality which pertains to locksmith services and those
96 who perform locksmith services.

97 468.903 Qualifications for practice.--Effective July 1,
98 2009, no person shall do business in the state as a locksmith
99 contractor without having obtained the proper license from the
100 department. No person other than a duly licensed locksmith
101 contractor, a registered locksmith working under the supervision
102 of a locksmith contractor, or a registered apprentice locksmith
103 working under the supervision of a locksmith contractor or a
104 locksmith shall provide locksmith services in this state unless
105 exempted under s. 468.904.

106 468.904 Exemptions.--This part does not apply to:

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

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

112 (3) An in-store employee of a hardware or do-it-yourself
113 home products sales store rekeying locks just purchased, or about
114 to be purchased, in the store of the employee.

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115 (4) A licensed low voltage contractor installing or
116 servicing electromechanical, electronic, or electromagnetic
117 devices and peripheral hardware.

118 (5) An individual acquiring or using any key-duplication
119 machine or key blanks for personal use.

120 (6) A property owner or an agent of the property owner
121 maintaining a file of key cutting data for a master-key system on
122 the property.

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

126 (8) An automotive service dealer, a lock manufacturer, or
127 an agent of a lock manufacturer servicing, installing, repairing,
128 or rebuilding automotive locks.

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

131 (10) A tow truck company or a tow truck operator possessing
132 and using car opening tools necessary to unlock vehicles to
133 facilitate towing.

134 468.905 Definitions.--As used in this part:

135 (1) "Apprentice locksmith" means any natural person, 16
136 years of age or older, who performs locksmith services for the
137 public for compensation under the direct and continuous
138 supervision of a locksmith contractor or locksmith.

139 (2) "Automotive-only locksmith" means a locksmith
140 contractor, locksmith, or apprentice locksmith who provides
141 locksmith services for motor vehicles only.

142 (3) "Board" means the Florida Board of Locksmiths.

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143 (4) "Bump key" means any fabricated, specially shaped, or
144 modified key intended to be used to unlock a lock by means other
145 than intended by the manufacturer.

146 (5) "Car opening tool" means any metal, cloth, nylon,
147 rubber, or plastic tool or device designed to enter, bypass, or
148 otherwise overcome the locking systems or locking mechanisms of a
149 motor vehicle by means other than intended by the manufacturer.

150 (6) "Change key" means a key planned and cut to operate a
151 specific group or series of locks which all have the same
152 combination of tumblers, pins, or wafers.

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

155 (8) "Code grabbing device" means any device that can
156 receive, record, or receive and record the code signal sent by
157 the transmitter of a motor vehicle's security, alarm, or
158 immobilizer system and playback the signal to disarm, bypass, or
159 neutralize the system.

160 (9) "Department" means the Department of Business and
161 Professional Regulation.

162 (10) "Designee" means a natural person who possesses the
163 requisite skill, knowledge, and experience and is responsible for
164 supervising, directing, managing, and controlling the locksmith
165 services activities of the business organization with which he or
166 she is employed; and whose technical and personal qualifications
167 have been determined by investigation and examination as provided
168 in this part by the department, as attested to by the board; and
169 who has been issued a license as a locksmith contractor by the
170 department.

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171 (11) "Emergency" means a life-threatening situation
172 involving a person or any animal generally regarded as a pet.

173 (12) "Key-duplication machine" means any device capable of
174 copying or reproducing keys.

175 (13) "License" means a document issued by the department
176 and granted to a locksmith contractor according to the
177 requirements of this part.

178 (14) "Licensee" means a locksmith contractor issued a
179 license under this part.

180 (15) "Licensing" means a method of regulation whereby the
181 state, through the issuance of a license, authorizes persons
182 possessing the character, required skills, and insurance to
183 engage in the practice of locksmithing as a locksmith contractor.

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

191 (17) "Lock pick" means any manual, electric, or electronic
192 tool or device used to bypass, override, or neutralize a lock by
193 means other than intended by the manufacturer.

194 (18) "Locksmith" means a natural person, at least 18 years
195 of age, who performs locksmith services for the public for
196 compensation while in the employ of a locksmith contractor and
197 whose background and experience have been verified by the board
198 and forwarded to the department for registration. "Locksmith"

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199 does not mean a person whose activities are limited to making
200 duplicate keys.

201 (19) "Locksmith contractor" means a natural person, at
202 least 18 years of age, who has been licensed by the department
203 under this part, performs locksmith services for the public,
204 receives compensation for his or her services, and is the
205 designated licensee for a business providing locksmith services.

206 (20) "Locksmithing" or "locksmith services" means:

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

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

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

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

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

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

221 (g) Keying, rekeying, or recombining of motor vehicle
222 locks.

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

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228 (22) "Manipulation key" means any key other than a change
229 or master key that can be variably positioned or manipulated in a
230 keyway to bypass, override, or neutralize a lock by means other
231 than intended by the manufacturer to open a lock. For the
232 purposes of this part, the term "manipulation key" shall also
233 apply to wiggle and bump keys.

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

240 (24) "Master-key system" means a system of locks in which a
241 lock is keyed so that it can be operated by its own individual
242 key and can also be operated by a key that can operate locks in
243 the system that are also keyed to their own individual keys.

244 (25) "Organization" means any entity other than a natural
245 person, including, but not limited to, an association,
246 corporation, partnership, or sole proprietorship.

247 (26) "Photo identification card" means a document supplied
248 by the locksmith contractor with a photograph of the locksmith
249 contractor, locksmith, or apprentice locksmith on its face, the
250 format of which is approved by the board.

251 (27) "Registration" means the registering of locksmiths,
252 automotive-only locksmiths, and apprentice locksmiths with the
253 department and board pursuant to this part.

254 (28) "Safe-opening tool" means any tool designed, or
255 intended by the user to be used, to open a safe, safe-deposit
256 box, or similar object by means other than that which is intended

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257 by the manufacturer of the safe, vault, safe-deposit box, or
258 similar object for normal opening.

259 (29) "Secretary" means the Secretary of Business and
260 Professional Regulation.

261 (30) "Tryout key" means a manipulation key that may or may
262 not be one of a set of similar keys used for a specific series,
263 keyway, or brand of lock to open, bypass, override, or neutralize
264 a lock by means other than intended by the manufacturer.

265 468.906 Florida Board of Locksmiths; membership;
266 organization; powers and duties.--

267 (1) There is created in the Department of Business and
268 Professional Regulation the Florida Board of Locksmiths for the
269 purpose of administering licensing and registration of persons
270 performing locksmith services. The board shall be composed of
271 nine members appointed by the Governor and confirmed by the
272 Senate. Five board members must be locksmith contractors,
273 locksmiths, or a combination of the two. Two board members must
274 be automotive-only locksmiths. One board member must be a
275 certified electrical contractor. One board member must be a
276 consumer who is not by training or experience a locksmith, is not
277 the spouse, parent, child, or sibling of a locksmith, and has no
278 direct or indirect financial interest, except as a consumer, in
279 the locksmith profession. Each board member, except the consumer
280 member, must have at least 3 years' experience in his or her
281 profession and be currently engaged in that profession or must be
282 honorably retired from his or her profession and must have more
283 than 5 years' experience in the profession prior to retirement.
284 Each board member must be a resident of the state. Board members

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285 shall be appointed in such a manner as to equitably represent all
286 geographic areas of the state.

287 (2) Board members shall be appointed for 4-year terms. No
288 member shall serve more than two consecutive 4-year terms, nor
289 serve for more than 11 years on the board. To ensure continuity
290 of board policies, the Governor shall initially appoint two
291 members for a 1-year term, two members for a 2-year term, two
292 members for a 3-year term, and three members for a 4-year term.
293 As the terms of members expire, the Governor shall appoint
294 successors for terms of 4 years. A member whose term has expired
295 shall continue to serve until such time as a replacement is
296 appointed and confirmed. Any vacancy occurring prior to
297 expiration of a term shall be filled by the Governor for the
298 remainder of the term.

299 (3) The board shall annually elect from its membership a
300 chair and a vice chair. The board shall convene at the call of
301 its chair or at the request of a majority of the members of the
302 board. Five members of the board shall constitute a quorum. The
303 affirmative vote of the majority of the members present is
304 required for any action or recommendation by the board.

305 (4) The powers and duties of the board shall be as follows:

306 (a) To establish the qualifications for licensing and
307 registering and to ensure the competency and integrity of
308 applicants to engage in the profession;

309 (b) To examine, or cause to be examined, the qualifications
310 of each applicant for licensing, including, when necessary, the
311 preparation, administration, and grading of examinations;

312 (c) To recommend to the department qualified applicants for
313 licensing;

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314 (d) To recommend to the department the fees for
315 application, examination, background checks, registration,
316 licensing, and renewal of such that are sufficient to cover all
317 expenses for the administration and operation of the board and a
318 proportionate share of the expenses of the department;

319 (e) To, either directly or through a designee, periodically
320 consult with state and federal law enforcement officials to
321 determine whether current licensees have criminal convictions;

322 (f) To receive and investigate complaints concerning the
323 conduct of any person whose activities are regulated by the board
324 and to take appropriate disciplinary action, if warranted;

325 (g) To ensure inspections are conducted relating to the
326 operations of this profession to ensure competency and lawful
327 compliance;

328 (h) To recommend to the department revocation, suspension,
329 or nonrenewal of a license for just cause as enumerated in the
330 rules of the board; and

331 (i) To issue a code of ethics under which the professional
332 activities of persons regulated shall be conducted, encouraging
333 self-policing of all standards by all locksmiths.

334 (5) Provisions of chapter 455 relating to the activities
335 and duties of the board not in conflict with this part shall
336 apply.

337 468.907 Rulemaking authority.--

338 (1) The board has the authority to adopt rules pursuant to
339 ss. 120.536(1) and 120.54 to implement provisions of this part
340 and chapter 455 conferring duties upon it. The board shall adopt
341 rules relating, but not limited, to the following:

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342 (a) Requirements for training and licensing of locksmith
343 contractors.

344 (b) Requirements for registration and training for
345 locksmiths, automotive-only locksmiths, and apprentices.

346 (c) Requirements and process for background checks and
347 fingerprint checks for persons governed by this part.

348 (d) Establishment of application, examination, licensure,
349 registration, certification, renewal, and other reasonable and
350 necessary fees, based upon the department's estimate of the costs
351 to the board in administering this part.

352 (e) Establishment of competency standards, in consultation
353 with the department, after public hearings and consultation with
354 locksmith contractors, locksmiths, and automotive-only
355 locksmiths.

356 (f) Establishment of a code of ethics under which the
357 professional activities of persons regulated under this part
358 shall be conducted, encouraging self-policing of all standards
359 established under the code by such persons.

360 (g) Disciplinary guidelines applicable to each ground for
361 disciplinary action which may be imposed by the board pursuant to
362 s. 455.2273, this part, and any rule of the board or department,
363 including, but not limited to, specifying a meaningful range of
364 designated penalties based upon severity and repetition of
365 specific offenses and designation of mitigating and aggravating
366 circumstances.

367 (2) The application form for initial or renewal of a
368 license or registration, including any forms required for
369 fingerprint and criminal background checks, photo identification
370 cards, method to obtain and renew photographs, and other

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371 requirements of the department for implementing this part shall
372 be established by department rule, in accordance with its
373 authority to adopt rules under ss. 120.536(1) and 120.54, and
374 administered by the board.

375 468.908 Requirements for licensing; examination;
376 nontransferability of license.--

377 (1) (a) The board shall evaluate the competency of any
378 person applying for licensing as a locksmith contractor.

379 (b) The board may develop and administer an examination
380 program to evaluate competency or, after review of its adequacy,
381 scope, and content, rely on an examination program developed and
382 administered by others. The board shall, by rule, establish the
383 examination score needed for qualification for licensing.

384 (c) The provisions of chapter 455 relating to examination
385 of applicants and selection of an examination provider shall
386 apply.

387 (2) Any person desiring to be licensed as a locksmith
388 contractor shall apply to the department on forms furnished by
389 the department. The department shall license each applicant whom
390 the board attests:

391 (a) Has completed the application form and remitted a
392 nonrefundable application fee as determined by board rule;

393 (b) Is at least 18 years of age;

394 (c) Complies with the competency requirements as
395 established by board rule;

396 (d) Shows proof of insurance as required in s. 468.914;

397 (e) Has submitted to the department a set of fingerprints
398 on a form and under procedures specified by the board and the
399 department, along with a completed affidavit for his or her

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400 criminal record, if any, and payment in an amount equal to the
401 costs incurred by the department for the fingerprint and criminal
402 background check of the applicant. The board, or its designee,
403 shall periodically, including at the time of license renewal,
404 consult with state and federal law enforcement officials to
405 determine whether current licensees have new criminal
406 convictions; and

407 (f) Does not have an unpardoned felony in his or her
408 criminal record related to any previous employment in the
409 locksmith profession or has had any prior license to do business
410 revoked for fraud or misrepresentation.

411 (3) An applicant shall not be refused a license to practice
412 as a locksmith contractor solely because of a prior criminal
413 conviction, unless the criminal conviction directly relates to
414 the locksmith profession. However, the board shall have the
415 authority to refuse to forward to the department an applicant for
416 a license, if, based on all the information available, including
417 the applicant's record of prior criminal convictions, it finds
418 that the applicant is unfit or unsuited to engage in the
419 locksmith profession.

420 (4) The license granted under this part shall not be
421 transferred or assigned and is valid only with respect to the
422 locksmith contractor to whom it is issued.

423 468.909 Licensure by endorsement.--

424 (1) A nonresident of this state may be licensed as a
425 locksmith contractor by meeting one of the following
426 requirements:

427 (a) Conforms to the provisions of this part and the rules
428 of the board and department pertaining to this part; or

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429 (b) Holds a valid locksmith contractor license, or the
430 equivalent thereof, in another state with which reciprocity has
431 been established by the board.

432 (2) The board may waive examination requirements for any
433 person who has been issued a locksmith contractor license, or the
434 equivalent thereof, within the previous 3 years, from another
435 state which the board has determined tests for competency
436 standards equivalent to those established pursuant to this part
437 and the license has not expired or been revoked.

438 468.911 License renewal; continuing education.--

439 (1) The term of each license shall be no longer than 2
440 years. A license shall expire on its anniversary date unless
441 renewed, suspended, or revoked.

442 (2) The department shall renew a license:

443 (a) Upon receipt of the renewal application and fee;

444 (b) Upon receipt of proof of insurance as required in s.
445 468.914;

446 (c) Upon receipt of a set of fingerprints on a form and
447 under procedures specified by the board and the department, along
448 with a completed affidavit for his or her criminal record, if
449 any, and payment in an amount equal to the costs incurred by the
450 department for the fingerprint and criminal background check of
451 the applicant;

452 (d) Upon receipt of verification of completion of
453 continuing education requirements as delineated in subsection
454 (4); and

455 (e) Upon the board attesting that the applicant is
456 qualified for relicensure.

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457 (3) An applicant shall not be refused a renewal of a
458 license to practice as a locksmith contractor solely because of a
459 prior criminal conviction, unless the criminal conviction
460 directly relates to the profession for which the license is
461 sought. However, the board shall have the authority to refuse to
462 certify to the department an applicant for a license, if, based
463 on all the information available, including the applicant's
464 record of prior convictions, it finds that the applicant is unfit
465 or unsuited to engage in such profession.

466 (4) (a) As a prerequisite for license renewal, every 2 years
467 a locksmith contractor licensed under this part must complete a
468 minimum of 16 hours of continuing education training classes
469 approved by the board and must provide documentation of such
470 completion to the board. A minimum of 4 hours of the continuing
471 education requirement must include a review of the Americans with
472 Disabilities Act and the Life Safety Code.

473 (b) As a prerequisite for license renewal, every 2 years an
474 automotive-only locksmith contractor licensed under this part
475 must complete a minimum of 8 hours of continuing education
476 classes approved by the board and must provide documentation of
477 such completion to the board.

478 468.912 Registration requirements; registration renewal;
479 continuing education.--

480 (1) Any employee of a locksmith contractor who performs
481 locksmithing services as defined in s. 468.905 shall be
482 registered with the department.

483 (2) A licensed locksmith contractor may employ or
484 supervise, in the conduct of the organization's business, a
485 person who meets the following requirements:

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- 486 (a) Is a United States citizen or a legal resident alien;
487 (b) Has been determined by the department not to have been
488 convicted of a felony or misdemeanor offense in this or any other
489 state, nor convicted of any crime related to the practice of
490 locksmithing;
491 (c) Is at least 18 years of age if a locksmith or is at
492 least 16 years of age if an apprentice locksmith; and
493 (d) Has not had a license or registration refused, denied,
494 suspended, or revoked under this part.
495 (3) No person may be employed by a locksmith contractor
496 until he or she has executed and furnished to the employer, on
497 forms approved by the board and the department, a verified
498 statement, to be known as the "employee's statement," providing:
499 (a) The person's full name, date of birth, and residence
500 address;
501 (b) The name of the country of which the person is a
502 citizen and, if the person is not a United States citizen, proof
503 that the person is a legal resident alien;
504 (c) The business or occupation engaged in for the 5 years
505 immediately preceding the date of execution of the employee's
506 statement, the location of the business or occupation, and the
507 names of employers, if any;
508 (d) That the person has not had a license or employee
509 registration refused, revoked, or suspended under this part;
510 (e) Any conviction of a felony that directly relates to the
511 locksmithing profession; and
512 (f) Any other information as may be required by the
513 department to show the good character, competency, and integrity
514 of the person executing the employee's statement.

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515 (4) (a) A person seeking employment as a locksmith, an
516 automotive-only locksmith, or an apprentice locksmith shall
517 submit to the board, with the applicable fees, on fingerprint
518 cards furnished by the board, two complete sets of fingerprints
519 that are verified to be those of the applicant for employment. If
520 an applicant's fingerprint cards are returned to the board as
521 unclassifiable by the screening agency, the applicant has 30
522 calendar days after notification is sent by the board to submit
523 fingerprints taken by a different fingerprint technician.

524 (b) It is unlawful for an applicant for employment as a
525 locksmith, automotive-only locksmith, or an apprentice locksmith
526 to file with the department the fingerprints of a person other
527 than himself or herself, or for an employer to fail to exercise
528 diligence in resubmitting replacement fingerprints for an
529 employee who has had original fingerprint submissions returned as
530 unclassifiable by the screening agency.

531 (5) Upon receipt of the verified fingerprint cards, the
532 department shall cause the fingerprints to be compared with
533 fingerprints of criminals now or hereafter filed with the
534 department. The department may also cause the fingerprints to be
535 checked against the fingerprints of criminals now or hereafter
536 filed in the records of other official fingerprint files within
537 or without the state. The department shall notify the submitting
538 locksmith contractor within 10 business days upon the invoking of
539 a procedure to deny registration.

540 (6) Within 5 business days after receipt of the application
541 materials, the department shall begin the criminal record
542 investigation by checking the applicant's name with immediately
543 available criminal history information systems.

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544 (7) (a) To maintain his or her standing as a locksmith,
545 every 2 years a locksmith employed by a locksmith contractor must
546 complete 16 hours of continuing education training classes
547 approved by the board and must provide documentation of such
548 completion to the board upon request.

549 (b) While serving as an apprentice, an apprentice locksmith
550 must complete a minimum of 16 hours of board-approved continuing
551 education every year and must provide documentation of such
552 completion to the board upon request.

553 (c) A minimum of 4 hours per block of required continuing
554 education training under this subsection must include a review of
555 the Americans with Disabilities Act and the Life Safety Code and
556 documentation of such completion must be provided to the board
557 upon request.

558 (d) An automotive-only locksmith employed by a locksmith
559 contractor must also complete a minimum of 8 hours of board-
560 approved continuing education every 2 years and must provide
561 documentation of such completion to the board upon request.

562 (e) An automotive-only apprentice locksmith must complete a
563 minimum of 8 hours of board-approved education every year and
564 must provide documentation of such completion to the board upon
565 request.

566 (f) The locksmith, apprentice locksmith, automotive-only
567 locksmith, and automotive-only apprentice locksmith must also
568 provide other information as may be required by the board, by
569 rule, to renew his or her registration biennially.

570 (8) (a) Failure of a locksmith, automotive-only locksmith,
571 apprentice locksmith, or automotive-only apprentice locksmith to
572 meet the requisite continuing education requirement shall result

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573 in a board-imposed fine and designated time period for compliance
574 with the requirement. Failure to comply by the designated time
575 shall result in the levy of additional fines and may result in
576 the removal of his or her standing and registration as a
577 locksmith, automotive-only locksmith, apprentice locksmith, or
578 automotive-only apprentice locksmith.

579 (b) The board shall, by rule, provide for the
580 implementation of this subsection, including fines to be levied.

581 (9) A duly authorized representative of the department or
582 board shall have access to all records to be kept under this
583 section upon 3 business days' advance notice provided in writing
584 to the locksmith contractor.

585 468.913 Locksmith contractor employer requirements.--

586 (1) No locksmith contractor may employ any person who
587 performs locksmith services under this part unless the employer:

588 (a) Submits to the department the name, address, date of
589 birth, and such other information sufficient to identify the
590 individual, as the board shall require by rule, including, but
591 not limited to, fingerprint cards and fees.

592 (b) Exercises due diligence to ensure that the person is
593 qualified under the requirements of this part to be a locksmith
594 or an apprentice locksmith.

595 (2) Each employer shall maintain a record of each employee
596 that contains the following information:

597 (a) Two photographs shall be taken within 10 days of the
598 date that the employee begins employment. One copy shall be used
599 for the employee's photo identification card. The second shall be
600 retained in the employee's personnel record by the employer.

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601 These photographs shall be replaced with a current photograph
602 every 3 calendar years.

603 (b) A background check on each employee, which shall be
604 completed a minimum of once every 3 calendar years and a copy of
605 which shall be kept in the employee's personal record for
606 inspection and another copy of which shall be submitted to the
607 board or department upon request.

608 (c) A record of continuing education accomplishments and
609 any certificates issued.

610 (3) The locksmith contractor must supply a photo
611 identification card to any locksmith contractor, locksmith,
612 automotive-only locksmith, apprentice locksmith, and automotive-
613 only apprentice locksmith under his or her supervision.

614 468.914 Insurance.--A locksmith contractor must maintain an
615 insurance policy sufficient for the purpose of paying claims or
616 judgments for damages which may occur as a result of negligence
617 of such contractor or his or her employees. Minimum insurance
618 requirements are general or professional liability, and, if
619 applicable, workers' compensation.

620 468.915 Identification cards; display of license and
621 license numbers.--

622 (1) Requirements for the photo identification card form,
623 the method to obtain and renew photographs, and the use and
624 display of licenses and license numbers shall be included in
625 rules adopted by the department pursuant to s. 468.907.

626 (2) All individuals licensed or registered under this part
627 shall display a photo identification card on their person at all
628 times when performing locksmith services. Every photo

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629 identification card shall contain the individual's name, the name
630 of the business, and the locksmith contractor's license number.

631 (3) (a) An identification card for a locksmith contractor
632 and a locksmith shall include the word "Locksmith."

633 (b) An identification card for an automotive-only locksmith
634 shall include the words "Automotive-Only Locksmith."

635 (c) An identification card for an apprentice locksmith
636 shall include the words "Apprentice Locksmith" or "Apprentice
637 Automotive-Only Locksmith."

638 (4) A locksmith contractor shall display a copy of his or
639 her license at his or her normal places of business and in a
640 manner easily readable by the general public. A locksmith
641 contractor providing mobile only service shall retain a copy of
642 his or her license in his or her service vehicle for presentation
643 to any person of the general public, any law enforcement officer,
644 or any state or local official immediately upon request.

645 (5) (a) Any advertisement or advertising, service vehicles,
646 and forms must include the license number of the locksmith
647 contractor and the name of the business listed with the
648 department.

649 (b) For the purposes of this subsection, "advertisement" or
650 "advertising" includes any business card, stationery, brochure,
651 flyer, circular, newsletter, fax, form, printed or published paid
652 advertisement in any media form, directory listing, or telephone
653 book listing.

654 (c) The board may assess a minimum fine of \$500 for the
655 first violation of this subsection and a minimum fine of \$1,000
656 for each subsequent violation. The penalty may be sued for and
657 recovered.

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658 468.916 Customer identification.--

659 (1) Any locksmith contractor or locksmith who knowingly and
660 willfully opens any motor vehicle or residential or commercial
661 establishment, or originates a key for another, by any method,
662 whether or not for compensation, shall make a reasonable attempt
663 to obtain and record the following information on the work order
664 or sales receipt form:

665 (a) The street address or location of the motor vehicle to
666 be opened, the motor vehicle's license or identification (VIN)
667 number, the street address of the resident or commercial
668 establishment to be opened, and the signature of the person for
669 whom the motor vehicle, residence, or commercial establishment
670 was opened.

671 (b) The name, address, telephone number, and driver's
672 license number of the person requesting the entry service, if
673 appropriate.

674 (2) A copy of each work order or sales receipt shall be
675 retained for 2 years and shall include the name of the person
676 performing the service. A copy of each work order or sales
677 receipt shall be readily available for inspection by any law
678 enforcement officer, by the department, or by the board anytime
679 during normal business hours.

680 468.917 Prohibited activities; penalties.--

681 (1) A person may not:

682 (a) Act as or offer to act as a locksmith and provide
683 locksmith services unless he or she is a locksmith contractor
684 with a license that has not expired or been revoked or suspended
685 or is employed by a licensed locksmith contractor.

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686 (b) Advertise that he or she is in the locksmith business
687 or hold himself or herself out to the public as a locksmith
688 unless he or she is a licensed locksmith contractor with a
689 license that has not expired or been revoked or suspended or is
690 employed as a locksmith by a licensed locksmith contractor.

691 (c) Obtain ownership or possession of locksmithing tools;
692 bump, change, master, manipulation, or tryout keys; car opening
693 tools; code grabbing devices; lock picks; safe-opening tools; or
694 manuals or codebooks in any format, either in person, through an
695 intermediary, through mail order, or any other remote-procurement
696 method, unless he or she is a locksmith contractor whose license
697 has not expired or been revoked or suspended, is employed as a
698 locksmith and is registered with the board and department, or is
699 specifically exempted under this part.

700 (d) Obtain ownership or possession of car opening tools,
701 either in person, through an intermediary, or through mail order
702 or any other remote procurement method, unless he or she is
703 legitimately employed in and is actively performing duties in the
704 motor vehicle repossession, recovery, repair, or towing business.

705 (e) Possess locksmithing tools, implements, or outfits
706 unless the person is a bona fide dealer, locksmith contractor,
707 locksmith, automobile reposessor, motor vehicle recovery or
708 towing service employee, or locking device manufacturer, or such
709 manufacturer's agent, who has a reasonable need to possess
710 locksmithing tools, implements, or outfits for demonstration,
711 testing, and research purposes. Possession by any other person
712 shall be prima facie evidence of an intent to commit burglary,
713 robbery, or larceny.

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714 (f) Be employed as an apprentice locksmith and act as a
715 supervisor of any locksmith.

716 (2) An organization may not:

717 (a) Provide or offer locksmith services unless such
718 services are or can be provided by a locksmith contractor who
719 possesses a license which has not expired or been revoked or
720 suspended and is employed by the organization or are or can be
721 provided by a locksmith employed by the organization.

722 (b) Obtain ownership or possession of locksmithing tools;
723 safe-opening tools; bump, change, master, manipulation, or
724 tryouts keys; code grabbing devices; lock picks; or car opening
725 tools, manuals, or codebooks by means of an employee, officer, or
726 other person who violates this subsection.

727 (3) It shall be unlawful for any person or organization to
728 engage in any of the following acts:

729 (a) Making use of any designation provided by statute or
730 rule to denote a standard of professional or occupational
731 competence required under this part without being duly registered
732 or licensed under this part;

733 (b) Making use of any title, words, letters, or
734 abbreviations which may reasonably be confused with a designation
735 provided by statute or rule to denote a standard of professional
736 or occupational competence required under this part without being
737 duly registered or licensed under this part;

738 (c) Providing material misrepresenting facts in an
739 application for licensing or registration; or

740 (d) Willfully refusing to furnish the board or department
741 information or records required or requested pursuant to state
742 law or rules.

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743 (4) (a) Any person who violates any provision of paragraphs
744 (1) (a)-(d) commits a misdemeanor of the first degree, punishable
745 as provided in s. 775.082 or s. 775.083.

746 (b) Any person, other than such person as permitted in this
747 part, who has in his or her possession any locksmithing tools,
748 implements, or outfits with intent to commit burglary, robbery,
749 or larceny, upon conviction thereof, commits a felony of the
750 third degree, punishable as provided in s. 775.082, s. 775.083,
751 or s. 775.084.

752 (c) Unless otherwise specified, any person or organization
753 that willfully engages in any unlawful act enumerated in this
754 section commits a misdemeanor of the first degree, punishable as
755 provided in s. 775.082 or s. 775.083. The third or any subsequent
756 conviction for violating this section during a 36-month period
757 constitutes a felony of the third degree, punishable as provided
758 in s. 775.082, s. 775.083, or s. 775.084.

759 (5) The department may institute proceedings in equity to
760 enjoin any person, partnership, corporation, or other entity from
761 engaging in any unlawful act enumerated in this section. Such
762 proceedings shall be brought in the name of the state by the
763 department or board in the circuit court of the city or county in
764 which the unlawful act occurred or in which the defendant
765 resides.

766 (6) In addition to the above penalties, any person licensed
767 by the department who violates any law, rule, or provision of
768 this part that pertains to the profession of locksmithing and who
769 is not criminally prosecuted for the violation shall be subject
770 to the monetary penalty provided in this subsection.

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771 (a) If the board determines that a respondent is guilty of
772 the violation complained of, the board shall recommend to the
773 department the amount of the monetary penalty for the violation,
774 which shall not exceed \$10,000 for each violation. The penalty
775 may be sued for and recovered.

776 (b) After a formal fact finding, wherein a sanction is
777 imposed to fine, to suspend, revoke, or deny a license, or to
778 deny renewal of a license, the department may assess the license
779 holder the cost of conducting such a fact finding when the
780 department has final authority to grant a license, unless the
781 department determines that the offense was inadvertent or done in
782 a good faith belief that the act did not violate a state law or
783 rule. The cost shall be limited to the reasonable hourly rate for
784 the hearing officer and the actual cost of recording the
785 proceedings.

786 468.918 Disciplinary proceedings.--

787 (1) The following acts constitute grounds for which the
788 disciplinary actions in subsection (2) may be taken:

789 (a) Violation of any provision of s. 468.917 or any other
790 provision of this part.

791 (b) Violation of chapter 455.

792 (c) Violating a rule of the department or board adopted
793 pursuant to chapter 455 or this part or any order of the
794 department or board previously entered in a disciplinary hearing.

795 (2) When the board finds any person guilty of any of the
796 grounds set forth in subsection (1), it may enter an order
797 imposing one or more of the penalties set forth in s. 455.227(2).

798 468.919 Lists of licensed locksmith contractors and
799 locksmiths.--

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800 (1) The department shall maintain a list of the names and
801 addresses of all locksmith contractors licensed under this part
802 as well as all locksmiths and apprentice locksmiths. The lists
803 shall be made available by the department to any person upon
804 request and payment of the required fee.

805 (2) The locksmith contractor must notify the department
806 within 10 business days of a locksmith or an apprentice locksmith
807 no longer working under the license of the locksmith contractor.

808 Section 2. This act shall take effect July 1, 2008.