

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

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29 failure to meet continuing education requirements results
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,
 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
 72 codes, as well as trained in the proper installation and
 73 maintenance of security devices and in the ever-evolving
 74 knowledge of motor vehicle locks, keys, and built-in security
 75 systems;

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

81 (d) As trained and tested experts in physical, motor
 82 vehicle, and electronic security, locksmiths make positive
 83 contributions to statewide homeland security by protecting and

84 providing services for homes, businesses, hospitals, schools,
 85 government buildings, and motor vehicles of first responders or
 86 emergency responders; and

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

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

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

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

107 468.904 Exemptions.--This part does not apply to:

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

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

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

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

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

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

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

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

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

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

135 468.905 Definitions.--As used in this part:

136 (1) "Apprentice locksmith" means any natural person, 16
 137 years of age or older, who performs locksmith services for the

138 public for compensation under the direct and continuous
 139 supervision of a locksmith contractor or locksmith.

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

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

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

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

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

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

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

162 (9) "Department" means the Department of Business and
 163 Professional Regulation.

164 (10) "Designee" means a natural person who possesses the
 165 requisite skill, knowledge, and experience and is responsible

166 for supervising, directing, managing, and controlling the
167 locksmith services activities of the business organization with
168 which he or she is employed; and whose technical and personal
169 qualifications have been determined by investigation and
170 examination as provided in this part by the department, as
171 attested to by the board; and who has been issued a license as a
172 locksmith contractor by the department.

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

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

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

180 (14) "Licensee" means a locksmith contractor issued a
181 license under this part.

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

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

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

197 (18) "Locksmith" means a natural person, at least 18 years
198 of age, who performs locksmith services for the public for
199 compensation while in the employ of a locksmith contractor and
200 whose background and experience have been verified by the board
201 and forwarded to the department for registration. "Locksmith"
202 does not mean a person whose activities are limited to making
203 duplicate keys.

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

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

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

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

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

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

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

220 (f) Originating of keys for motor vehicles that includes,
221 if necessary, the programming, reprogramming, or bypassing of

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222 any security, transponder, or immobilizer systems or subsequent
223 technology built in by the manufacturer; and

224 (g) Keying, rekeying, or recombining of motor vehicle
225 locks.

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

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

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

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

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

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

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

257 (28) "Safe-opening tool" means any tool designed, or
 258 intended by the user to be used, to open a safe, safe-deposit
 259 box, or similar object by means other than that which is
 260 intended by the manufacturer of the safe, vault, safe-deposit
 261 box, or similar object for normal opening.

262 (29) "Secretary" means the Secretary of Business and
 263 Professional Regulation.

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

269 468.906 Florida Board of Locksmiths; membership;
 270 organization; powers and duties.--

271 (1) There is created in the Department of Business and
 272 Professional Regulation the Florida Board of Locksmiths for the
 273 purpose of administering licensing and registration of persons
 274 performing locksmith services. The board shall be composed of
 275 nine members appointed by the Governor and confirmed by the
 276 Senate. Five board members must be locksmith contractors,
 277 locksmiths, or a combination of the two. Two board members must

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278 be automotive-only locksmiths. One board member must be a
279 certified electrical contractor. One board member must be a
280 consumer who is not by training or experience a locksmith, is
281 not the spouse, parent, child, or sibling of a locksmith, and
282 has no direct or indirect financial interest, except as a
283 consumer, in the locksmith profession. Each board member, except
284 the consumer member, must have at least 3 years' experience in
285 his or her profession and be currently engaged in that
286 profession or must be honorably retired from his or her
287 profession and must have more than 5 years' experience in the
288 profession prior to retirement. Each board member must be a
289 resident of the state. Board members shall be appointed in such
290 a manner as to equitably represent all geographic areas of the
291 state.

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

304 (3) The board shall annually elect from its membership a
305 chair and a vice chair. The board shall convene at the call of

306 its chair or at the request of a majority of the members of the
307 board. Five members of the board shall constitute a quorum. The
308 affirmative vote of the majority of the members present is
309 required for any action or recommendation by the board.

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

312 (a) To establish the qualifications for licensing and
313 registering and to ensure the competency and integrity of
314 applicants to engage in the profession;

315 (b) To examine, or cause to be examined, the
316 qualifications of each applicant for licensing, including, when
317 necessary, the preparation, administration, and grading of
318 examinations;

319 (c) To recommend to the department qualified applicants
320 for licensing;

321 (d) To recommend to the department the fees for
322 application, examination, background checks, registration,
323 licensing, and renewal of such that are sufficient to cover all
324 expenses for the administration and operation of the board and a
325 proportionate share of the expenses of the department;

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

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

333 (g) To ensure inspections are conducted relating to the
 334 operations of this profession to ensure competency and lawful
 335 compliance;

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

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

342 (5) Provisions of chapter 455 relating to the activities
 343 and duties of the board not in conflict with this part shall
 344 apply.

345 468.907 Rulemaking authority.--

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

350 (a) Requirements for training and licensing of locksmith
 351 contractors.

352 (b) Requirements for registration and training for
 353 locksmiths, automotive-only locksmiths, and apprentices.

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

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

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360 (e) Establishment of competency standards, in consultation
361 with the department, after public hearings and consultation with
362 locksmith contractors, locksmiths, and automotive-only
363 locksmiths.

364 (f) Establishment of a code of ethics under which the
365 professional activities of persons regulated under this part
366 shall be conducted, encouraging self-policing of all standards
367 established under the code by such persons.

368 (g) Disciplinary guidelines applicable to each ground for
369 disciplinary action which may be imposed by the board pursuant
370 to s. 455.2273, this part, and any rule of the board or
371 department, including, but not limited to, specifying a
372 meaningful range of designated penalties based upon severity and
373 repetition of specific offenses and designation of mitigating
374 and aggravating circumstances.

375 (2) The application form for initial or renewal of a
376 license or registration, including any forms required for
377 fingerprint and criminal background checks, photo identification
378 cards, method to obtain and renew photographs, and other
379 requirements of the department for implementing this part shall
380 be established by department rule, in accordance with its
381 authority to adopt rules under ss. 120.536(1) and 120.54, and
382 administered by the board.

383 468.908 Requirements for licensing; examination;
384 nontransferability of license.--

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

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

392 (c) The provisions of chapter 455 relating to examination
 393 of applicants and selection of an examination provider shall
 394 apply.

395 (2) Any person desiring to be licensed as a locksmith
 396 contractor shall apply to the department on forms furnished by
 397 the department. The department shall license each applicant who
 398 the board attests:

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

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

402 (c) Complies with the competency requirements as
 403 established by board rule;

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

405 (e) Has submitted to the department a set of fingerprints
 406 on a form and under procedures specified by the board and the
 407 department, along with a completed affidavit for his or her
 408 criminal record, if any, and payment in an amount equal to the
 409 costs incurred by the department for the fingerprint and
 410 criminal background check of the applicant. The board, or its
 411 designee, shall periodically, including at the time of license
 412 renewal, consult with state and federal law enforcement
 413 officials to determine whether current licensees have new
 414 criminal convictions; and

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

419 (3) An applicant shall not be refused a license to
420 practice as a locksmith contractor solely because of a prior
421 criminal conviction, unless the criminal conviction directly
422 relates to the locksmith profession. However, the board shall
423 have the authority to refuse to forward to the department an
424 applicant for a license, if, based on all the information
425 available, including the applicant's record of prior criminal
426 convictions, it finds that the applicant is unfit or unsuited to
427 engage in the locksmith profession.

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

431 468.909 Licensure by endorsement.--

432 (1) A nonresident of this state may be licensed as a
433 locksmith contractor by meeting one of the following
434 requirements:

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

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

440 (2) The board may waive examination requirements for any
441 person who has been issued a locksmith contractor license, or
442 the equivalent thereof, within the previous 3 years, from

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443 another state which the board has determined tests for
444 competency standards equivalent to those established pursuant to
445 this part and the license has not expired or been revoked.

446 468.911 License renewal; continuing education.--

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

450 (2) The department shall renew a license:

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

452 (b) Upon receipt of proof of insurance as required in s.
453 468.914;

454 (c) Upon receipt of a set of fingerprints on a form and
455 under procedures specified by the board and the department,
456 along with a completed affidavit for his or her criminal record,
457 if any, and payment in an amount equal to the costs incurred by
458 the department for the fingerprint and criminal background check
459 of the applicant;

460 (d) Upon receipt of verification of completion of
461 continuing education requirements as delineated in subsection
462 (4); and

463 (e) Upon the board attesting that the applicant is
464 qualified for relicensure.

465 (3) An applicant shall not be refused a renewal of a
466 license to practice as a locksmith contractor solely because of
467 a prior criminal conviction, unless the criminal conviction
468 directly relates to the profession for which the license is
469 sought. However, the board shall have the authority to refuse to
470 certify to the department an applicant for a license, if, based

471 on all the information available, including the applicant's
472 record of prior convictions, it finds that the applicant is
473 unfit or unsuited to engage in such profession.

474 (4) (a) As a prerequisite for license renewal, every 2
475 years a locksmith contractor licensed under this part must
476 complete a minimum of 16 hours of continuing education training
477 classes approved by the board and must provide documentation of
478 such completion to the board. A minimum of 4 hours of the
479 continuing education requirement must include a review of the
480 Americans with Disabilities Act and the Life Safety Code.

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

486 468.912 Registration requirements; registration renewal;
487 continuing education.--

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

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

494 (a) Is a United States citizen or a legal resident alien;

495 (b) Has been determined by the department not to have been
496 convicted of a felony or misdemeanor offense in this or any
497 other state, nor convicted of any crime related to the practice
498 of locksmithing;

499 (c) Is at least 18 years of age if a locksmith or is at
 500 least 16 years of age if an apprentice locksmith; and
 501 (d) Has not had a license or registration refused, denied,
 502 suspended, or revoked under this part.
 503 (3) No person may be employed by a locksmith contractor
 504 until he or she has executed and furnished to the employer, on
 505 forms approved by the board and the department, a verified
 506 statement, to be known as the "employee's statement," providing:
 507 (a) The person's full name, date of birth, and residence
 508 address;
 509 (b) The name of the country of which the person is a
 510 citizen and, if the person is not a United States citizen, proof
 511 that the person is a legal resident alien;
 512 (c) The business or occupation engaged in for the 5 years
 513 immediately preceding the date of execution of the employee's
 514 statement, the location of the business or occupation, and the
 515 names of employers, if any;
 516 (d) That the person has not had a license or employee
 517 registration refused, revoked, or suspended under this part;
 518 (e) Any conviction of a felony that directly relates to
 519 the locksmithing profession; and
 520 (f) Any other information as may be required by the
 521 department to show the good character, competency, and integrity
 522 of the person executing the employee's statement.
 523 (4) (a) A person seeking employment as a locksmith, an
 524 automotive-only locksmith, or an apprentice locksmith shall
 525 submit to the board, with the applicable fees, on fingerprint
 526 cards furnished by the board, two complete sets of fingerprints

527 that are verified to be those of the applicant for employment.
528 If an applicant's fingerprint cards are returned to the board as
529 unclassifiable by the screening agency, the applicant has 30
530 calendar days after notification is sent by the board to submit
531 fingerprints taken by a different fingerprint technician.

532 (b) It is unlawful for an applicant for employment as a
533 locksmith, automotive-only locksmith, or an apprentice locksmith
534 to file with the department the fingerprints of a person other
535 than himself or herself, or for an employer to fail to exercise
536 diligence in resubmitting replacement fingerprints for an
537 employee who has had original fingerprint submissions returned
538 as unclassifiable by the screening agency.

539 (5) Upon receipt of the verified fingerprint cards, the
540 department shall cause the fingerprints to be compared with
541 fingerprints of criminals now or hereafter filed with the
542 department. The department may also cause the fingerprints to be
543 checked against the fingerprints of criminals now or hereafter
544 filed in the records of other official fingerprint files within
545 or without the state. The department shall notify the submitting
546 locksmith contractor within 10 business days upon the invoking
547 of a procedure to deny registration.

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

552 (7) (a) To maintain his or her standing as a locksmith,
553 every 2 years a locksmith employed by a locksmith contractor
554 must complete 16 hours of continuing education training classes

555 approved by the board and must provide documentation of such
556 completion to the board upon request.

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

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

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

570 (e) An automotive-only apprentice locksmith must complete
571 a minimum of 8 hours of board-approved education every year and
572 must provide documentation of such completion to the board upon
573 request.

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

578 (8) (a) Failure of a locksmith, automotive-only locksmith,
579 apprentice locksmith, or automotive-only apprentice locksmith to
580 meet the requisite continuing education requirement shall result
581 in a board-imposed fine and designated time period for
582 compliance with the requirement. Failure to comply by the

583 designated time shall result in the levy of additional fines and
 584 may result in the removal of his or her standing and
 585 registration as a locksmith, automotive-only locksmith,
 586 apprentice locksmith, or automotive-only apprentice locksmith.

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

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

593 468.913 Locksmith contractor employer requirements.--

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

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

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

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

605 (a) Two photographs shall be taken within 10 days of the
 606 date that the employee begins employment. One copy shall be used
 607 for the employee's photo identification card. The second shall
 608 be retained in the employee's personnel record by the employer.
 609 These photographs shall be replaced with a current photograph
 610 every 3 calendar years.

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

616 (c) A record of continuing education accomplishments and
617 any certificates issued.

618 (3) The locksmith contractor must supply a photo
619 identification card to any locksmith contractor, locksmith,
620 automotive-only locksmith, apprentice locksmith, and automotive-
621 only apprentice locksmith under his or her supervision.

622 468.914 Insurance.--A locksmith contractor must maintain
623 an insurance policy sufficient for the purpose of paying claims
624 or judgments for damages which may occur as a result of
625 negligence of such contractor or his or her employees. Minimum
626 insurance requirements are general or professional liability,
627 and, if applicable, workers' compensation.

628 468.915 Identification cards; display of license and
629 license numbers.--

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

634 (2) All individuals licensed or registered under this part
635 shall display a photo identification card on their person at all
636 times when performing locksmith services. Every photo
637 identification card shall contain the individual's name, the

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638 name of the business, and the locksmith contractor's license
639 number.

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

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

644 (c) An identification card for an apprentice locksmith
645 shall include the words "Apprentice Locksmith" or "Apprentice
646 Automotive-Only Locksmith."

647 (4) A locksmith contractor shall display a copy of his or
648 her license at his or her normal places of business and in a
649 manner easily readable by the general public. A locksmith
650 contractor providing mobile only service shall retain a copy of
651 his or her license in his or her service vehicle for
652 presentation to any person of the general public, any law
653 enforcement officer, or any state or local official immediately
654 upon request.

655 (5) (a) Any advertisement or advertising, service vehicles,
656 and forms must include the license number of the locksmith
657 contractor and the name of the business listed with the
658 department.

659 (b) For the purposes of this subsection, "advertisement"
660 or "advertising" includes any business card, stationery,
661 brochure, flyer, circular, newsletter, fax, form, printed or
662 published paid advertisement in any media form, directory
663 listing, or telephone book listing.

664 (c) The board may assess a minimum fine of \$500 for the
665 first violation of this subsection and a minimum fine of \$1,000

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666 for each subsequent violation. The penalty may be sued for and
667 recovered.

668 468.916 Customer identification.--

669 (1) Any locksmith contractor or locksmith who knowingly
670 and willfully opens any motor vehicle or residential or
671 commercial establishment, or originates a key for another, by
672 any method, whether or not for compensation, shall make a
673 reasonable attempt to obtain and record the following
674 information on the work order or sales receipt form:

675 (a) The street address or location of the motor vehicle to
676 be opened, the motor vehicle's license or identification (VIN)
677 number, the street address of the resident or commercial
678 establishment to be opened, and the signature of the person for
679 whom the motor vehicle, residence, or commercial establishment
680 was opened.

681 (b) The name, address, telephone number, and driver's
682 license number of the person requesting the entry service, if
683 appropriate.

684 (2) A copy of each work order or sales receipt shall be
685 retained for 2 years and shall include the name of the person
686 performing the service. A copy of each work order or sales
687 receipt shall be readily available for inspection by any law
688 enforcement officer, by the department, or by the board anytime
689 during normal business hours.

690 468.917 Prohibited activities; penalties.--

691 (1) A person may not:

692 (a) Act as or offer to act as a locksmith and provide
693 locksmith services unless he or she is a locksmith contractor

694 with a license that has not expired or been revoked or suspended
 695 or is employed by a licensed locksmith contractor.

696 (b) Advertise that he or she is in the locksmith business
 697 or hold himself or herself out to the public as a locksmith
 698 unless he or she is a licensed locksmith contractor with a
 699 license that has not expired or been revoked or suspended or is
 700 employed as a locksmith by a licensed locksmith contractor.

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

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

716 (e) Possess locksmithing tools, implements, or outfits
 717 unless the person is a bona fide dealer, locksmith contractor,
 718 locksmith, automobile reposessor, motor vehicle recovery or
 719 towing service employee, or locking device manufacturer, or such
 720 manufacturer's agent, who has a reasonable need to possess
 721 locksmithing tools, implements, or outfits for demonstration,

722 testing, and research purposes. Possession by any other person
723 shall be prima facie evidence of an intent to commit burglary,
724 robbery, or larceny.

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

727 (2) An organization may not:

728 (a) Provide or offer locksmith services unless such
729 services are or can be provided by a locksmith contractor who
730 possesses a license which has not expired or been revoked or
731 suspended and is employed by the organization or are or can be
732 provided by a locksmith employed by the organization.

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

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

740 (a) Making use of any designation provided by statute or
741 rule to denote a standard of professional or occupational
742 competence required under this part without being duly
743 registered or licensed under this part;

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

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749 (c) Providing material misrepresenting facts in an
750 application for licensing or registration; or

751 (d) Willfully refusing to furnish the board or department
752 information or records required or requested pursuant to state
753 law or rules.

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

757 (b) Any person, other than such person as permitted in
758 this part, who has in his or her possession any locksmithing
759 tools, implements, or outfits with intent to commit burglary,
760 robbery, or larceny, upon conviction thereof, commits a felony
761 of the third degree, punishable as provided in s. 775.082, s.
762 775.083, or s. 775.084.

763 (c) Unless otherwise specified, any person or organization
764 that willfully engages in any unlawful act enumerated in this
765 section commits a misdemeanor of the first degree, punishable as
766 provided in s. 775.082 or s. 775.083. The third or any
767 subsequent conviction for violating this section during a 36-
768 month period constitutes a felony of the third degree,
769 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

770 (5) The department may institute proceedings in equity to
771 enjoin any person, partnership, corporation, or other entity
772 from engaging in any unlawful act enumerated in this section.
773 Such proceedings shall be brought in the name of the state by
774 the department or board in the circuit court of the city or
775 county in which the unlawful act occurred or in which the
776 defendant resides.

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

783 (a) If the board determines that a respondent is guilty of
784 the violation complained of, the board shall recommend to the
785 department the amount of the monetary penalty for the violation,
786 which shall not exceed \$10,000 for each violation. The penalty
787 may be sued for and recovered.

788 (b) After a formal fact finding, wherein a sanction is
789 imposed to fine, to suspend, revoke, or deny a license, or to
790 deny renewal of a license, the department may assess the license
791 holder the cost of conducting such a fact finding when the
792 department has final authority to grant a license, unless the
793 department determines that the offense was inadvertent or done
794 in a good faith belief that the act did not violate a state law
795 or rule. The cost shall be limited to the reasonable hourly rate
796 for the hearing officer and the actual cost of recording the
797 proceedings.

798 468.918 Disciplinary proceedings.--

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

801 (a) Violation of any provision of s. 468.917 or any other
802 provision of this part.

803 (b) Violation of chapter 455.

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804 (c) Violating a rule of the department or board adopted
805 pursuant to chapter 455 or this part or any order of the
806 department or board previously entered in a disciplinary
807 hearing.

808 (2) When the board finds any person guilty of any of the
809 grounds set forth in subsection (1), it may enter an order
810 imposing one or more of the penalties set forth in s.
811 455.227(2).

812 468.919 Lists of licensed locksmith contractors and
813 locksmiths.--

814 (1) The department shall maintain a list of the names and
815 addresses of all locksmith contractors licensed under this part
816 as well as all locksmiths and apprentice locksmiths. The lists
817 shall be made available by the department to any person upon
818 request and payment of the required fee.

819 (2) The locksmith contractor must notify the department
820 within 10 business days of a locksmith or an apprentice
821 locksmith no longer working under the license of the locksmith
822 contractor.

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