

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

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

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

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63 | Be It Enacted by the Legislature of the State of Florida:

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65 |       Section 1. Part XII of chapter 559, Florida Statutes,  
 66 |       consisting of sections 559.941, 559.942, 559.943, 559.944,  
 67 |       559.945, 559.946, 559.947, 559.948, 559.949, 559.95, 559.951,  
 68 |       559.952, 559.953, 559.954, 559.955, 559.956, 559.957, 559.958,  
 69 |       559.959, 559.96, 559.961, and 559.962, is created to read:

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PART XII

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LOCKSMITH SERVICES

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

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"Florida Locksmith Services Act."

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

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

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secure, and protect persons and property.

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(2) Locksmiths must be trained in regulations and laws

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

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the federal Americans with Disabilities Act, the Florida

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

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

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

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built-in security systems.

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

85 licensing and regulation of locksmith services businesses in  
 86 this state which are necessary to protect the public from the  
 87 misuse of locksmithing knowledge, supplies, manuals, and  
 88 equipment that threaten public safety and security.

89 559.943 Definitions.--As used in this part, the term:

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

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

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

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

110 (5) "Department" means the Department of Agriculture and  
 111 Consumer Services.

112 (6) "Key duplication machine" means a device capable of

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113 copying or reproducing keys.

114 (7) "Licensee" means a locksmith services business  
115 licensed under this part.

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

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

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

134 (11) "Locksmith services" means:

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

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

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

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141 (d) Creating, documenting, selling, installing, managing,  
142 and servicing master key systems.

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

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

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

151  
152 The term does not include contracting as defined in s. 489.505  
153 for which a registration or certification is required under part  
154 II of chapter 489.

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

160 (13) "Locksmith tool" means a tool that is designed, or  
161 intended by the user to be used, to open a lock by any means  
162 other than the specific method designed for the normal operation  
163 of opening the lock. The term includes the locksmith tools  
164 described in s. 559.953(2).

165 (14) "Master key system" means a system of locks in which  
166 a lock is keyed so that it can be operated by its own individual  
167 key as well as by a key that operates other locks in the system  
168 that are also keyed to their own individual keys.

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169       (15) "Mobile locksmith services business" means a  
170 locksmith services business that operates exclusively from one  
171 or more vehicles and not from a specific physical location.

172       (16) "Motor vehicle" has the same meaning as in s.  
173 559.903(5).

174       559.944 Application of part; exemptions.--This part does  
175 not apply to:

176       (1) A law enforcement officer, firefighter or voluntary  
177 firefighter, emergency medical technician or paramedic, or other  
178 government employee or agent who, in his or her official line of  
179 duty, performs locksmith services in an emergency situation in  
180 which the life of a person, livestock, or an animal generally  
181 regarded as a pet is endangered.

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

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

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

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

192       (6) A property owner or agent of a property owner who  
193 maintains a file of key cutting data for a master key system on  
194 the property.

195       (7) An employee of a financial institution as defined in  
196 s. 655.005 who provides safe, safe-deposit box, or vault

197 services at the financial institution.

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

203 (9) Building trades personnel who:

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

206 (b) Install locks or locking devices for home repair or  
 207 improvement, if the locks are designed for installation by the  
 208 customer and such home repair or improvement is part of a larger  
 209 repair or replacement project.

210 (10) A wrecker operator as defined in s. 1.01(15) who  
 211 possesses or uses car-opening tools as described in s.  
 212 559.953(2)(b) which are necessary to unlock vehicles, if the  
 213 wrecker operator does not advertise locksmith services or  
 214 otherwise advertise himself or herself as a locksmith.

215 (11) An automobile club as defined in s. 627.8405(1) when  
 216 towing a motor vehicle for a club member or assisting a club  
 217 member to enter a locked motor vehicle.

218 (12) A hardware store, do-it-yourself home product store,  
 219 or other retail store that sells locks and safes which are  
 220 designed for use and installation by the customer without  
 221 professional assistance.

222 559.945 Locksmith services business; licensure.--

223 (1) A person may not perform or offer to perform locksmith  
 224 services for compensation, advertise or represent himself or



225 herself as a locksmith services business, or operate a locksmith  
 226 referral service in this state unless the person is licensed  
 227 under this part. However, a locksmith or apprentice locksmith  
 228 performing locksmith services on behalf of a licensee is not  
 229 required to obtain a separate license. An application for  
 230 licensure must be submitted to the department in the format  
 231 prescribed by the department and must include, at a minimum, the  
 232 following:

233 (a) The full legal name and mailing address of the  
 234 applicant.

235 (b) Each name under which the applicant does business in  
 236 this state and, if the applicant is doing business under a  
 237 fictitious name, the date on which the applicant registered the  
 238 fictitious name with the Department of State.

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

245 (d) If the applicant is not a natural person, a statement  
 246 of:

247 1. The applicant's type of business entity, such as a  
 248 corporation, partnership, or other limited liability  
 249 corporation.

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

251 3. Whether the applicant is a foreign or domestic business  
 252 entity, the state and date of incorporation, the charter number,

253 and the date that the applicant first registered with the  
 254 Department of State to do business in the state.

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

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

260 1. Each locksmith, automotive-only locksmith, and  
 261 apprentice locksmith who performs locksmith services on behalf  
 262 of the applicant.

263 2. Each officer and director of the corporation, their  
 264 official positions, and corporate offices, if the applicant is a  
 265 corporation.

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

268 4. Each managing member, if the applicant is a limited  
 269 liability corporation.

270 5. The owner of the applicant, if the applicant is a  
 271 proprietorship.

272 6. The applicant's registered agent for service of process  
 273 in this state.

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

276 (2) Each application must be accompanied by:

277 (a) Payment of a nonrefundable biennial license fee,  
 278 calculated as follows:

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

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

283 3. If the applicant operates a locksmith referral service  
284 but does not employ any locksmiths, an amount not to exceed  
285 \$800.

286  
287 If the department determines that the biennial license fees  
288 established under this subsection for an initial or renewal  
289 application impose a significant financial hardship upon the  
290 applicant, the department may waive or reduce the fees to the  
291 amount necessary to alleviate the hardship.

292 (b) Proof of liability insurance coverage as required in  
293 s. 559.95.

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

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

308 (b) A license issued under this part may not be

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309 transferred or assigned and is valid only for the licensee and  
310 the business locations for which it is issued.

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

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

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

326 559.946 Locksmith services businesses; fingerprinting and  
327 background screening; disqualification.--

328 (1) (a) Each person listed in s. 559.945(1) (f) must be  
329 fingerprinted and undergo background screening for criminal  
330 justice information as defined in s. 943.045. The department  
331 shall submit each set of fingerprints to the Department of Law  
332 Enforcement for statewide criminal records checks, and the  
333 Department of Law Enforcement shall forward the fingerprints to  
334 the Federal Bureau of Investigation for federal criminal records  
335 checks. The cost of the fingerprint processing and criminal  
336 records checks shall be borne by the locksmith services business

337 or the person required to be fingerprinted and shall be paid to  
338 the department. The Department of Law Enforcement shall submit a  
339 monthly invoice to the department for the fingerprint processing  
340 and criminal records checks performed during the month, and the  
341 department shall pay the invoice from the fees collected. The  
342 results of the criminal records checks shall be returned to the  
343 department, and the department shall screen the results to  
344 determine whether the person is disqualified under subsection  
345 (2).

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

353 (2) (a) A person required to undergo background screening  
354 pursuant to this section must not have been convicted or  
355 incarcerated as a result of having been convicted of a crime  
356 involving trespass, burglary, theft, larceny, dealing in stolen  
357 property, receiving stolen property, embezzlement, obtaining  
358 property by false pretenses, possession of altered property, or  
359 any other fraudulent or dishonest dealing within the previous 10  
360 years.

361 (b) The department may grant a person disqualified under  
362 paragraph (a) an exemption from disqualification for:

363 1. Any felony committed more than 3 years before the date  
364 of disqualification.

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365 2. Any misdemeanor.

366 3. Any misdemeanor or noncriminal offense that was a  
367 felony when it was committed.

368 (c) In order for the department to grant an exemption, the  
369 disqualified person must demonstrate by clear and convincing  
370 evidence that he or she should not be disqualified. A  
371 disqualified person seeking an exemption has the burden of  
372 setting forth sufficient evidence of rehabilitation, including,  
373 but not limited to, the circumstances surrounding the criminal  
374 incident for which an exemption is sought, the time period that  
375 has elapsed since the incident, the nature of the harm caused to  
376 the victim, and the history of the disqualified person since the  
377 incident, or any other evidence or circumstances indicating that  
378 the disqualified person will not present a danger to the public  
379 if an exemption is granted.

380 (3) (a) All fingerprints submitted to the Department of Law  
381 Enforcement as required by this section shall be retained by the  
382 Department of Law Enforcement in a manner provided by rule and  
383 entered in the statewide automated fingerprint identification  
384 system authorized by s. 943.05(2)(b). The fingerprints shall  
385 thereafter be available for all purposes and uses authorized for  
386 arrest fingerprints entered in the statewide automated  
387 fingerprint identification system pursuant to s. 943.051.

388 (b) The Department of Law Enforcement shall search all  
389 arrest fingerprints received under s. 943.051 against the  
390 fingerprints retained in the statewide automated fingerprint  
391 identification system under paragraph (a). Any arrest record  
392 that is identified with the retained fingerprints of a person

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393 subject to background screening under this section shall be  
394 reported to the department. Each locksmith services business  
395 must participate in the search process by notifying the  
396 department of any change in a person's status as a person listed  
397 s. 559.945(1)(f) if, as a result of the change, the person's  
398 fingerprints are no longer required to be retained under  
399 paragraph (a).

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

414 (4) Before expiration of the time limit in s. 120.60 for  
415 approving an application, if the department does not receive  
416 criminal justice information for any person listed in s.  
417 559.945(1)(f), or receives criminal justice information that  
418 includes a crime that may disqualify the person but does not  
419 include a final disposition of the crime, the time limit in s.  
420 120.60 for approving the application is extended until the

421 department receives final disposition of the crime or proof of  
 422 restoration of civil rights.

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

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

428 (b) Employed by a licensee or applicant for a license  
 429 under this part.

430 559.947 Licensure by endorsement.--

431 (1) A person may be licensed as a locksmith services  
 432 business in this state upon applying to the department,  
 433 remitting the nonrefundable biennial license fee calculated as  
 434 required in s. 559.945(2)(a), and demonstrating to the  
 435 department that the applicant:

436 (a) Meets the qualifications for licensure in s. 559.945;  
 437 or

438 (b) Holds a valid locksmith services business license, or  
 439 the equivalent thereof, issued by another state, territory, or  
 440 possession of the United States, the District of Columbia, or  
 441 the Commonwealth of Puerto Rico with which the department has  
 442 established reciprocity.

443 (2) The department may establish reciprocity with other  
 444 states, territories, or possessions of the United States, the  
 445 District of Columbia, or the Commonwealth of Puerto Rico and may  
 446 adopt criteria for establishing reciprocity, subject to the  
 447 following:

448 (a) The licensing requirements of the other state,



449 territory, or possession must substantially meet or exceed the  
450 requirements of s. 559.945.

451 (b) The other state, territory, or possession must issue a  
452 license, or the equivalent thereof, to a locksmith services  
453 business that is licensed in this state and seeks to do business  
454 in the other state, territory, or possession.

455 559.948 License renewal.--Each locksmith services business  
456 license must be renewed biennially on or before the license's  
457 expiration date. To apply for renewal of a license, the licensee  
458 must submit each of the following to the department:

459 (1) A renewal application in the format prescribed by the  
460 department that includes the information required for initial  
461 licensure in s. 559.945(1).

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

464 (3) Proof of liability insurance coverage as required in  
465 s. 559.95.

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

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

473 559.949 Denial, suspension, revocation, or refusal to  
474 renew license.--The department may deny, suspend, revoke, or  
475 refuse to renew the license of a locksmith services business  
476 based upon a determination that the locksmith services business

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477 or any person listed in s. 559.945(1) (f):

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

480 (2) Is disqualified based upon background screening  
481 pursuant to s. 559.946(2);

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

485 (4) Received any civil, criminal, or administrative  
486 adjudication in any jurisdiction; or

487 (5) Has had a judgment entered against the business or  
488 person in any action brought under the Florida Deceptive and  
489 Unfair Trade Practices Act in part II of chapter 501.

490 559.95 Liability insurance.--

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

496 (2) The insurance coverage must be issued by an insurance  
497 company or carrier licensed to transact business in this state  
498 under the Florida Insurance Code. The department shall require a  
499 locksmith services business to present a policy or certificate  
500 of insurance of the required coverage before issuance or renewal  
501 of a license. The department shall be named as a  
502 certificateholder in the policy or certificate and must be  
503 notified at least 30 days before any changes in insurance  
504 coverage.

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505       (3) If a locksmith services business does not maintain the  
506 required insurance coverage, the department may immediately  
507 suspend the business's license or eligibility for licensure and  
508 the business shall immediately cease operating as a locksmith  
509 services business. In addition, notwithstanding the availability  
510 of administrative relief under chapter 120, the department may  
511 seek an immediate injunction in the circuit court of the county  
512 in which the business is located that prohibits the locksmith  
513 services business from operating until the business complies  
514 with this section and imposes a civil penalty not to exceed  
515 \$10,000 and reasonable court costs.

516       559.951 Locksmiths; apprentice locksmiths; photo  
517 identification cards; display of license and license number.--

518       (1) A person may not perform locksmith services on behalf  
519 of a locksmith services business unless the person is the  
520 licensee or one of the following:

521       (a) Locksmith.--Except as provided in paragraph (b) for an  
522 automotive-only locksmith, a locksmith must be 18 years of age  
523 or older and complete 16 hours of training, including training  
524 in industry ethics, the federal Americans with Disabilities Act,  
525 the Florida Building Code, the Florida Fire Prevention Code, and  
526 the Life Safety Code.

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

530       (c) Apprentice locksmith.--An apprentice locksmith must be  
531 15 years of age or older and complete a minimum of 16 hours of  
532 training, including training in industry ethics, the federal

533 Americans with Disabilities Act, the Florida Building Code, the  
534 Florida Fire Prevention Code, and the Life Safety Code. An  
535 apprentice locksmith may perform locksmith services only under  
536 the direct and continuous supervision of a locksmith or  
537 automotive-only locksmith. An apprentice locksmith may not  
538 perform or contract to perform locksmith services without the  
539 express approval of his or her supervising locksmith. The  
540 supervising locksmith is responsible for any violation of this  
541 part committed by the apprentice locksmith.

542 (2) (a) Except as provided in paragraph (b) for an  
543 automotive-only locksmith, every 2 years, a locksmith must  
544 complete at least 16 hours of training, including training on  
545 the federal Americans with Disabilities Act, the Florida  
546 Building Code, the Florida Fire Prevention Code, and the Life  
547 Safety Code.

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

552 (3) Each locksmith services business must maintain a  
553 personnel record of each locksmith, automotive-only locksmith,  
554 and apprentice locksmith who performs locksmith services on  
555 behalf of the licensee. The personnel record must include:

556 (a) Two copies of a photograph taken of the locksmith,  
557 automotive-only locksmith, or apprentice locksmith within 10  
558 days after the date that he or she begins to perform locksmith  
559 services on behalf of the licensee. One copy shall be used for  
560 the locksmith's or apprentice's photo identification card. The

561 second copy shall be retained in his or her personnel record.  
 562 Both copies of the photograph shall be replaced with a current  
 563 photograph at least once every 2 calendar years.

564 (b) An affidavit of the locksmith's, automotive-only  
 565 locksmith's, or apprentice locksmith's criminal history, if any,  
 566 and the results of the background screening conducted pursuant  
 567 to s. 559.946.

568 (c) Documentation provided by the locksmith services  
 569 business that demonstrates completion of the training required  
 570 in subsections (1) and (2).

571 (4) Each locksmith services business shall issue a photo  
 572 identification card to each locksmith, automotive-only  
 573 locksmith, and apprentice locksmith performing locksmith  
 574 services on behalf of the licensee. A photo identification card  
 575 must contain the name and photograph of the locksmith or  
 576 apprentice, the name of the locksmith services business, and the  
 577 license number. The photo identification card must also include:

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

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

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

582  
 583 Each locksmith, automotive-only locksmith, and apprentice  
 584 locksmith must display the photo identification card on his or  
 585 her person at all times while performing locksmith services.

586 (5) A locksmith services business must display a copy of  
 587 its locksmith services business license at each business  
 588 location in a manner easily readable by the general public. A

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589 mobile locksmith services business shall keep a copy of the  
590 license in each service vehicle for immediate presentation to  
591 any law enforcement officer, state or local official, or member  
592 of the general public upon request.

593 (6) Each advertisement or other form of advertising, each  
594 service vehicle, and each work order, invoice, sales receipt, or  
595 other business form of a licensee must include the license  
596 number and name of the locksmith services business as they  
597 appear on the license issued by the department.

598 559.952 Acceptable forms of payment; locksmith services  
599 business records.--

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

602 (a) Cash, cashier's check, money order, or traveler's  
603 check;

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

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

609 (2) A locksmith services business shall clearly and  
610 conspicuously disclose to the person requesting locksmith  
611 services in a work order, invoice, or sales receipt the methods  
612 of payment that the locksmith services business accepts.

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

616 (b) Each work order, invoice, and sales receipt must

617 include the name of the person performing the service.

618 (c) A copy of each work order, invoice, and sales receipt  
619 must be readily available for inspection at any time during  
620 normal business hours by the department.

621 559.953 Locksmith tools; exemptions; prohibited acts.--

622 (1) This section does not apply to:

623 (a) A licensee.

624 (b) A locksmith or apprentice locksmith performing  
625 locksmith services on behalf of a licensee.

626 (c) A recovery agent licensed under part IV of chapter  
627 493.

628 (d) A wrecker operator as defined in s. 1.01(15).

629 (e) A lock manufacturer or the lock manufacturer's agent  
630 who has a reasonable need to possess locksmith tools,  
631 implements, or outfits for demonstration, testing, or research  
632 purposes.

633 (2) Except as otherwise provided in subsection (1), a  
634 person may not obtain, own, or possess locksmith tools,  
635 implements, or outfits, in any format, either in person, through  
636 an intermediary, through mail order, or by any other procurement  
637 method. As used in this subsection, the term "locksmith tools"  
638 includes, but is not limited to:

639 (a) A bump key, which is a fabricated, specially shaped or  
640 modified key intended to be used to unlock a lock by any means  
641 other than the specific method designed for the normal operation  
642 of opening the lock.

643 (b) A car-opening tool, which is a metal, cloth, nylon,  
644 rubber, or plastic tool or device designed to enter, bypass, or

645 otherwise overcome the locking systems or locking mechanisms of  
646 a motor vehicle by any means other than the specific method  
647 designed for the normal operation of opening the lock.

648 (c) A manual or codebook, which is a compilation, in any  
649 form, of key codes.

650 (d) A code-grabbing device, which is a device that can  
651 receive, record, or receive and record the code signal sent by  
652 the transmitter of a motor vehicle's security, alarm, or  
653 immobilizer system and play back the signal to disarm, bypass,  
654 or neutralize the system.

655 (e) A lock pick, which is a manual, electric, or  
656 electronic tool or device used to bypass, override, or  
657 neutralize a lock by any means other than the specific method  
658 designed for the normal operation of opening the lock.

659 (f) A manipulation key, which is a key other than a change  
660 or master key that can be variably positioned or manipulated in  
661 a keyway to bypass, override, or neutralize a lock by any means  
662 other than the specific method designed for the normal operation  
663 of opening the lock. As used in this paragraph, the term  
664 "manipulation key" includes wiggle and bump keys.

665 (g) A safe-opening tool, which is a tool designed, or  
666 intended by the user to be used, to open a safe, safe-deposit  
667 box, or similar object by means other than that which is  
668 intended by the manufacturer of the safe, vault, safe-deposit  
669 box, or similar object for normal opening.

670 (h) A tryout key, which is a manipulation key that may or  
671 may not be one of a set of similar keys used for a specific  
672 series, keyway, or brand of lock to open, bypass, override, or



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673 neutralize a lock by means other than intended by the  
674 manufacturer.

675 559.954 Prohibited acts.--

676 (1) A person may not:

677 (a) Perform or offer to perform locksmith services without  
678 having or acting under a valid license issued by the department  
679 under this part.

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

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

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

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

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

691 (c) Fail or refuse, after notice, to provide any law  
692 enforcement officer or the department with any document or  
693 record or disclose any information required to be produced or  
694 disclosed.

695 (d) Employ or contract with any person disqualified under  
696 s. 559.946 to perform locksmith services on behalf of the  
697 licensee.

698 (e) Submit to the department the fingerprints of a person  
699 other than the person for whom fingerprints must be submitted  
700 pursuant to s. 559.946 or fail to submit replacement

701 fingerprints for a locksmith or apprentice locksmith whose  
 702 original fingerprint submissions are returned to the department  
 703 as unclassifiable by the screening agency.

704 (f) Use a mailing address, registration facility, drop  
 705 box, or answering service in the promotion, advertisement,  
 706 solicitation, or sale of locksmith services, unless the street  
 707 address of the licensed business location is clearly disclosed  
 708 during any telephone solicitation and is prominently and  
 709 conspicuously disclosed in all advertisements and on the work  
 710 orders, invoices, and sales receipts.

711 (g) Operate as a locksmith services business at a business  
 712 location other than the location that appears on the license  
 713 issued by the department.

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

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

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

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

725 (l) Violate this part or any rule adopted or order issued  
 726 under this part.

727 559.955 Civil penalties; remedies.--

728 (1) A consumer injured by a violation of this part may

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729 bring an action in the appropriate court for relief. The court  
730 shall award reasonable costs and attorney's fees to the  
731 prevailing party. The consumer may also bring an action for  
732 injunctive relief in the circuit court.

733 (2) (a) The department may bring an action in a court of  
734 competent jurisdiction to recover any penalties or damages  
735 authorized in this part and for injunctive relief to enforce  
736 this part.

737 (b) The department may seek a civil penalty of up to  
738 \$10,000 for each violation of this part.

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

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

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

746 559.956 Administrative remedies; penalties.--

747 (1) The department shall process a consumer complaint  
748 against a locksmith services business in the manner described in  
749 ss. 570.07 and 570.544.

750 (2) A locksmith services business shall allow department  
751 personnel to enter its business locations for purposes of  
752 determining whether the license is current. If department  
753 personnel are refused entry or access to the premises, the  
754 department may seek injunctive relief in circuit court to  
755 enforce this subsection.

756 (3) If the department determines that a locksmith services

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757 business has violated, or is operating in violation of, this  
758 part or any rules adopted or orders issued under this part, the  
759 department may enter an order doing one or more of the  
760 following:

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

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

764 (c) Directing that the locksmith services business cease  
765 and desist specified activities.

766 (d) Refusing to issue or renew, suspending, or revoking a  
767 license.

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

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

773 (5) In a final order imposing an administrative fine or  
774 refusing to issue or renew, suspending, or revoking a license,  
775 the department may assess against the sanctioned party the cost  
776 of conducting the administrative proceedings, unless the  
777 department determines that the offense was inadvertent or done  
778 in a good faith belief that the act or omission did not violate  
779 a state law or rule. An assessment is limited to the reasonable  
780 hourly rate of the hearing officer and the actual cost of  
781 recording or transcribing the proceedings.

782 (6) (a) The department shall prominently post a "Closed by  
783 Order of the Department" sign on a locksmith services business  
784 whose license is suspended or revoked. The department shall also

785 post a sign on a locksmith services business that is judicially  
 786 or administratively determined to be operating without a  
 787 license.

788 (b) A person who defaces or removes the sign without  
 789 written authorization from the department, or a locksmith  
 790 services business that opens for operation without a license or  
 791 opens for operation as a locksmith services business while its  
 792 license is suspended or revoked, commits a misdemeanor of the  
 793 second degree, punishable as provided in s. 775.082 or s.  
 794 775.083.

795 (c) A criminal penalty imposed under this subsection shall  
 796 be in addition to any administrative sanction imposed by the  
 797 department under subsection (3).

798 559.957 Deceptive and unfair trade practices.--A person  
 799 who violates any provision of this part commits an unfair or  
 800 deceptive trade practice and is subject to the penalties and  
 801 remedies provided in part II of chapter 501.

802 559.958 Criminal penalties.--

803 (1) A person who violates s. 559.953 or s. 559.954 commits  
 804 a misdemeanor of the first degree, punishable as provided in s.  
 805 775.082 or s. 775.083.

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

810 559.959 Rulemaking authority.--The department shall adopt  
 811 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
 812 part. The rules shall include, but are not limited to, the

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813 following:

814 (1) Requirements and procedures for the licensure of  
815 locksmith services businesses.

816 (2) Requirements and procedures for the fingerprinting and  
817 background screening of persons listed in s. 559.945(1)(f) for  
818 criminal justice information.

819 (3) Forms required to implement this part, including  
820 license applications, renewal applications, fingerprint  
821 submissions, affidavits of criminal history, and photo  
822 identification cards.

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

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

830 (6) Methods of obtaining and renewing photographs for  
831 photo identification.

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

833 559.96 Deposit and use of revenues from fees, civil  
834 penalties, and fines.--Any fees, civil penalties, administrative  
835 fees, or other funds collected by the department pursuant to  
836 this part shall be deposited in the General Inspection Trust  
837 Fund and used to administer this part.

838 559.961 Preemption; local business tax receipts.--

839 (1) Effective July 1, 2011, this part preempts any local  
840 act, law, ordinance, or regulation of a county or municipality

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841 that relates to locksmith services, locksmiths, or locksmith  
842 services businesses.

843 (2) A county or municipality may not issue or renew a  
844 local business tax receipt for a locksmith services business  
845 unless the person applying for or renewing the local business  
846 tax receipt exhibits a valid license issued by the department.

847 559.962 Florida Locksmith Services Advisory Council.--The  
848 Florida Locksmith Services Advisory Council is created within  
849 the department to advise and assist the department in carrying  
850 out this part.

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

853 (a) Six industry members must be owners or employees of  
854 locksmith services businesses licensed under this part, as  
855 follows:

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

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

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

863 (c) One member must have private investigative, private  
864 security, motor vehicle recovery, or law enforcement experience  
865 or expertise.

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

868

869 Each member must be a resident of the state. Each member, except  
870 the consumer member, must have at least 3 years of experience  
871 and be currently engaged in the profession. Initial industry  
872 members must be owners or employees of locksmith services  
873 businesses but, notwithstanding paragraph (a), the locksmith  
874 services businesses of the initial members are not required to  
875 be licensed.

876 (2) Members shall be appointed for 4-year terms and must  
877 be geographically representative of the state. A member whose  
878 term expires shall continue to serve until his or her successor  
879 is appointed. A vacancy occurring before the expiration of a  
880 member's term shall be filled by the commissioner for the  
881 remainder of the term.

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

884 (b) The council shall meet at the call of the chair, upon  
885 the request of a majority of its membership, or upon the request  
886 of the Commissioner of Agriculture.

887 (c) In conducting its meetings, the council shall use  
888 accepted rules of procedure. The department shall keep a  
889 complete record of each meeting, which must show the names of  
890 the members present and actions taken. The department shall keep  
891 the records of the council.

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

895 (5) The department shall provide administrative and staff  
896 support for the council.



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897           (6) The council may review any rules adopted by the  
898 department pursuant to this part and may advise the department  
899 on matters relating to advancements in industry standards,  
900 practices, and other issues that require technical expertise and  
901 consultation or that promote consumer protection in the  
902 locksmith services industry.

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