

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 | specifying certain prohibited acts relating to the
45 | operation of a locksmith services business; providing
46 | civil penalties and remedies; providing administrative
47 | remedies and penalties; providing that a violation of the
48 | act is a deceptive and unfair trade practice; providing
49 | criminal penalties; requiring the department to adopt
50 | rules; providing for the deposit and use of certain funds;
51 | preempting to the state the regulation of locksmith
52 | services, locksmiths, and locksmith services businesses;
53 | prohibiting the issuance or renewal of local business tax
54 | receipts to locksmith services businesses except under
55 | certain circumstances; creating the Florida Locksmith
56 | Services Advisory Council within the department; providing

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

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

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

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PART XII

69

LOCKSMITH SERVICES

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

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"Florida Locksmith Services Act."

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559.942 Findings and purpose.—The Legislature finds that:

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

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secure, and protect persons and property.

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(2) Locksmiths must be trained in regulations and laws

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

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the federal Americans with Disabilities Act, the Florida

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

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

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

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built-in security systems.

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

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licensing and regulation of locksmith services businesses in

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this state which are necessary to protect the public from the

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

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

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

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

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

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

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

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

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

113 licensed under this part.

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

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

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

132 (11) "Locksmith services" means:

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

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

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

139 (d) Creating, documenting, selling, installing, managing,
140 and servicing master key systems.

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

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

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

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

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

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

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

165 (15) "Motor vehicle" has the same meaning as in s.
 166 559.903(5).

167 559.944 Application of part; exemptions.—This part does
 168 not apply to:

169 (1) A law enforcement officer, firefighter or voluntary
170 firefighter, emergency medical technician or paramedic, or other
171 government employee or agent who, in his or her official line of
172 duty, performs locksmith services in an emergency situation in
173 which the life of a person, livestock, or an animal generally
174 regarded as a pet is endangered.

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

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

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

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

185 (6) A property owner or agent of a property owner who
186 maintains a file of key cutting data for a master key system on
187 the property.

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

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

196 (9) Building trades personnel who:

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

199 (b) Install locks or locking devices for home repair or
 200 improvement, if the locks are designed for installation by the
 201 customer and such home repair or improvement is part of a larger
 202 repair or replacement project.

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

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

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

215 599.945 Locksmith services business; licensure.-

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

225 following:

226 (a) The full legal name and mailing address of the
 227 applicant.

228 (b) Each name under which the applicant does business in
 229 this state and, if the applicant is doing business under a
 230 fictitious name, the date on which the applicant registered the
 231 fictitious name with the Department of State.

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

238 (d) If the applicant is not a natural person, a statement
 239 of:

240 1. The applicant's type of business entity, such as a
 241 corporation, partnership, or other limited liability
 242 corporation.

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

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

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

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

253 1. Each locksmith, automotive-only locksmith, and
254 apprentice locksmith who performs locksmith services on behalf
255 of the applicant.

256 2. Each officer and director of the corporation, their
257 official positions, and corporate offices, if the applicant is a
258 corporation.

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

261 4. Each managing member, if the applicant is a limited
262 liability corporation.

263 5. The owner of the applicant, if the applicant is a
264 proprietorship.

265 6. The applicant's registered agent for service of process
266 in this state.

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

269 (2) Each application must be accompanied by:

270 (a) Payment of a nonrefundable biennial license fee,
271 calculated as follows:

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

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

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

279

280 If the department determines that the biennial license fees

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

285 (b) Proof of liability insurance coverage as required in
286 s. 559.95.

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

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

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

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

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

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

319 559.946 Locksmith services businesses; fingerprinting and
320 background screening; disqualification.—

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

337 determine whether the person is disqualified under subsection
338 (2).

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

346 (2) (a) A person required to undergo background screening
347 pursuant to this section must not have been convicted or
348 incarcerated as a result of having been convicted of a crime
349 involving trespass, burglary, theft, larceny, dealing in stolen
350 property, receiving stolen property, embezzlement, obtaining
351 property by false pretenses, possession of altered property, or
352 any other fraudulent or dishonest dealing within the previous 10
353 years.

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

356 1. Any felony committed more than 3 years before the date
357 of disqualification.

358 2. Any misdemeanor.

359 3. Any misdemeanor or noncriminal offense that was a
360 felony when it was committed.

361 (c) In order for the department to grant an exemption, the
362 disqualified person must demonstrate by clear and convincing
363 evidence that he or she should not be disqualified. A
364 disqualified person seeking an exemption has the burden of

365 setting forth sufficient evidence of rehabilitation, including,
366 but not limited to, the circumstances surrounding the criminal
367 incident for which an exemption is sought, the time period that
368 has elapsed since the incident, the nature of the harm caused to
369 the victim, and the history of the disqualified person since the
370 incident, or any other evidence or circumstances indicating that
371 the disqualified person will not present a danger to the public
372 if an exemption is granted.

373 (3) (a) All fingerprints submitted to the Department of Law
374 Enforcement as required by this section shall be retained by the
375 Department of Law Enforcement in a manner provided by rule and
376 entered in the statewide automated fingerprint identification
377 system authorized by s. 943.05(2) (b). The fingerprints shall
378 thereafter be available for all purposes and uses authorized for
379 arrest fingerprints entered in the statewide automated
380 fingerprint identification system pursuant to s. 943.051.

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

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

407 (4) Before expiration of the time limit in s. 120.60 for
408 approving an application, if the department does not receive
409 criminal justice information for any person listed in s.
410 559.945(1)(f), or receives criminal justice information that
411 includes a crime that may disqualify the person but does not
412 include a final disposition of the crime, the time limit in s.
413 120.60 for approving the application is extended until the
414 department receives final disposition of the crime or proof of
415 restoration of civil rights.

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

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

421 (b) Employed by a licensee or applicant for a license
 422 under this part.

423 559.947 Licensure by endorsement.—

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

429 (a) Meets the qualifications for licensure in s. 559.945;
 430 or

431 (b) Holds a valid locksmith services business license, or
 432 the equivalent thereof, issued by another state, territory, or
 433 possession of the United States, the District of Columbia, or
 434 the Commonwealth of Puerto Rico with which the department has
 435 established reciprocity.

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

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

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

448 559.948 License renewal.—Each locksmith services business

449 license must be renewed biennially on or before the license's
 450 expiration date. To apply for renewal of a license, the licensee
 451 must submit each of the following to the department:

452 (1) A renewal application in the format prescribed by the
 453 department that includes the information required for initial
 454 licensure in s. 559.945(1).

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

457 (3) Proof of liability insurance coverage as required in
 458 s. 559.95.

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

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

466 559.949 Denial, suspension, revocation, or refusal to
 467 renew license.—The department may deny, suspend, revoke, or
 468 refuse to renew the license of a locksmith services business
 469 based upon a determination that the locksmith services business
 470 or any person listed in s. 559.945(1) (f) :

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

473 (2) Is disqualified based upon background screening
 474 pursuant to s. 559.946(2);

475 (3) Failed to satisfy a civil penalty, administrative
 476 fine, or other penalty arising out of an administrative or

477 enforcement action brought by any governmental agency;

478 (4) Received any civil, criminal, or administrative
 479 adjudication in any jurisdiction; or

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

483 559.95 Liability insurance.—

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

489 (2) The insurance coverage must be issued by an insurance
 490 company or carrier licensed to transact business in this state
 491 under the Florida Insurance Code. The department shall require a
 492 locksmith services business to present a policy or certificate
 493 of insurance of the required coverage before issuance or renewal
 494 of a license. The department shall be named as a
 495 certificateholder in the policy or certificate and must be
 496 notified at least 30 days before any changes in insurance
 497 coverage.

498 (3) If a locksmith services business does not maintain the
 499 required insurance coverage, the department may immediately
 500 suspend the business's license or eligibility for licensure and
 501 the business shall immediately cease operating as a locksmith
 502 services business. In addition, notwithstanding the availability
 503 of administrative relief under chapter 120, the department may
 504 seek an immediate injunction in the circuit court of the county

505 in which the business is located that prohibits the locksmith
 506 services business from operating until the business complies
 507 with this section and imposes a civil penalty not to exceed
 508 \$10,000 and reasonable court costs.

509 559.951 Locksmiths; apprentice locksmiths; photo
 510 identification cards; display of license and license number.-

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

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

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

523 (c) Apprentice locksmith.-An apprentice locksmith must be
 524 15 years of age or older and complete a minimum of 16 hours of
 525 training, including training in industry ethics, the federal
 526 Americans with Disabilities Act, the Florida Building Code, the
 527 Florida Fire Prevention Code, and the Life Safety Code. An
 528 apprentice locksmith may perform locksmith services only under
 529 the direct and continuous supervision of a locksmith or
 530 automotive-only locksmith. An apprentice locksmith may not
 531 perform or contract to perform locksmith services without the
 532 express approval of his or her supervising locksmith. The

533 supervising locksmith is responsible for any violation of this
534 part committed by the apprentice locksmith.

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

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

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

549 (a) Two copies of a photograph taken of the locksmith,
550 automotive-only locksmith, or apprentice locksmith within 10
551 days after the date that he or she begins to perform locksmith
552 services on behalf of the licensee. One copy shall be used for
553 the locksmith's or apprentice's photo identification card. The
554 second copy shall be retained in his or her personnel record.
555 Both copies of the photograph shall be replaced with a current
556 photograph at least once every 2 calendar years.

557 (b) An affidavit of the locksmith's, automotive-only
558 locksmith's, or apprentice locksmith's criminal history, if any,
559 and the results of the background screening conducted pursuant
560 to s. 559.946.

561 (c) Documentation provided by the locksmith services
562 business that demonstrates completion of the training required
563 in subsections (1) and (2).

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

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

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

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

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

579 (5) A locksmith services business must display a copy of
580 its locksmith services business license at each business
581 location in a manner easily readable by the general public. A
582 mobile locksmith services business shall keep a copy of the
583 license in each service vehicle for immediate presentation to
584 any law enforcement officer, state or local official, or member
585 of the general public upon request.

586 (6) Each advertisement or other form of advertising, each
587 service vehicle, and each work order, invoice, sales receipt, or
588 other business form of a licensee must include the license

589 number and name of the locksmith services business as they
 590 appear on the license issued by the department.

591 559.952 Acceptable forms of payment; locksmith services
 592 business records.-

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

595 (a) Cash, cashier's check, money order, or traveler's
 596 check;

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

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

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

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

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

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

614 559.953 Prohibited acts.-

615 (1) A person may not:

616 (a) Perform or offer to perform locksmith services without

617 having or acting under a valid license issued by the department
618 under this part.

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

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

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

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

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

630 (c) Fail or refuse, after notice, to provide any law
631 enforcement officer or the department with any document or
632 record or disclose any information required to be produced or
633 disclosed.

634 (d) Employ or contract with any person disqualified under
635 s. 559.946 to perform locksmith services on behalf of the
636 licensee.

637 (e) Submit to the department the fingerprints of a person
638 other than the person for whom fingerprints must be submitted
639 pursuant to s. 559.946 or fail to submit replacement
640 fingerprints for a locksmith or apprentice locksmith whose
641 original fingerprint submissions are returned to the department
642 as unclassifiable by the screening agency.

643 (f) Use a mailing address, registration facility, drop
644 box, or answering service in the promotion, advertisement,

645 solicitation, or sale of locksmith services, unless the street
 646 address of the licensed business location is clearly disclosed
 647 during any telephone solicitation and is prominently and
 648 conspicuously disclosed in all advertisements and on the work
 649 orders, invoices, and sales receipts.

650 (g) Operate as a locksmith services business at a business
 651 location other than the location that appears on the license
 652 issued by the department.

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

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

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

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

664 (l) Violate this part or any rule adopted or order issued
 665 under this part.

666 559.954 Civil penalties; remedies.—

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

672 (2) (a) The department may bring an action in a court of

673 competent jurisdiction to recover any penalties or damages
 674 authorized in this part and for injunctive relief to enforce
 675 this part.

676 (b) The department may seek a civil penalty of up to
 677 \$10,000 for each violation of this part.

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

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

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

685 559.955 Administrative remedies; penalties.—

686 (1) The department shall process a consumer complaint
 687 against a locksmith services business in the manner described in
 688 ss. 570.07 and 570.544.

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

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

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

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

703 (c) Directing that the locksmith services business cease
 704 and desist specified activities.

705 (d) Refusing to issue or renew, suspending, or revoking a
 706 license.

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

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

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

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

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

729 services business that opens for operation without a license or
730 opens for operation as a locksmith services business while its
731 license is suspended or revoked, commits a misdemeanor of the
732 second degree, punishable as provided in s. 775.082 or s.
733 775.083.

734 (c) A criminal penalty imposed under this subsection shall
735 be in addition to any administrative sanction imposed by the
736 department under subsection (3).

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

741 559.957 Criminal penalties.—A person who violates s.
742 559.953 commits a misdemeanor of the first degree, punishable as
743 provided in s. 775.082 or s. 775.083.

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

748 (1) Requirements and procedures for the licensure of
749 locksmith services businesses.

750 (2) Requirements and procedures for the fingerprinting and
751 background screening of persons listed in s. 559.945(1)(f) for
752 criminal justice information.

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

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

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

764 (6) Methods of obtaining and renewing photographs for
 765 photo identification.

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

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

772 559.96 Preemption; local business tax receipts.—

773 (1) Effective July 1, 2011, this part preempts any local
 774 act, law, ordinance, or regulation of a county or municipality
 775 that relates to locksmith services, locksmiths, or locksmith
 776 services businesses.

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

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

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

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

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

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

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

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

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

802

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

810 (2) Members shall be appointed for 4-year terms and must
811 be geographically representative of the state. A member whose
812 term expires shall continue to serve until his or her successor

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813 is appointed. A vacancy occurring before the expiration of a
814 member's term shall be filled by the commissioner for the
815 remainder of the term.

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

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

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

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

829 (5) The department shall provide administrative and staff
830 support for the council.

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

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