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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/17/2010	.	
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The Committee on Commerce (Crist) recommended the following:

Senate Amendment

Delete everything after the enacting clause
and insert:

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

PART XII

LOCKSMITH SERVICES

559.941 Short title.—This part may be cited as the "Florida
Locksmith Services Act."



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14 559.942 Findings and purpose.—The Legislature finds that:

15 (1) Locksmiths operate in the public trust to service,
16 secure, and protect persons and property.

17 (2) Locksmiths must be trained in regulations and laws
18 applicable to their profession, including, but not limited to,
19 the federal Americans with Disabilities Act, the Florida
20 Building Code, the Florida Fire Prevention Code, and the Life
21 Safety Code, and must be trained in the proper installation and
22 maintenance of security devices, motor vehicle locks, keys, and
23 built-in security systems.

24 (3) The purpose of this part is to provide for the
25 licensing and regulation of locksmith services businesses in
26 this state which are necessary to protect the public from the
27 misuse of locksmithing knowledge, supplies, manuals, and
28 equipment that threaten public safety and security.

29 559.943 Definitions.—As used in this part, the term:

30 (1) "Advertise" means to advise, announce, give notice of,
31 publish, or call attention to by use of oral, written, or
32 graphic statement made in a newspaper or other publication or on
33 radio or television; made in any other electronic medium;
34 contained in any notice, handbill, sign, including signage on
35 any vehicle, flyer, catalog, or letter; or printed on or
36 contained in any tag or label attached to or accompanying any
37 good.

38 (2) "Apprentice locksmith" means a natural person who
39 performs locksmith services on behalf of a locksmith services
40 business under the direct and continuous supervision of a
41 locksmith.

42 (3) "Automotive-only locksmith" means a locksmith who



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43 performs only those locksmith services relating to motor
44 vehicles as described in paragraphs (11)(e)-(g) on behalf of a
45 locksmith services business.

46 (4) "Business location" means a physical location where a
47 licensee operates a locksmith services business or, if the
48 licensee is a mobile locksmith services business, the physical
49 location where the licensee's records are kept.

50 (5) "Department" means the Department of Agriculture and
51 Consumer Services.

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

54 (7) "Licensee" means a locksmith services business licensed
55 under this part.

56 (8) "Lock" means a mechanical, electromechanical,
57 electronic, or electromagnetic device or system, including, but
58 not limited to, any peripheral hardware, such as a closed-
59 circuit television system, wireless or infrared transmitter,
60 card reader, keypad, or biometric scanner, which is designed to
61 control access to and egress from a door, gate, safe, vault,
62 safe-deposit box, motor vehicle, or other enclosure or which is
63 designed to control the use of such an enclosure.

64 (9) "Locksmith" means a natural person who performs any
65 locksmith services on behalf of a locksmith services business.
66 The term includes an automotive-only locksmith but does not
67 include a person whose activities are limited to making
68 duplicate keys.

69 (10) "Locksmith referral service" means the advertisement
70 of locksmith services in this state by a person who does not
71 perform the locksmith services but who subcontracts with, or



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72 refers the customer to, another locksmith services business for
73 the performance of the locksmith services.

74 (11) "Locksmith services" means:

75 (a) Selling, installing, servicing, repairing, repinning,
76 recombinating, and adjusting locks, safes, vaults, or safe-
77 deposit boxes.

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

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

81 (d) Creating, documenting, selling, installing, managing,
82 and servicing master key systems.

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

85 (f) Originating keys for motor vehicles, which includes, if
86 necessary, the programming, reprogramming, or bypassing of any
87 security, transponder, or immobilizer systems or subsequent
88 technology built in by the manufacturer.

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

90
91 The term does not include contracting as defined in s. 489.505
92 for which a registration or certification is required under part
93 II of chapter 489.

94 (12) "Locksmith services business" means a person who
95 performs or offers to perform locksmith services for
96 compensation, advertises or represents himself or herself as a
97 locksmith services business, or operates a locksmith referral
98 service in this state.

99 (13) "Master key system" means a system of locks in which a
100 lock is keyed so that it can be operated by its own individual



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101 key as well as by a key that operates other locks in the system
102 which are also keyed to their own individual keys.

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

106 (15) "Motor vehicle" has the same meaning as in s.
107 559.903(5).

108 559.944 Application of part; exemptions.—This part does not
109 apply to:

110 (1) A law enforcement officer, firefighter or voluntary
111 firefighter, emergency medical technician or paramedic, or other
112 government employee or agent who, in his or her official line of
113 duty, performs locksmith services in an emergency situation in
114 which the life of a person, livestock, or an animal generally
115 regarded as a pet is endangered.

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

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

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

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

126 (6) A property owner or agent of a property owner who
127 maintains a file of key cutting data for a master key system on
128 the property.

129 (7) An employee of a financial institution as defined in s.



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130 655.005 who provides safe, safe-deposit box, or vault services
131 at the financial institution.

132 (8) A motor vehicle dealer as defined in s. 320.27, a motor
133 vehicle repair shop as defined in s. 559.903, or a lock
134 manufacturer or agent of a lock manufacturer who services,
135 installs, repairs, or rebuilds motor vehicle locks or originates
136 and duplicates motor vehicle keys.

137 (9) Building trades personnel who:

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

140 (b) Install locks or locking devices for home repair or
141 improvement, if the locks are designed for installation by the
142 customer and such home repair or improvement is part of a larger
143 repair or replacement project.

144 (10) A wrecker operator as defined in s. 1.01(15) who
145 possesses or uses car-opening tools as described in s.
146 559.953(2) (b) which are necessary to unlock vehicles, if the
147 wrecker operator does not advertise locksmith services or
148 otherwise advertise himself or herself as a locksmith.

149 (11) An automobile club as defined in s. 627.8405(1) when
150 towing a motor vehicle for a club member or assisting a club
151 member in entering a locked motor vehicle.

152 (12) A hardware store, do-it-yourself home product store,
153 or other retail store that sells locks and safes that are
154 designed for use and installation by the customer without
155 professional assistance.

156 559.945 Locksmith services business; licensure.—

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



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159 herself as a locksmith services business, or operate a locksmith
160 referral service in this state unless the person is licensed
161 under this part. However, a locksmith or apprentice locksmith
162 performing locksmith services on behalf of a licensee is not
163 required to obtain a separate license. An application for
164 licensure must be submitted to the department in the format
165 prescribed by the department and must include, at a minimum, the
166 following:

167 (a) The full legal name and mailing address of the
168 applicant.

169 (b) Each name under which the applicant does business in
170 this state and, if the applicant is doing business under a
171 fictitious name, the date on which the applicant registered the
172 fictitious name with the Department of State.

173 (c) The mailing address, street address, and telephone
174 number of the applicant's principal business location and, if
175 the applicant performs locksmith services or operates a
176 locksmith referral service at more than one business location,
177 the mailing address, street address, and telephone number of
178 each additional business location.

179 (d) If the applicant is not a natural person, a statement
180 of:

181 1. The applicant's type of business entity, such as a
182 corporation, partnership, or other limited liability
183 corporation.

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

185 3. Whether the applicant is a foreign or domestic business
186 entity, the state and date of incorporation, the charter number,
187 and the date that the applicant first registered with the



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188 Department of State to do business in the state.

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

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

194 1. Each locksmith, automotive-only locksmith, and
195 apprentice locksmith who performs locksmith services on behalf
196 of the applicant.

197 2. Each officer and director of the corporation, their
198 official positions, and corporate offices, if the applicant is a
199 corporation.

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

201 4. Each managing member, if the applicant is a limited
202 liability corporation.

203 5. The owner of the applicant, if the applicant is a
204 proprietorship.

205 6. The applicant's registered agent for service of process
206 in this state.

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

209 (2) Each application must be accompanied by:

210 (a) Payment of a nonrefundable biennial license fee,
211 calculated as follows:

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

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

216 3. If the applicant operates a locksmith referral service



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217 but does not employ any locksmiths, an amount not to exceed
218 \$800.

219
220 If the department determines that the biennial license fees
221 established under this subsection for an initial or renewal
222 application impose a significant financial hardship upon the
223 applicant, the department may waive or reduce the fees to the
224 amount necessary to alleviate the hardship.

225 (b) Proof of liability insurance coverage as required in s.
226 559.95.

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

232 (3)(a) The department shall issue a license to each
233 applicant in the format prescribed by the department in
234 accordance with s. 120.60. The license must show at least the
235 name, the street address of each business location listed in the
236 application pursuant to paragraph (1)(c), and the license number
237 of the locksmith services business. If the applicant is a mobile
238 locksmith services business, the license must show the residence
239 address of the owner, if different than the street address of
240 the business location where the applicant's records are kept.

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

244 (c) A locksmith services business license is valid for 2
245 years from the date of issuance. To provide for the biennial



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246 renewal of licenses under s. 559.948, the department may adopt
247 rules to stagger the license expiration dates over a 2-year
248 period.

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

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

259 559.946 Locksmith services businesses; fingerprinting and
260 background screening; disqualification.—

261 (1) (a) Each person listed in s. 559.945(1) (f) must be
262 fingerprinted and undergo background screening for criminal
263 justice information as defined in s. 943.045. The department
264 shall submit each set of fingerprints to the Department of Law
265 Enforcement for statewide criminal records checks, and the
266 Department of Law Enforcement shall forward the fingerprints to
267 the Federal Bureau of Investigation for federal criminal records
268 checks. The cost of the fingerprint processing and criminal
269 records checks shall be borne by the locksmith services business
270 or the person required to be fingerprinted and shall be paid to
271 the department. The Department of Law Enforcement shall submit a
272 monthly invoice to the department for the fingerprint processing
273 and criminal records checks performed during the month, and the
274 department shall pay the invoice from the fees collected. The



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275 results of the criminal records checks shall be returned to the
276 department, and the department shall screen the results to
277 determine whether the person is disqualified under subsection
278 (2).

279 (b) If a legible set of fingerprints, as determined by the
280 Department of Law Enforcement or the Federal Bureau of
281 Investigation, cannot be obtained after two attempts, the
282 department shall determine whether the person is disqualified
283 based upon criminal records checks under the person's name
284 conducted by the Department of Law Enforcement and the Federal
285 Bureau of Investigation.

286 (2) (a) A person required to undergo background screening
287 pursuant to this section must not have been convicted of a crime
288 involving trespass, burglary, theft, larceny, dealing in stolen
289 property, receiving stolen property, embezzlement, obtaining
290 property by false pretenses, possession of altered property, or
291 any other fraudulent or dishonest dealing within the previous 10
292 years.

293 (b) The department may grant a person disqualified under
294 paragraph (a) an exemption from disqualification for conviction
295 of:

296 1. Any felony committed more than 3 years before the date
297 of disqualification.

298 2. Any misdemeanor.

299 (c) In order for the department to grant an exemption, the
300 disqualified person must demonstrate by clear and convincing
301 evidence of rehabilitation, including, but not limited to, the
302 circumstances surrounding the criminal incident for which an
303 exemption is sought, the time period that has elapsed since the



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304 incident, the nature of the harm caused to the victim, and the
305 history of the disqualified person since the incident, or any
306 other evidence or circumstances indicating that the disqualified
307 person will not present a danger to the public if an exemption
308 is granted.

309 (3) (a) All fingerprints shall be submitted electronically
310 to the Department of Law Enforcement, as required by this
311 section, and shall be retained by the Department of Law
312 Enforcement in a manner provided by rule and entered in the
313 statewide automated fingerprint identification system authorized
314 by s. 943.05(2) (b). The fingerprints shall thereafter be
315 available for all purposes and uses authorized for arrest
316 fingerprints entered in the statewide automated fingerprint
317 identification system pursuant to s. 943.051.

318 (b) The Department of Law Enforcement shall search all
319 arrest fingerprints received under s. 943.051 against the
320 fingerprints retained in the statewide automated fingerprint
321 identification system under paragraph (a). Any arrest record
322 that is identified with the retained fingerprints of a person
323 subject to background screening under this section shall be
324 reported to the department. Each locksmith services business
325 must participate in the search process by notifying the
326 department of any change in a person's status as a person listed
327 s. 559.945(1) (f) if, as a result of the change, the person's
328 fingerprints are no longer required to be retained under
329 paragraph (a).

330 (c) Each licensee shall pay to the department a fee for the
331 cost of retaining the fingerprints and performing the ongoing
332 searches of arrest records under paragraph (b). The Department



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333 of Law Enforcement shall submit an invoice to the department for
334 the fingerprints retained and searches performed, and the
335 department shall pay the invoice from the fees collected. The
336 Department of Law Enforcement shall adopt rules establishing the
337 amount of the fee and procedures for retaining the fingerprints,
338 performing the searches, and disseminating the search results.
339 The department shall notify the Department of Law Enforcement of
340 any change in a person's status as a person listed in s.
341 559.945(1)(f) if, as a result of the change, the person's
342 fingerprints are no longer required to be retained under
343 paragraph (a).

344 (4) Before expiration of the time limit in s. 120.60 for
345 approving an application, if the department does not receive
346 criminal justice information for any person listed in s.
347 559.945(1)(f), or receives criminal justice information that
348 includes a crime that may disqualify the person but does not
349 include a final disposition of the crime, the time limit in s.
350 120.60 for approving the application is extended until the
351 department receives final disposition of the crime or proof of
352 restoration of civil rights. However, an applicant may only
353 operate as an apprentice locksmith until the applicant's case
354 disposition or proof of restoration of the applicant's civil
355 rights are received by the department.

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

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

360 or

361 (b) Employed by a licensee or applicant for a license under



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362 this part.

363 559.947 Licensure by endorsement.—

364 (1) A person may be licensed as a locksmith services
365 business in this state upon applying to the department,
366 remitting the nonrefundable biennial license fee calculated as
367 required in s. 559.945(2)(a), and demonstrating to the
368 department that the applicant:

369 (a) Meets the qualifications for licensure in s. 559.945;
370 or

371 (b) Holds a valid locksmith services business license, or
372 the equivalent thereof, issued by another state, territory, or
373 possession of the United States, the District of Columbia, or
374 the Commonwealth of Puerto Rico with which the department has
375 established reciprocity.

376 (2) The department may establish reciprocity with other
377 states, territories, or possessions of the United States, the
378 District of Columbia, or the Commonwealth of Puerto Rico and may
379 adopt criteria for establishing reciprocity, subject to the
380 following:

381 (a) The licensing requirements of the other state,
382 territory, or possession must substantially meet or exceed the
383 requirements of s. 559.945.

384 (b) The other state, territory, or possession must issue a
385 license, or the equivalent thereof, to a locksmith services
386 business that is licensed in this state and seeks to do business
387 in the other state, territory, or possession.

388 559.948 License renewal.—Each locksmith services business
389 license must be renewed biennially on or before the license's
390 expiration date. To apply for renewal of a license, the licensee



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391 must submit each of the following to the department:

392 (1) A renewal application in the format prescribed by the
393 department which includes the information required for initial
394 licensure in s. 559.945(1).

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

397 (3) Proof of liability insurance coverage as required in s.
398 559.95.

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

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

406 559.949 Denial, suspension, revocation, or refusal to renew
407 license.—The department may deny, suspend, revoke, or refuse to
408 renew the license of a locksmith services business based upon a
409 determination that the locksmith services business or any person
410 listed in s. 559.945(1) (f):

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

413 (2) Is disqualified based upon background screening
414 pursuant to s. 559.946(2);

415 (3) Received any civil, criminal, or administrative
416 adjudication in any jurisdiction; or

417 (4) Has had a judgment entered against the business or
418 person in any action brought under the Florida Deceptive and
419 Unfair Trade Practices Act in part II of chapter 501.



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420 559.95 Liability insurance.-

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

426 (2) The insurance coverage must be issued by an insurance
427 company or carrier licensed to transact business in this state
428 under the Florida Insurance Code. The department shall require a
429 locksmith services business to present a policy or certificate
430 of insurance of the required coverage before issuance or renewal
431 of a license. The department shall be named as a
432 certificateholder in the policy or certificate and must be
433 notified at least 30 days before any changes in insurance
434 coverage.

435 (3) If a locksmith services business does not maintain the
436 required insurance coverage, the department may immediately
437 suspend the business's license or eligibility for licensure and
438 the business shall immediately cease operating as a locksmith
439 services business. In addition, notwithstanding the availability
440 of administrative relief under chapter 120, the department may
441 seek an immediate injunction in the circuit court of the county
442 in which the business is located which prohibits the locksmith
443 services business from operating until the business complies
444 with this section and imposes a civil penalty not to exceed
445 \$10,000 and reasonable court costs.

446 559.951 Locksmiths; apprentice locksmiths; photo
447 identification cards; display of license and license number.-

448 (1) A person may not perform locksmith services on behalf



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449 of a locksmith services business unless the person is the
450 licensee or one of the following:

451 (a) Locksmith.—Except as provided in paragraph (b) for an
452 automotive-only locksmith, a locksmith must be 18 years of age
453 or older and complete 16 hours of training, including training
454 in industry ethics, the federal Americans with Disabilities Act,
455 the Florida Building Code, the Florida Fire Prevention Code, and
456 the Life Safety Code, as they apply to locksmith services.

457 (b) Automotive-only locksmith.—An automotive-only locksmith
458 must be 18 years of age or older and complete a training course
459 in industry ethics.

460 (c) Apprentice locksmith.—An apprentice locksmith must be
461 15 years of age or older and complete a minimum of 16 hours of
462 training, including training in industry ethics, the federal
463 Americans with Disabilities Act, the Florida Building Code, the
464 Florida Fire Prevention Code, and the Life Safety Code, as they
465 apply to locksmith services. An apprentice locksmith may perform
466 locksmith services only under the direct and continuous
467 supervision of a locksmith or automotive-only locksmith. An
468 apprentice locksmith may not perform or contract to perform
469 locksmith services without the express approval of his or her
470 supervising locksmith. The supervising locksmith is responsible
471 for any violation of this part committed by the apprentice
472 locksmith.

473 (2) (a) Except as provided in paragraph (b) for an
474 automotive-only locksmith, a locksmith must complete at least 16
475 hours of training every 2 years, including training on the
476 federal Americans with Disabilities Act, the Florida Building
477 Code, the Florida Fire Prevention Code, and the Life Safety



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478 Code, as they apply to locksmith services.

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

483 (3) Each locksmith services business must maintain a
484 personnel record of each locksmith, automotive-only locksmith,
485 and apprentice locksmith who performs locksmith services on
486 behalf of the licensee. The personnel record must include:

487 (a) Two copies of a photograph taken of the locksmith,
488 automotive-only locksmith, or apprentice locksmith within 10
489 days after the date that he or she begins to perform locksmith
490 services on behalf of the licensee. One copy shall be used for
491 the locksmith's or apprentice's photo identification card. The
492 second copy shall be retained in his or her personnel record.
493 Both copies of the photograph shall be replaced with a current
494 photograph at least once every 2 calendar years.

495 (b) An affidavit of the locksmith's, automotive-only
496 locksmith's, or apprentice locksmith's criminal history, if any.

497 (c) Documentation provided by the locksmith services
498 business which demonstrates completion of the training required
499 in subsections (1) and (2).

500 (4) Each locksmith services business shall issue a photo
501 identification card to each locksmith, automotive-only
502 locksmith, and apprentice locksmith performing locksmith
503 services on behalf of the licensee. A photo identification card
504 must contain the name and photograph of the locksmith or
505 apprentice, the name of the locksmith services business, and the
506 license number. The photo identification card must also include:



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

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

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

511
512 Each locksmith, automotive-only locksmith, and apprentice
513 locksmith must display the photo identification card on his or
514 her person at all times while performing locksmith services.

515 (5) A locksmith services business must display a copy of
516 its locksmith services business license at each business
517 location in a manner easily readable by the general public. A
518 mobile locksmith services business shall keep a copy of the
519 license in each service vehicle for immediate presentation upon
520 request by a law enforcement officer, state or local official,
521 or member of the general public.

522 (6) Each advertisement or other form of advertising, each
523 service vehicle, and each work order, invoice, sales receipt, or
524 other business form of a licensee must include the license
525 number and name of the locksmith services business as they
526 appear on the license issued by the department.

527 559.952 Acceptable forms of payment; locksmith services
528 business records.-

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

531 (a) Cash, cashier's check, money order, or traveler's
532 check;

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



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

538 (2) A locksmith services business shall clearly and
539 conspicuously disclose to the person requesting locksmith
540 services in a work order, invoice, or sales receipt the methods
541 of payment that the locksmith services business accepts.

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

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

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

550 559.953 Prohibited acts.—

551 (1) A person may not:

552 (a) Perform or offer to perform locksmith services without
553 having or acting under a valid license issued by the department
554 under this part.

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

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

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

562 (a) Require a consumer to waive his or her rights provided
563 in this part as a precondition to the performance of locksmith
564 services.



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565 (b) Fail or refuse, after notice, to provide any law
566 enforcement officer or the department with any document or
567 record or disclose any information required to be produced or
568 disclosed.

569 (c) Employ or contract with any person disqualified under
570 s. 559.946 to perform locksmith services on behalf of the
571 licensee.

572 (d) Submit to the department the fingerprints of a person
573 other than the person for whom fingerprints must be submitted
574 pursuant to s. 559.946 or fail to submit replacement
575 fingerprints for a locksmith or apprentice locksmith whose
576 original fingerprint submissions are returned to the department
577 as unclassifiable by the screening agency.

578 (e) Use a mailing address, registration facility, drop box,
579 or answering service in the promotion, advertisement,
580 solicitation, or sale of locksmith services, unless the street
581 address of the licensed business location is clearly disclosed
582 during any telephone solicitation and is prominently and
583 conspicuously disclosed in all advertisements and on the work
584 orders, invoices, and sales receipts.

585 (f) Operate as a locksmith services business at a business
586 location other than the location that appears on the license
587 issued by the department.

588 (g) Make a false statement in response to a request or
589 investigation by the department, the Department of Legal
590 Affairs, a law enforcement officer, or a state attorney.

591 (h) Make a material false statement in an application,
592 document, or record required to be submitted or kept under this
593 part.



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594 (i) Commit any other act of fraud or misrepresentation or
595 fail to disclose a material fact.

596 (j) Disclose or permit the disclosure of any consumer
597 information without the consumer's written approval, except as
598 authorized by this part.

599 (k) Violate this part or any rule adopted or order issued
600 under this part.

601 559.954 Civil penalties; remedies.—

602 (1) A consumer injured by a violation of this part may
603 bring an action in the appropriate court for relief. The court
604 may award reasonable costs and attorney's fees to the prevailing
605 party. The consumer may also bring an action for injunctive
606 relief in the circuit court.

607 (2) (a) The department may bring an action in a court of
608 competent jurisdiction to recover any penalties or damages
609 authorized in this part and for injunctive relief to enforce
610 this part.

611 (b) The department may seek a civil penalty of up to
612 \$10,000 for each violation of this part.

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

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

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

620 559.955 Administrative remedies; penalties.—

621 (1) The department shall process a consumer complaint
622 against a locksmith services business in the manner described in



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623 ss. 570.07 and 570.544.

624 (2) A locksmith services business shall allow department
625 personnel to enter its business locations for purposes of
626 determining whether the license is current. If department
627 personnel are refused entry or access to the premises, the
628 department may seek injunctive relief in circuit court to
629 enforce this subsection.

630 (3) If the department determines that a locksmith services
631 business has violated, or is operating in violation of, this
632 part or any rules adopted or orders issued under this part, the
633 department may enter an order doing one or more of the
634 following:

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

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

638 (c) Directing that the locksmith services business cease
639 and desist specified activities.

640 (d) Refusing to issue or renew, suspending, or revoking a
641 license.

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

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

647 (5) In a final order imposing an administrative fine or
648 refusing to issue or renew, suspending, or revoking a license,
649 the department may assess against the sanctioned party the cost
650 of conducting the administrative proceedings, unless the
651 department determines that the offense was inadvertent or done



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652 in a good faith belief that the act or omission did not violate
653 a state law or rule. An assessment is limited to the reasonable
654 hourly rate of the hearing officer and the actual cost of
655 recording or transcribing the proceedings.

656 (6) (a) The department shall prominently post a "Closed by
657 Order of the Department" sign on a locksmith services business
658 whose license is suspended or revoked. The department shall also
659 post a sign on a locksmith services business that is judicially
660 or administratively determined to be operating without a
661 license.

662 (b) A person who defaces or removes the sign without
663 written authorization from the department, or a locksmith
664 services business that opens for operation without a license or
665 opens for operation as a locksmith services business while its
666 license is suspended or revoked, commits a misdemeanor of the
667 second degree, punishable as provided in s. 775.082 or s.
668 775.083.

669 (c) A criminal penalty imposed under this subsection shall
670 be in addition to any administrative sanction imposed by the
671 department under subsection (3).

672 559.956 Deceptive and unfair trade practices.—A person who
673 violates any provision of this part commits an unfair or
674 deceptive trade practice and is subject to the penalties and
675 remedies provided in part II of chapter 501.

676 559.957 Criminal penalties.—A person who violates s.
677 559.954 commits a misdemeanor of the first degree, punishable as
678 provided in s. 775.082 or s. 775.083.

679 559.958 Rulemaking authority.—The department shall adopt
680 rules pursuant to ss. 120.536(1) and 120.54 to administer this



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681 part. The rules shall include, but are not limited to, the
682 following:

683 (1) Requirements and procedures for the licensure of
684 locksmith services businesses.

685 (2) Requirements and procedures for the fingerprinting and
686 background screening of persons listed in s. 559.945(1)(f) for
687 criminal justice information.

688 (3) Forms required to implement this part, including
689 license applications, renewal applications, fingerprint
690 submissions, affidavits of criminal history, and photo
691 identification cards.

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

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

699 (6) Methods of obtaining and renewing photographs for photo
700 identification.

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

702 559.959 Deposit and use of revenues from fees, civil
703 penalties, and fines.—Any fees, civil penalties, administrative
704 fees, or other funds collected by the department pursuant to
705 this part shall be deposited in the General Inspection Trust
706 Fund and used to administer this part.

707 559.96 Preemption; local business tax receipts.—

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



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710 which relates to locksmith services, locksmiths, or locksmith
711 services businesses that do not meet or exceed the requirements
712 in this part.

713 (2) A county or municipality may not issue or renew a local
714 business tax receipt for a locksmith services business unless
715 the person applying for or renewing the local business tax
716 receipt exhibits a valid license issued by the department.

717 559.961 Florida Locksmith Services Advisory Council.—The
718 Florida Locksmith Services Advisory Council is created within
719 the department to advise and assist the department in carrying
720 out this part.

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

723 (a) Six industry members must be owners or employees of
724 locksmith services businesses licensed under this part, as
725 follows:

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

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

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

733 (c) One member must have private investigative, private
734 security, motor vehicle recovery, or law enforcement experience
735 or expertise.

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

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739 Each member must be a resident of the state. Each member, except
740 the consumer member, must have at least 3 years of experience
741 and be currently engaged in the profession. Initial industry
742 members must be owners or employees of locksmith services
743 businesses but, notwithstanding paragraph (a), the locksmith
744 services businesses of the initial members are not required to
745 be licensed.

746 (2) Members shall be appointed for 4-year terms and must be
747 geographically representative of the state. A member whose term
748 expires shall continue to serve until his or her successor is
749 appointed. A vacancy occurring before the expiration of a
750 member's term shall be filled by the commissioner for the
751 remainder of the term.

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

754 (b) The council shall meet at the call of the chair, upon
755 the request of a majority of its membership, or upon the request
756 of the Commissioner of Agriculture.

757 (c) In conducting its meetings, the council shall use
758 accepted rules of procedure. The department shall keep a
759 complete record of each meeting, which must show the names of
760 the members present and actions taken. The department shall keep
761 the records of the council.

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

765 (5) The department shall provide administrative and staff
766 support for the council.

767 (6) The council may review any rules adopted by the



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768 department pursuant to this part and may advise the department
769 on matters relating to advancements in industry standards,
770 practices, and other issues that require technical expertise and
771 consultation or that promote consumer protection in the
772 locksmith services industry.

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