

By Senator Crist

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

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

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59       locksmith services businesses except under certain  
60       circumstances; creating the Florida Locksmith Services  
61       Advisory Council within the department; providing  
62       membership and terms; providing operating procedures  
63       and duties; requiring the department to provide  
64       administrative and staff support; providing an  
65       effective date.

66  
67   Be It Enacted by the Legislature of the State of Florida:

68  
69       Section 1. Part XII of chapter 559, Florida Statutes,  
70       consisting of sections 559.941, 559.942, 559.943, 559.944,  
71       559.945, 559.946, 559.947, 559.948, 559.949, 559.95, 559.951,  
72       559.952, 559.953, 559.954, 559.955, 559.956, 559.957, 559.958,  
73       559.959, 559.96, 559.961, and 559.962, is created to read:

74                               PART XII

75                               LOCKSMITH SERVICES

76       559.941 Short title.—This part may be cited as the “Florida  
77 Locksmith Services Act.”

78       559.942 Findings and purpose.—The Legislature finds that:

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

81       (2) Locksmiths must be trained in regulations and laws  
82 applicable to their profession, including, but not limited to,  
83 the federal Americans with Disabilities Act, the Florida  
84 Building Code, the Florida Fire Prevention Code, and the Life  
85 Safety Code, and must be trained in the proper installation and  
86 maintenance of security devices, motor vehicle locks, keys, and  
87 built-in security systems.

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88       (3) The purpose of this part is to provide for the  
89 licensing and regulation of locksmith services businesses in  
90 this state which are necessary to protect the public from the  
91 misuse of locksmithing knowledge, supplies, manuals, and  
92 equipment that threaten public safety and security.

93       559.943 Definitions.—As used in this part, the term:

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

102       (2) "Apprentice locksmith" means a natural person who  
103 performs locksmith services on behalf of a locksmith services  
104 business under the direct and continuous supervision of a  
105 locksmith.

106       (3) "Automotive-only locksmith" means a locksmith who  
107 performs only those locksmith services relating to motor  
108 vehicles as described in paragraphs (11)(e)-(g) on behalf of a  
109 locksmith services business.

110       (4) "Business location" means a physical location where a  
111 licensee operates a locksmith services business or, if the  
112 licensee is a mobile locksmith services business, the physical  
113 location where the licensee's records are kept.

114       (5) "Department" means the Department of Agriculture and  
115 Consumer Services.

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

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117 copying or reproducing keys.

118 (7) "Licensee" means a locksmith services business licensed  
119 under this part.

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

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

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

138 (11) "Locksmith services" means:

139 (a) Selling, installing, servicing, repairing, repinning,  
140 recombinating, and adjusting locks, safes, vaults, or safe-  
141 deposit boxes.

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

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

145 (d) Creating, documenting, selling, installing, managing,

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146 and servicing master key systems.

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

149 (f) Originating keys for motor vehicles that includes, if  
150 necessary, the programming, reprogramming, or bypassing of any  
151 security, transponder, or immobilizer systems or subsequent  
152 technology built in by the manufacturer.

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

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

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

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

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

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

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175 (16) "Motor vehicle" has the same meaning as in s.  
176 559.903(5).

177 559.944 Application of part; exemptions.—This part does not  
178 apply to:

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

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

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

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

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

195 (6) A property owner or agent of a property owner who  
196 maintains a file of key cutting data for a master key system on  
197 the property.

198 (7) An employee of a financial institution as defined in s.  
199 655.005 who provides safe, safe-deposit box, or vault services  
200 at the financial institution.

201 (8) A motor vehicle dealer as defined in s. 320.27, a motor  
202 vehicle repair shop as defined in s. 559.903, or a lock  
203 manufacturer or agent of a lock manufacturer who services,

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204 installs, repairs, or rebuilds motor vehicle locks or originates  
205 and duplicates motor vehicle keys.

206 (9) Building trades personnel who:

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

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

213 (10) A wrecker operator as defined in s. 1.01(15) who  
214 possesses or uses car-opening tools as described in s.  
215 559.953(2) (b) which are necessary to unlock vehicles, if the  
216 wrecker operator does not advertise locksmith services or  
217 otherwise advertise himself or herself as a locksmith.

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

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

225 559.945 Locksmith services business; licensure.-

226 (1) A person may not perform or offer to perform locksmith  
227 services for compensation, advertise or represent himself or  
228 herself as a locksmith services business, or operate a locksmith  
229 referral service in this state unless the person is licensed  
230 under this part. However, a locksmith or apprentice locksmith  
231 performing locksmith services on behalf of a licensee is not  
232 required to obtain a separate license. An application for



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233 licensure must be submitted to the department in the format  
234 prescribed by the department and must include, at a minimum, the  
235 following:

236 (a) The full legal name and mailing address of the  
237 applicant.

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

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

248 (d) If the applicant is not a natural person, a statement  
249 of:

250 1. The applicant's type of business entity, such as a  
251 corporation, partnership, or other limited liability  
252 corporation.

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

254 3. Whether the applicant is a foreign or domestic business  
255 entity, the state and date of incorporation, the charter number,  
256 and the date that the applicant first registered with the  
257 Department of State to do business in the state.

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

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- 262 (f) The full name, address, and telephone number of:  
263 1. Each locksmith, automotive-only locksmith, and  
264 apprentice locksmith who performs locksmith services on behalf  
265 of the applicant.  
266 2. Each officer and director of the corporation, their  
267 official positions, and corporate offices, if the applicant is a  
268 corporation.  
269 3. Each general partner, if the applicant is a partnership.  
270 4. Each managing member, if the applicant is a limited  
271 liability corporation.  
272 5. The owner of the applicant, if the applicant is a  
273 proprietorship.  
274 6. The applicant's registered agent for service of process  
275 in this state.  
276 (g) The number of locksmiths that the applicant currently  
277 employs or intends to employ.  
278 (2) Each application must be accompanied by:  
279 (a) Payment of a nonrefundable biennial license fee,  
280 calculated as follows:  
281 1. If the applicant employs one to five locksmiths, an  
282 amount not to exceed \$800.  
283 2. If the applicant employs six or more locksmiths, an  
284 amount not to exceed \$1,600.  
285 3. If the applicant operates a locksmith referral service  
286 but does not employ any locksmiths, an amount not to exceed  
287 \$800.  
288  
289 If the department determines that the biennial license fees  
290 established under this subsection for an initial or renewal

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291 application impose a significant financial hardship upon the  
292 applicant, the department may waive or reduce the fees to the  
293 amount necessary to alleviate the hardship.

294 (b) Proof of liability insurance coverage as required in s.  
295 559.95.

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

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

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

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

318 (4) (a) A licensee must notify the department in writing at  
319 least 30 days before changing a locksmith services business

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320 location. The department shall issue to the licensee an amended  
321 license that shows the new business location.

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

328 559.946 Locksmith services businesses; fingerprinting and  
329 background screening; disqualification.-

330 (1) (a) Each person listed in s. 559.945(1) (f) must be  
331 fingerprinted and undergo background screening for criminal  
332 justice information as defined in s. 943.045. The department  
333 shall submit each set of fingerprints to the Department of Law  
334 Enforcement for statewide criminal records checks, and the  
335 Department of Law Enforcement shall forward the fingerprints to  
336 the Federal Bureau of Investigation for federal criminal records  
337 checks. The cost of the fingerprint processing and criminal  
338 records checks shall be borne by the locksmith services business  
339 or the person required to be fingerprinted and shall be paid to  
340 the department. The Department of Law Enforcement shall submit a  
341 monthly invoice to the department for the fingerprint processing  
342 and criminal records checks performed during the month, and the  
343 department shall pay the invoice from the fees collected. The  
344 results of the criminal records checks shall be returned to the  
345 department, and the department shall screen the results to  
346 determine whether the person is disqualified under subsection  
347 (2).

348 (b) If a legible set of fingerprints, as determined by the

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349 Department of Law Enforcement or the Federal Bureau of  
350 Investigation, cannot be obtained after two attempts, the  
351 department shall determine whether the person is disqualified  
352 based upon criminal records checks under the person's name  
353 conducted by the Department of Law Enforcement and the Federal  
354 Bureau of Investigation.

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

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

365 1. Any felony committed more than 3 years before the date  
366 of disqualification.

367 2. Any misdemeanor.

368 3. Any misdemeanor or noncriminal offense that was a felony  
369 when it was committed.

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

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378 the victim, and the history of the disqualified person since the  
379 incident, or any other evidence or circumstances indicating that  
380 the disqualified person will not present a danger to the public  
381 if an exemption is granted.

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

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

402 (c) Each licensee shall pay to the department a fee for the  
403 cost of retaining the fingerprints and performing the ongoing  
404 searches of arrest records under paragraph (b). The Department  
405 of Law Enforcement shall submit an invoice to the department for  
406 the fingerprints retained and searches performed, and the

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407 department shall pay the invoice from the fees collected. The  
408 Department of Law Enforcement shall adopt rules establishing the  
409 amount of the fee and procedures for retaining the fingerprints,  
410 performing the searches, and disseminating the search results.  
411 The department shall notify the Department of Law Enforcement of  
412 any change in a person's status as a person listed s.  
413 559.945(1)(f) if, as a result of the change, the person's  
414 fingerprints are no longer required to be retained under  
415 paragraph (a).

416 (4) Before expiration of the time limit in s. 120.60 for  
417 approving an application, if the department does not receive  
418 criminal justice information for any person listed in s.  
419 559.945(1)(f), or receives criminal justice information that  
420 includes a crime that may disqualify the person but does not  
421 include a final disposition of the crime, the time limit in s.  
422 120.60 for approving the application is extended until the  
423 department receives final disposition of the crime or proof of  
424 restoration of civil rights.

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

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

430 (b) Employed by a licensee or applicant for a license under  
431 this part.

432 559.947 Licensure by endorsement.—

433 (1) A person may be licensed as a locksmith services  
434 business in this state upon applying to the department,  
435 remitting the nonrefundable biennial license fee calculated as

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436 required in s. 559.945(2) (a), and demonstrating to the  
437 department that the applicant:

438 (a) Meets the qualifications for licensure in s. 559.945;  
439 or

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

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

450 (a) The licensing requirements of the other state,  
451 territory, or possession must substantially meet or exceed the  
452 requirements of s. 559.945.

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

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

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

464 (2) Payment of the nonrefundable biennial license fee,



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465 calculated as required in s. 559.945(2)(a).

466 (3) Proof of liability insurance coverage as required in s.  
467 559.95.

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

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

475 559.949 Denial, suspension, revocation, or refusal to renew  
476 license.—The department may deny, suspend, revoke, or refuse to  
477 renew the license of a locksmith services business based upon a  
478 determination that the locksmith services business or any person  
479 listed in s. 559.945(1)(f):

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

482 (2) Is disqualified based upon background screening  
483 pursuant to s. 559.946(2);

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

487 (4) Received any civil, criminal, or administrative  
488 adjudication in any jurisdiction; or

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

492 559.95 Liability insurance.—

493 (1) A locksmith services business must maintain current and

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494 valid liability insurance coverage of at least \$100,000 per  
495 incident for loss or damages resulting from the negligence of  
496 the locksmith services business or any of its locksmiths,  
497 apprentice locksmiths, employees, or agents.

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

507 (3) If a locksmith services business does not maintain the  
508 required insurance coverage, the department may immediately  
509 suspend the business's license or eligibility for licensure and  
510 the business shall immediately cease operating as a locksmith  
511 services business. In addition, notwithstanding the availability  
512 of administrative relief under chapter 120, the department may  
513 seek an immediate injunction in the circuit court of the county  
514 in which the business is located that prohibits the locksmith  
515 services business from operating until the business complies  
516 with this section and imposes a civil penalty not to exceed  
517 \$10,000 and reasonable court costs.

518 559.951 Locksmiths; apprentice locksmiths; photo  
519 identification cards; display of license and license number.—

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

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

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

532        (c) Apprentice locksmith.—An apprentice locksmith must be  
533 15 years of age or older and complete a minimum of 16 hours of  
534 training, including training in industry ethics, the federal  
535 Americans with Disabilities Act, the Florida Building Code, the  
536 Florida Fire Prevention Code, and the Life Safety Code. An  
537 apprentice locksmith may perform locksmith services only under  
538 the direct and continuous supervision of a locksmith or  
539 automotive-only locksmith. An apprentice locksmith may not  
540 perform or contract to perform locksmith services without the  
541 express approval of his or her supervising locksmith. The  
542 supervising locksmith is responsible for any violation of this  
543 part committed by the apprentice locksmith.

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

550        (b) Every 2 years, an automotive-only locksmith must  
551 complete at least 8 hours of industry-related training. The

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552 training must include, but is not limited to, training in  
553 industry ethics.

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

558 (a) Two copies of a photograph taken of the locksmith,  
559 automotive-only locksmith, or apprentice locksmith within 10  
560 days after the date that he or she begins to perform locksmith  
561 services on behalf of the licensee. One copy shall be used for  
562 the locksmith's or apprentice's photo identification card. The  
563 second copy shall be retained in his or her personnel record.  
564 Both copies of the photograph shall be replaced with a current  
565 photograph at least once every 2 calendar years.

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

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

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

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

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

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

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

588 (5) A locksmith services business must display a copy of  
589 its locksmith services business license at each business  
590 location in a manner easily readable by the general public. A  
591 mobile locksmith services business shall keep a copy of the  
592 license in each service vehicle for immediate presentation to  
593 any law enforcement officer, state or local official, or member  
594 of the general public upon request.

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

600 559.952 Acceptable forms of payment; locksmith services  
601 business records.-

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

604 (a) Cash, cashier's check, money order, or traveler's  
605 check;

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

609 (c) Valid credit card, which includes, but is not limited

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610 to, Visa or MasterCard.

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

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

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

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

623 559.953 Locksmith tools; exemptions; prohibited acts.-

624 (1) This section does not apply to:

625 (a) A licensee.

626 (b) A locksmith or apprentice locksmith performing  
627 locksmith services on behalf of a licensee.

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

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

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

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

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639 includes, but is not limited to:

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

644 (b) A car-opening tool, which is a metal, cloth, nylon,  
645 rubber, or plastic tool or device designed to enter, bypass, or  
646 otherwise overcome the locking systems or locking mechanisms of  
647 a motor vehicle by any means other than the specific method  
648 designed for the normal operation of opening the lock.

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

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

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

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

666 (g) A safe-opening tool, which is a tool designed, or  
667 intended by the user to be used, to open a safe, safe-deposit

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668 box, or similar object by means other than that which is  
669 intended by the manufacturer of the safe, vault, safe-deposit  
670 box, or similar object for normal opening.

671 (h) A tryout key, which is a manipulation key that may or  
672 may not be one of a set of similar keys used for a specific  
673 series, keyway, or brand of lock to open, bypass, override, or  
674 neutralize a lock by means other than intended by the  
675 manufacturer.

676 559.954 Prohibited acts.—

677 (1) A person may not:

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

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

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

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

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

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

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

696 (d) Employ or contract with any person disqualified under



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697 s. 559.946 to perform locksmith services on behalf of the  
698 licensee.

699 (e) Submit to the department the fingerprints of a person  
700 other than the person for whom fingerprints must be submitted  
701 pursuant to s. 559.946 or fail to submit replacement  
702 fingerprints for a locksmith or apprentice locksmith whose  
703 original fingerprint submissions are returned to the department  
704 as unclassifiable by the screening agency.

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

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

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

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

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

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

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726 (1) Violate this part or any rule adopted or order issued  
727 under this part.

728 559.955 Civil penalties; remedies.—

729 (1) A consumer injured by a violation of this part may  
730 bring an action in the appropriate court for relief. The court  
731 shall award reasonable costs and attorney's fees to the  
732 prevailing party. The consumer may also bring an action for  
733 injunctive relief in the circuit court.

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

738 (b) The department may seek a civil penalty of up to  
739 \$10,000 for each violation of this part.

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

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

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

747 559.956 Administrative remedies; penalties.—

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

751 (2) A locksmith services business shall allow department  
752 personnel to enter its business locations for purposes of  
753 determining whether the license is current. If department  
754 personnel are refused entry or access to the premises, the

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755 department may seek injunctive relief in circuit court to  
756 enforce this subsection.

757 (3) If the department determines that a locksmith services  
758 business has violated, or is operating in violation of, this  
759 part or any rules adopted or orders issued under this part, the  
760 department may enter an order doing one or more of the  
761 following:

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

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

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

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

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

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

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

783 (6) (a) The department shall prominently post a "Closed by

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784 Order of the Department" sign on a locksmith services business  
785 whose license is suspended or revoked. The department shall also  
786 post a sign on a locksmith services business that is judicially  
787 or administratively determined to be operating without a  
788 license.

789 (b) A person who defaces or removes the sign without  
790 written authorization from the department, or a locksmith  
791 services business that opens for operation without a license or  
792 opens for operation as a locksmith services business while its  
793 license is suspended or revoked, commits a misdemeanor of the  
794 second degree, punishable as provided in s. 775.082 or s.  
795 775.083.

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

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

803 559.958 Criminal penalties.—

804 (1) A person who violates s. 559.953 or s. 559.954 commits  
805 a misdemeanor of the first degree, punishable as provided in s.  
806 775.082 or s. 775.083.

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

811 559.959 Rulemaking authority.—The department shall adopt  
812 rules pursuant to ss. 120.536(1) and 120.54 to administer this

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813 part. The rules shall include, but are not limited to, the  
814 following:

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

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

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

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

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

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

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

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

839 559.961 Preemption; local business tax receipts.—

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

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

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

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

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

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

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

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

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

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

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

869  
870 Each member must be a resident of the state. Each member, except

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

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

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

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

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

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

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

898 (6) The council may review any rules adopted by the  
899 department pursuant to this part and may advise the department

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900 on matters relating to advancements in industry standards,  
901 practices, and other issues that require technical expertise and  
902 consultation or that promote consumer protection in the  
903 locksmith services industry.

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