

1 A bill to be entitled
2 An act relating to licensing and regulating locksmith
3 services businesses; creating part XIV of ch. 559,
4 F.S., entitled the "Florida Locksmith Services Act";
5 creating s. 559.971, F.S.; providing legislative
6 findings and purpose; creating s. 559.9711, F.S.;
7 providing definitions; creating s. 559.9712, F.S.;
8 providing applicability; creating s. 559.9713, F.S.;
9 requiring licensure of locksmith services businesses
10 by the Department of Agriculture and Consumer
11 Services; specifying licensure and application
12 requirements; providing for expiration of licenses;
13 creating s. 559.9714, F.S.; requiring fingerprinting
14 and background screening for criminal history record
15 checks of license applicants and certain persons
16 affiliated with a locksmith services business;
17 specifying background screening requirements;
18 disqualifying certain persons from licensure or from
19 performing locksmith services based upon background
20 screening; requiring the Department of Law Enforcement
21 to retain the fingerprints and search arrest records
22 against the fingerprints; requiring the Department of
23 Law Enforcement to provide certain records to the
24 Department of Agriculture and Consumer Services upon
25 request; creating s. 559.9715, F.S.; authorizing

26 licensure through endorsement; authorizing reciprocity
27 agreements; creating s. 559.9716, F.S.; providing for
28 the renewals of licenses; creating s. 559.9717, F.S.;
29 providing for the denial, suspension, revocation, or
30 refusal to renew licenses under certain circumstances;
31 creating s. 559.9718, F.S.; requiring a locksmith
32 services business to maintain liability insurance;
33 providing penalties; creating s. 559.9719, F.S.;
34 establishing qualifications and training requirements
35 for locksmiths, automotive-only locksmiths, and
36 apprentice locksmiths; requiring locksmith services
37 businesses to keep certain records and issue photo
38 identification cards to locksmiths, automotive-only
39 locksmiths, and locksmith apprentices; requiring
40 display of photo identification cards and licenses;
41 requiring locksmith services businesses to display
42 license numbers and business names in all advertising;
43 creating s. 559.97191, F.S.; requiring locksmith
44 services businesses to accept certain methods of
45 payment and keep certain business records; authorizing
46 the review of records by law enforcement and the
47 department; creating s. 559.97192, F.S.; providing
48 applicability; prohibiting persons from obtaining,
49 owning, and possessing locksmith tools; defining the
50 term "locksmith tools"; creating s. 559.97193, F.S.;

51 specifying certain prohibited acts relating to the
52 operation of a locksmith services business; creating
53 s. 559.97194, F.S.; providing civil penalties and
54 remedies; creating s. 559.97195, F.S.; providing
55 administrative sanctions and criminal penalties;
56 creating s. 559.97196, F.S.; providing that a
57 violation of the act is an unfair and deceptive trade
58 practice; creating s. 559.97197, F.S.; providing
59 criminal penalties; creating s. 559.97198, F.S.;
60 requiring the department to adopt rules; creating s.
61 559.97199, F.S.; providing for the deposit and use of
62 certain funds; creating s. 559.981, F.S.; preempting
63 to the state the regulation of locksmith services,
64 locksmiths, and locksmith services businesses;
65 prohibiting the issuance or renewal of local business
66 tax receipts to locksmith services businesses;
67 providing an exception; creating s. 559.9811, F.S.;
68 creating the Florida Locksmith Services Advisory
69 Council within the department; providing membership
70 and terms; providing operating procedures and duties;
71 requiring the department to provide administrative and
72 staff support; providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:
75

76 **Section 1. Part XIV of chapter 559, Florida Statutes,**
77 **consisting of ss. 559.971-559.9811, Florida Statutes, is created**
78 **and entitled the "Florida Locksmith Services Act."**

79 **Section 2. Section 559.971, Florida Statutes, is created**
80 **to read:**

81 559.971 Legislative findings; purpose.—The Legislature
82 finds that:

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

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

92 (3) The purpose of this part is to provide for the
93 licensing and regulation of locksmith services businesses in
94 this state which are necessary to protect the public from the
95 misuse of locksmithing knowledge, supplies, manuals, and
96 equipment, which may cause a threat to public safety and
97 security.

98 **Section 3. Section 559.9711, Florida Statutes, is created**
99 **to read:**

100 559.9711 Definitions.—As used in this part, the term:

101 (1) "Advertise" means to advise, announce, give notice of,
102 publish, or call attention to, by use of an oral, written, or
103 graphic statement that is:

104 (a) Made in a newspaper or other publication;

105 (b) Made on radio or television or in any other electronic
106 medium;

107 (c) Contained in a notice, handbill, or sign, including
108 signage on a vehicle, flyer, catalog, or letter; or

109 (d) Printed on or contained in a tag or label attached to
110 or accompanying any good.

111 (2) "Apprentice locksmith" means a natural person who
112 performs locksmith services on behalf of a locksmith services
113 business under the direct and continuous supervision of a
114 locksmith.

115 (3) "Automotive-only locksmith" means a locksmith who
116 performs only those locksmith services relating to motor
117 vehicles on behalf of a locksmith services business.

118 (4) "Business location" means a physical location at which
119 a licensee operates a locksmith services business or, if the
120 licensee is a mobile locksmith services business, the physical
121 location at which the licensee's records are kept.

122 (5) "Department" means the Department of Agriculture and
123 Consumer Services.

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

126 (7) "Licensee" means a locksmith services business
127 licensed under this part.

128 (8) "Lock" means a mechanical, an electromechanical, an
129 electronic, or an electromagnetic device or similar device,
130 including, but not limited to, any peripheral hardware such as a
131 closed-circuit television system, a wireless or infrared
132 transmitter, a card reader, a keypad, or a biometric scanner,
133 which is designed to control:

134 (a) Access to, or the use of, a safe or safe-deposit box;
135 or

136 (b) Access to and egress from, or the use of, a door,
137 gate, vault, motor vehicle, or other enclosure.

138 (9) "Locksmith" means a natural person who performs any
139 locksmith services on behalf of a locksmith services business.
140 The term includes an automotive-only locksmith but does not
141 include a person whose activities are limited to making
142 duplicate keys.

143 (10) "Locksmith services" means:

144 (a) Selling, installing, servicing, repairing, repinning,
145 changing the combinations of, and adjusting locks, safes,
146 vaults, or safe-deposit boxes.

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

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

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

151 and servicing master key systems.

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

154 (f) Originating keys for motor vehicles which includes, if
155 necessary, the programming, reprogramming, or bypassing of any
156 security, transponder, or immobilizer systems or subsequent
157 technology built in by the manufacturer.

158 (g) Keying, rekeying, or changing the combinations of
159 motor vehicle locks.

160 (11) "Locksmith services business" means a person who
161 performs or offers to perform locksmith services for
162 compensation or advertises or represents himself or herself as a
163 locksmith services business in this state.

164 (12) "Locksmith tool" means a tool that is designed, or
165 intended by the user to be used, to open a lock by any means
166 other than the specific method designed for the normal operation
167 of opening the lock. The term includes the tools described in s.
168 559.97192(2).

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

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

176 (15) "Motor vehicle" has the same meaning as in s.
177 559.903.

178 **Section 4. Section 559.9712, Florida Statutes, is created**
179 **to read:**

180 559.9712 Applicability exemptions.—This part does not
181 apply to:

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

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

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

193 (4) An electrical or alarm system contractor registered or
194 certified under chapter 489 who installs or services
195 electromechanical, electronic, or electromagnetic devices and
196 peripheral hardware.

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

199 (6) A property owner or an agent of a property owner who
200 maintains a file of key cutting data for a master key system on

201 the property.

202 (7) An employee of a financial institution as defined in
 203 s. 655.005(1)(i) who provides safe, safe-deposit box, or vault
 204 services at the financial institution.

205 (8) A motor vehicle dealer as defined in s. 320.27(1)(c),
 206 a motor vehicle repair shop as defined in s. 559.903, or a lock
 207 manufacturer or an agent of a lock manufacturer who services,
 208 installs, repairs, or rebuilds motor vehicle locks or originates
 209 or duplicates motor vehicle keys.

210 (9) Building trades personnel who install locks or locking
 211 devices on a construction project that requires a building
 212 permit.

213 (10) A wrecker operator as defined in s. 1.01(15) who
 214 possesses or uses car-opening tools as described in s.
 215 559.97192(2)(b) to unlock vehicles to facilitate towing.

216 **Section 5. Section 559.9713, Florida Statutes, is created**
 217 **to read:**

218 559.9713 Initial license applications; license issuance.-

219 (1) A person may not perform or offer to perform locksmith
 220 services for compensation or advertise or represent himself or
 221 herself as a locksmith services business in this state unless
 222 the person is licensed under this part. However, a locksmith or
 223 apprentice locksmith performing locksmith services on behalf of
 224 a licensee is not required to obtain a separate license. An
 225 application for a license must be submitted to the department in

226 the format prescribed by the department and must include, at a
227 minimum, the following:

228 (a) The full legal name and mailing address of the
229 applicant.

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

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

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

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

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

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

249 (e) Each corporate, fictitious, or other business or trade
250 name under which any owner of the locksmith services business

251 operated, was known, or did business as a locksmith services
252 business within 5 years before the date of the application.

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

254 1. Each locksmith and apprentice locksmith who performs
255 locksmith services on behalf of the applicant.

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

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

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

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

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

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

269 (2) Each application must be accompanied by:

270 (a) Proof of liability insurance coverage as required in
271 s. 559.9718.

272 (b) For the applicant and each person listed in paragraph
273 (1) (f), a set of fingerprints submitted under s. 559.9714 in the
274 manner prescribed by the department and an affidavit of the
275 person's criminal history, if any.

276 (3) (a) The department shall issue a license to each
277 applicant in the format prescribed by the department in
278 accordance with s. 120.60. The license must show at least the
279 name and street address of each business location listed in the
280 application pursuant to paragraph (1) (c) and the license number
281 of the locksmith services business. If the applicant is a mobile
282 locksmith services business, the license must show the residence
283 address of the owner, if different from the street address of
284 the business location at which the applicant's records are kept.

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

288 (c) A locksmith services business license is valid for 2
289 years after the date of issuance. To provide for the biennial
290 renewal of licenses under s. 559.9716, the department may adopt
291 rules to stagger the license expiration dates over a 2-year
292 period.

293 (4) (a) A licensee must notify the department in writing at
294 least 30 days before changing a business location. The
295 department shall issue to the licensee an amended license that
296 shows the new business location.

297 (b) Within 10 days after a person listed in paragraph
298 (1) (f) begins his or her duties with a licensee, the licensee
299 must submit a set of the person's fingerprints in the manner
300 prescribed by the department and an affidavit of the person's

301 criminal history, if any.

302 **Section 6. Section 559.9714, Florida Statutes, is created**
303 **to read:**

304 559.9714 Fingerprinting and criminal background checks for
305 license applications.-

306 (1) (a) A license applicant and each person listed in s.
307 559.9713(1) (f) must be fingerprinted and undergo background
308 screening for criminal history records as defined in s. 943.045.
309 The department shall submit each set of fingerprints to the
310 Department of Law Enforcement for state criminal history record
311 checks, and the Department of Law Enforcement shall forward the
312 fingerprints to the Federal Bureau of Investigation for national
313 criminal history record checks. The cost of the fingerprint
314 processing and criminal history record checks shall be borne by
315 the locksmith services business or the person required to be
316 fingerprinted and shall be paid to the Department of Law
317 Enforcement. The results of the criminal history record checks
318 shall be returned to the Department of Agriculture and Consumer
319 Services, and the Department of Agriculture and Consumer
320 Services shall screen the results to determine whether the
321 person is disqualified from licensure or from performing
322 locksmith services under subsection (2).

323 (b) If a legible set of fingerprints, as determined by the
324 Department of Law Enforcement or the Federal Bureau of
325 Investigation, cannot be obtained after two attempts, the

326 department shall determine whether the person is disqualified
327 based upon criminal history record checks under the person's
328 name conducted by the Department of Law Enforcement and the
329 Federal Bureau of Investigation.

330 (2) A person required to undergo background screening
331 pursuant to this section to qualify for licensure or for
332 performing locksmith services must not have, within the previous
333 10 years:

334 (a) Been convicted or found guilty of, or pled guilty or
335 nolo contendere to; or

336 (b) Been incarcerated as a result of having previously
337 been convicted or found guilty of, or pled guilty or nolo
338 contendere to, regardless of adjudication,

339
340 a felony or a crime involving trespass, burglary, theft,
341 larceny, dealing in stolen property, receiving stolen property,
342 embezzlement, obtaining property by false pretenses, possession
343 of altered property, or any other fraudulent or dishonest
344 dealing.

345 (3) (a) All fingerprints submitted to the Department of Law
346 Enforcement as required by this section shall be retained by the
347 Department of Law Enforcement in a manner provided by rule and
348 entered in the statewide automated biometric identification
349 system authorized under s. 943.05(2) (b). The fingerprints must
350 thereafter be available for all purposes and uses authorized for

351 arrest fingerprints entered in the statewide automated biometric
352 identification system pursuant to s. 943.051.

353 (b) The Department of Law Enforcement shall search all
354 fingerprints received under this section against the
355 fingerprints retained in the statewide automated biometric
356 identification system. Any arrest record that is identified with
357 the retained fingerprints of a person subject to background
358 screening under this section shall be reported to the Department
359 of Agriculture and Consumer Services and the locksmith services
360 business. Each locksmith services business must participate in
361 the screening process by notifying the Department of Law
362 Enforcement of any change in the status of the license applicant
363 or a person listed s. 559.9713(1)(f) if, as a result of the
364 change, the fingerprints of the applicant or the person are no
365 longer required to be retained under paragraph (a).

366 (4) Before expiration of the time limit in s. 120.60 for
367 approving an application, if the Department of Agriculture and
368 Consumer Services does not receive any criminal history record
369 for the license applicant or a person listed in s.
370 559.9713(1)(f), or receives a criminal history record that
371 includes a crime that may disqualify the applicant or the person
372 but does not include a final disposition of the criminal case,
373 the time limit in s. 120.60 for approving the application is
374 extended until the department's receipt of the criminal history
375 record of the applicant or the person or until the final

376 disposition of the criminal case or proof of restoration of the
 377 civil rights of the applicant or the person, as applicable.

378 (5) The Department of Law Enforcement shall provide the
 379 department, upon request, with any criminal history information
 380 in its possession of a person who is:

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

383 (b) Employed by a licensee or applicant for a license
 384 under this part.

385 **Section 7. Section 559.9715, Florida Statutes, is created**
 386 **to read:**

387 559.9715 Licensure through endorsement and reciprocity
 388 agreements.-

389 (1) A person may be licensed as a locksmith services
 390 business in this state upon applying to the department and
 391 demonstrating to the department that the applicant:

392 (a) Meets the qualifications for licensure in s. 559.9713;
 393 or

394 (b) Holds a valid locksmith services business license, or
 395 the equivalent thereof, issued by another state, a territory or
 396 possession of the United States, the District of Columbia, or
 397 the Commonwealth of Puerto Rico if the department has
 398 established reciprocity with such entity.

399 (2) The department may establish reciprocity with another
 400 state, a territory or possession of the United States, the

401 District of Columbia, or the Commonwealth of Puerto Rico and may
402 adopt criteria for establishing reciprocity, subject to the
403 following:

404 (a) The licensing requirements of the other state, the
405 territory or possession of the United States, the District of
406 Columbia, or the Commonwealth of Puerto Rico must substantially
407 meet or exceed the requirements of s. 559.9713.

408 (b) The other state, the territory or possession of the
409 United States, the District of Columbia, or the Commonwealth of
410 Puerto Rico must issue a license, or the equivalent thereof, to
411 a locksmith services business that is licensed in this state and
412 seeks to do business in the other state, the territory or
413 possession of the United States, the District of Columbia, or
414 the Commonwealth of Puerto Rico.

415 **Section 8. Section 559.9716, Florida Statutes, is created**
416 **to read:**

417 559.9716 License renewals.—Each locksmith services
418 business license must be renewed biennially on or before the
419 license's expiration date. To apply for renewal of a license,
420 the licensee must submit all of the following to the department:

421 (1) A renewal application in the format prescribed by the
422 department which includes the information required for initial
423 licensure in s. 559.9713(1).

424 (2) Proof of liability insurance coverage as required in
425 s. 559.9718.

426 (3) For each person listed in s. 559.9713(1)(f), an
427 updated affidavit of the person's criminal history, if any.

428 (4) For each person listed in s. 559.9713(1)(f) who has
429 not undergone background screening, a set of fingerprints
430 submitted in the manner prescribed by the department and an
431 affidavit of the person's criminal history, if any.

432 **Section 9. Section 559.9717, Florida Statutes, is created**
433 **to read:**

434 559.9717 Denial, suspension, revocation, or refusal to
435 renew license.—The department may deny, suspend, revoke, or
436 refuse to renew the license of a locksmith services business
437 based upon a determination that the locksmith services business
438 or any person listed in s. 559.9713(1)(f):

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

441 (2) Is disqualified from licensure or from performing
442 locksmith services based upon background screening pursuant to
443 s. 559.9714(2);

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

447 (4) Received any civil, criminal, or administrative
448 adjudication in any jurisdiction;

449 (5) Has pending against the business or person any
450 criminal, administrative, or enforcement proceedings in any

451 jurisdiction; or

452 (6) Has had a judgment entered against the business or
453 person in any action brought under the Florida Deceptive and
454 Unfair Trade Practices Act in part II of chapter 501.

455 **Section 10. Section 559.9718, Florida Statutes, is created**
456 **to read:**

457 559.9718 Liability insurance.—

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

463 (2) The insurance coverage required under subsection (1)
464 must be issued by an insurance company or carrier authorized to
465 do business in this state under the Florida Insurance Code. The
466 department shall require a locksmith services business to
467 present a policy or certificate of insurance of the required
468 coverage before issuance or renewal of a license. The department
469 shall be named as a certificateholder in the policy or
470 certificate and must be notified at least 30 days before any
471 changes in insurance coverage.

472 (3) If a locksmith services business does not maintain the
473 required insurance coverage, the department may immediately
474 suspend the business's license or eligibility for licensure and
475 the business shall immediately cease operating as a locksmith

476 services business. In addition, notwithstanding the availability
477 of administrative relief under chapter 120, the department may s
478 seek an immediate injunction in the circuit court of the county
479 in which the business is located which prohibits the locksmith
480 services business from operating until the business complies
481 with this section
482 and imposes a civil penalty not to exceed \$10,000 and
483 reasonable court costs.

484 **Section 11. Section 559.9719, Florida Statutes, is created**
485 **to read:**

486 559.9719 Locksmith, automotive-only locksmith, and
487 apprentice locksmith training; personnel records and
488 identification cards; license displays.—

489 (1) A person may not perform locksmith services on behalf
490 of a locksmith services business unless the person is the
491 licensee or one of the following:

492 (a) A locksmith. Except as provided in paragraph (b), a
493 locksmith must be 18 years of age or older and complete 16 hours
494 of training, including training in industry ethics, the
495 Americans with Disabilities Act, the Florida Building Code, the
496 Florida Fire Prevention Code, and the Life Safety Code.

497 (b) An automotive-only locksmith. An automotive-only
498 locksmith must be 18 years of age or older and complete a
499 training course in industry ethics.

500 (c) An apprentice locksmith. An apprentice locksmith must

501 be 15 years of age or older and complete a minimum of 16 hours
502 of training, including training in industry ethics, the
503 Americans with Disabilities Act, the Florida Building Code, the
504 Florida Fire Prevention Code, and the Life Safety Code. An
505 apprentice locksmith may perform locksmith services only under
506 the direct and continuous supervision of a locksmith or
507 automotive-only locksmith. An apprentice locksmith may not
508 perform or contract to perform locksmith services without the
509 express approval of his or her supervising locksmith. The
510 supervising locksmith is responsible for any violation of this
511 part committed by the apprentice locksmith.

512 (2) Every 2 years, a locksmith or automotive-only
513 locksmith must complete at least 8 hours of training, including
514 training on the Americans with Disabilities Act, the Florida
515 Building Code, the Florida Fire Prevention Code, and the Life
516 Safety Code.

517 (3) A locksmith services business must maintain a
518 personnel record of each locksmith, automotive-only locksmith,
519 and apprentice locksmith who performs locksmith services on
520 behalf of the licensee. The personnel record must include:

521 (a) A copy of a photograph taken of the locksmith,
522 automotive-only locksmith, and apprentice locksmith within 10
523 days after the date that he or she begins performing locksmith
524 services on behalf of the licensee. The photograph shall be
525 replaced with a current photograph at least once every 2

526 calendar years.

527 (b) An affidavit of the criminal history, if any, of the
528 locksmith, automotive-only locksmith, and apprentice locksmith
529 and the results of the background screening conducted pursuant
530 to s. 559.9714.

531 (c) Each certificate showing completion of the training
532 required in subsections (1) and (2).

533 (4) (a) A locksmith services business shall issue a photo
534 identification card to each locksmith, automotive-only
535 locksmith, and apprentice locksmith performing locksmith
536 services on behalf of the licensee. A photo identification card
537 must contain the name and photograph of the locksmith or
538 apprentice, the name of the locksmith services business, and the
539 license number. The photograph on the photo identification card
540 shall be replaced with a current photograph at least once every
541 2 calendar years. The photo identification card must also
542 include:

543 1. For a locksmith or automotive-only locksmith, the word
544 "Locksmith."

545 2. For an apprentice locksmith, the word "Apprentice."

546 (b) A locksmith, automotive-only locksmith, and apprentice
547 locksmith must display the photo identification card on his or
548 her person at all times while performing locksmith services.

549 (5) A locksmith services business must display a copy of
550 its license at each business location in a manner easily

551 readable by the general public. A mobile locksmith services
552 business shall keep a copy of its license in each service
553 vehicle for immediate presentation to any law enforcement
554 officer, state or local official, or member of the general
555 public upon request.

556 (6) Each advertisement or other form of advertising, each
557 service vehicle, and each work order, invoice, sales receipt, or
558 other business form of a licensee must include the license
559 number and name of the locksmith services business as the
560 license number and name appear on the license issued by the
561 department.

562 **Section 12. Section 559.97191, Florida Statutes, is**
563 **created to read:**

564 559.97191 Methods of payment for locksmith services;
565 recordkeeping.—

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

568 (a) Cash, cashier's check, money order, or traveler's
569 check.

570 (b) Valid personal check, showing upon its face the name
571 and address of the person or an authorized representative for
572 whom the locksmith services were performed.

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

575 (2) A locksmith services business shall clearly and

576 conspicuously disclose to the person requesting locksmith
577 services in a work order, invoice, or sales receipt the methods
578 of payment that the locksmith services business accepts.

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

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

584 (c) A copy of each work order, invoice, and sales receipt
585 must be readily available for inspection at any time during
586 normal business hours by a law enforcement officer or by the
587 department.

588 **Section 13. Section 559.97192, Florida Statutes, is**
589 **created to read:**

590 559.97192 Locksmith tools.-

591 (1) This section does not apply to:

592 (a) A licensee.

593 (b) A locksmith or an apprentice locksmith performing
594 locksmith services on behalf of a licensee.

595 (c) A motor vehicle dealer as defined in s. 320.27(1)(c).

596 (d) A recovery agent licensed under part IV of chapter
597 493.

598 (e) A wrecker operator as defined in s. 1.01(15).

599 (f) A lock manufacturer or the lock manufacturer's agent
600 who has a reasonable need to possess locksmith tools,

601 implements, or outfits for demonstration, testing, or research
602 purposes.

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

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

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

618 (c) A change key, which is a key planned and cut to
619 operate a specific group or series of locks that all have the
620 same combination of tumblers, pins, or wafers.

621 (d) A manual or codebook, which is a compilation, in any
622 form, of key codes.

623 (e) A code-grabbing device, which is a device that can
624 receive, record, or receive and record the code signal sent by
625 the transmitter of a motor vehicle's security, alarm, or

626 immobilizer system and play back the signal to disarm, bypass,
627 or neutralize the system.

628 (f) A lock pick, which is a manual, electric, or
629 electronic tool or device used to bypass, override, or
630 neutralize a lock by any means other than the specific method
631 designed for the normal operation of opening the lock.

632 (g) A manipulation key, which is a key other than a change
633 or master key which can be variably positioned or manipulated in
634 a keyway to bypass, override, or neutralize a lock by any means
635 other than the specific method designed for the normal operation
636 of opening the lock. As used in this paragraph, the term
637 "manipulation key" includes wiggle and bump keys.

638 (h) A master key, which is a key planned or cut to operate
639 all locks in a series or group of locks, with each lock in the
640 series or group having its own unique key. As used in this
641 paragraph, the term "master key" includes sub-master, grand
642 master, great grand master, emergency override, and maid's keys.

643 (i) A safe-opening tool, which is a tool designed, or
644 intended by the user to be used, to open a safe, vault, safe-
645 deposit box, or similar object by means other than that which is
646 intended by the manufacturer of the safe, vault, safe-deposit
647 box, or similar object for normal opening.

648 (j) A tryout key, which is a manipulation key that may or
649 may not be one of a set of similar keys used for a specific
650 series, keyway, or brand of lock to open, bypass, override, or

651 neutralize a lock by means other than intended by the
652 manufacturer.

653 **Section 14. Section 559.97193, Florida Statutes, is**
654 **created to read:**

655 559.97193 Prohibited acts.-

656 (1) A person may not:

657 (a) Perform or offer to perform locksmith services without
658 having or acting under a valid license issued by the department
659 under this part.

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

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

665 (a) Fraudulently misuse a consumer's credit card.

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

669 (c) Fail or refuse, after notice, to provide a law
670 enforcement officer or the department with any document or
671 record or disclose any information required to be produced or
672 disclosed.

673 (d) Employ or contract with any person disqualified under
674 s. 559.9714 to perform locksmith services on behalf of the
675 licensee.

676 (e) Submit to the department the fingerprints of a person
677 other than the person for whom fingerprints must be submitted
678 pursuant to s. 559.9714 or fail to submit replacement
679 fingerprints for a locksmith or apprentice locksmith whose
680 original fingerprint submissions are returned to the department
681 as unclassifiable by the screening agency.

682 (f) Use a mailing address, registration facility, drop
683 box, or answering service in the promotion, advertisement,
684 solicitation, or sale of locksmith services, unless the street
685 address of the licensed business location is clearly disclosed
686 during any telephone solicitation and is prominently and
687 conspicuously disclosed in all advertisements and on the work
688 orders, invoices, and sales receipts.

689 (g) Operate as a locksmith services business at a business
690 location other than the location that appears on the license
691 issued by the department.

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

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

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

700 (k) Disclose or permit the disclosure of any consumer

701 information without the consumer's written approval, except as
702 authorized by this part.

703 (1) Violate this part or any rule adopted or order issued
704 under this part.

705 **Section 15. Section 559.97194, Florida Statutes, is**
706 **created to read:**

707 559.97194 Civil penalties; remedies.—

708 (1) A consumer injured by a violation of this part may
709 bring an action in the appropriate court for relief. The court
710 shall award reasonable costs and attorney fees to the prevailing
711 party. The consumer may also bring an action for injunctive
712 relief in the circuit court.

713 (2) (a) The department may bring an action in a court of
714 competent jurisdiction to recover any penalties or damages
715 authorized in this part and for injunctive relief to enforce
716 this part.

717 (b) The department may seek a civil penalty of up to
718 \$10,000 for each violation of this part.

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

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

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

726 **Section 16. Section 559.97195, Florida Statutes, is**
 727 **created to read:**
 728 559.97195 Administrative sanctions; criminal penalties.-
 729 (1) The department shall process a consumer complaint
 730 against a locksmith services business in the manner described in
 731 ss. 570.07 and 570.544.
 732 (2) A locksmith services business shall allow department
 733 personnel to enter its business locations for purposes of
 734 determining whether the license is current. If department
 735 personnel are refused entry or access to the premises, the
 736 department may seek injunctive relief in circuit court to
 737 enforce this subsection.
 738 (3) If the department determines that a locksmith services
 739 business has violated, or is operating in violation of, this
 740 part or any rules adopted or orders issued under this part, the
 741 department may enter an order doing one or more of the
 742 following:
 743 (a) Issuing a notice of noncompliance under s. 120.695.
 744 (b) Imposing an administrative fine not to exceed \$10,000
 745 for each act or omission.
 746 (c) Directing that the locksmith services business cease
 747 and desist specified activities.
 748 (d) Refusing to issue or renew, suspending, or revoking a
 749 license.
 750 (e) Placing the licensee on probation for a specified

751 period, subject to conditions specified by the department.

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

755 (5) In a final order imposing an administrative fine or
756 refusing to issue or renew, suspending, or revoking a license,
757 the department may assess against the sanctioned party the cost
758 of conducting the administrative proceedings, unless the
759 department determines that the offense was inadvertent or done
760 in a good faith belief that the act or omission did not violate
761 a state law or rule. An assessment is limited to the reasonable
762 hourly rate of the hearing officer and the actual cost of
763 recording or transcribing the proceedings.

764 (6) (a) The department shall prominently post a "Closed by
765 Order of the Department" sign at a business location of a
766 locksmith services business whose license is suspended or
767 revoked. The department shall also post the sign at a business
768 location of a locksmith services business that is judicially or
769 administratively determined to be operating without a license.

770 (b) A person who defaces or removes the sign described in
771 paragraph (a) without written authorization from the department,
772 or a locksmith services business that opens for operation
773 without a license or opens for operation as a locksmith services
774 business while its license is suspended or revoked, commits a
775 misdemeanor of the second degree, punishable as provided in s.

776 775.082 or s. 775.083.

777 (c) A criminal penalty imposed under this subsection shall
778 be in addition to any administrative sanction imposed by the
779 department under subsection (3).

780 **Section 17. Section 559.97196, Florida Statutes, is**
781 **created to read:**

782 559.97196 Unfair and deceptive trade practices.—A person
783 who violates any provision of this part commits an unfair and
784 deceptive trade practice and is subject to the penalties and
785 remedies provided in part II of chapter 501.

786 **Section 18. Section 559.97197, Florida Statutes, is**
787 **created to read:**

788 559.97197 Criminal penalties.—A person who violates:

789 (1) Section 559.97192 or s. 559.97193 commits a
790 misdemeanor of the first degree, punishable as provided in s.
791 775.082 or s. 775.083.

792 (2) Section 559.97192 with the intent of committing
793 burglary, robbery, or larceny commits a felony of the third
794 degree, punishable as provided in s. 775.082, s. 775.083, or s.
795 775.084.

796 **Section 19. Section 559.97198, Florida Statutes, is**
797 **created to read:**

798 559.97198 Rulemaking authority.—The department shall adopt
799 rules to administer this part. The rules must include, but need
800 not be limited to, the following:

801 (1) Requirements and procedures for the licensure of
802 locksmith services businesses.

803 (2) Requirements and procedures for the fingerprinting and
804 background screening of license applicants and persons listed in
805 s. 559.9713(1)(f) for criminal history records.

806 (3) Forms required to implement this part, including
807 license applications, renewal applications, fingerprint
808 submissions, affidavits of criminal history, and photo
809 identification cards.

810 (4) Establishment and periodic update of a background
811 screening fee schedule to incorporate fee changes by the Federal
812 Bureau of Investigation, the Department of Law Enforcement, and
813 other entities involved in conducting the background screenings.

814 (5) Methods of obtaining and renewing photographs for
815 photo identification cards.

816 (6) Use and display of licenses and license numbers.

817 **Section 20. Section 559.97199, Florida Statutes, is**
818 **created to read:**

819 559.97199 Deposit and use of revenues from fees, civil
820 penalties, and fines.—Any fees, civil penalties, administrative
821 fees, or other funds collected by the department pursuant to
822 this part shall be deposited into the General Inspection Trust
823 Fund and used to administer this part.

824 **Section 21. Section 559.981, Florida Statutes, is created**
825 **to read:**

826 559.981 Preemption; local business tax receipts.—

827 (1) This part preempts any local act, law, ordinance, or
 828 regulation of a county or municipality that relates to locksmith
 829 services, locksmiths, or locksmith services businesses.

830 (2) A county or municipality may not issue or renew a
 831 local business tax receipt for a locksmith services business
 832 unless the person applying for or renewing the local business
 833 tax receipt exhibits a valid license issued by the department.

834 **Section 22. Section 559.9811, Florida Statutes, is created**
 835 **to read:**

836 559.9811 Florida Locksmith Services Advisory Council.—The
 837 Florida Locksmith Services Advisory Council, a council as
 838 defined in s. 20.03, is created within the department to advise
 839 and assist the department in carrying out this part. The council
 840 shall comply with s. 20.052, except as otherwise provided in
 841 this section.

842 (1) The council shall be composed of the following
 843 members, appointed by the Commissioner of Agriculture:

844 (a) Six industry members who are owners or employees of
 845 locksmith services businesses licensed under this part, as
 846 follows:

847 1. Five industry members who are locksmiths and owners or
 848 employees of separate, licensed locksmith services businesses
 849 who do not perform automotive-only locksmith services.

850 2. One member who is an automotive-only locksmith and an

851 owner or employee of a licensed locksmith services business.

852 (b) One member who is an electrical contractor certified
853 under part II of chapter 489.

854 (c) One member who has private investigative, private
855 security, motor vehicle recovery, or law enforcement experience
856 or expertise.

857 (d) One member who is a consumer and is not affiliated
858 with any locksmith services business.

859

860 Each member must be a resident of this state. Each member,
861 except the consumer member, must have at least 3 years of
862 experience and be currently engaged in the profession. Initial
863 industry members must be owners or employees of locksmith
864 services businesses, but, notwithstanding paragraph (a), the
865 locksmith services businesses of the initial members are not
866 required to be licensed.

867 (2) Members shall be appointed for 4-year terms and must
868 be geographically representative of this state. However, for the
869 purpose of providing staggered terms, of the initial
870 appointments, the members who are not industry members and who
871 are appointed under paragraph (1) (b), paragraph (1) (c), or
872 paragraph (1) (d) shall be appointed to 2-year terms. A member
873 whose term expires shall continue to serve until his or her
874 successor is appointed. A vacancy occurring before the
875 expiration of a member's term shall be filled by the

876 commissioner for the remainder of the term.

877 (3) (a) The council shall annually elect a chair and a vice
878 chair from among its members.

879 (b) The council shall meet at the call of the chair, upon
880 the request of a majority of its membership, or upon the request
881 of the Commissioner of Agriculture.

882 (c) In conducting its meetings, the council shall use
883 accepted rules of procedure. The department shall keep a
884 complete record of each meeting, which must show the names of
885 the members present and actions taken. The department shall keep
886 the records of the council.

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

890 (5) The department shall provide administrative and staff
891 support for the council.

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

898 (7) In accordance with s. 20.052(8), this section is
899 repealed October 2, 2028, unless reviewed and saved from repeal
900 through reenactment by the Legislature.

HB 1311

2025

901

Section 23. This act shall take effect July 1, 2025.