



**PUBLIC SAFETY
&
DOMESTIC SECURITY
POLICY COMMITTEE**

**MONDAY, MARCH 22, 2010
3:15 P.M. – 5:00 P.M.
404 HOB**

ACTION PACKET

Larry Cretul
Speaker

Kevin C. Ambler
Chair

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kevin Ambler (Chair)	X		
Sandra Adams	X		
Mackenson Bernard	X		
Brad Drake	X		
Greg Evers			X
Luis Garcia	X		
Bill Heller	X		
Doug Holder	X		
Ed Hooper	X		
Lake Ray			X
Julio Robaina	X		
Darryl Rouson	X		
Kelli Stargel	X		
James Waldman	X		
Totals:	12	0	2

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

CS/HB 301 : Locksmith Services

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams				X	
Mackenson Bernard			X		
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 301 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

ADOPTED

1 Council/Committee hearing bill: Public Safety & Domestic
 2 Security Policy Committee
 3 Representative(s) Anderson offered the following:

Amendment

Remove everything after the enacting clause and insert:

7 Section 1. Part XII of chapter 559, Florida Statutes,
 8 consisting of sections 559.941, 559.942, 559.943, 559.944,
 9 559.945, 559.946, 559.947, 559.948, 559.949, 559.95, 559.951,
 10 559.952, 559.953, 559.954, 559.955, 559.956, 559.957, 559.958,
 11 559.959, 559.96, and 559.961, is created to read:

PART XII

LOCKSMITH SERVICES

14 559.941 Short title.—This part may be cited as the
 15 "Florida Locksmith Services Act."

16 559.942 Findings and purpose.—The Legislature finds that:

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

Amendment No. 1

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

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

31 559.943 Definitions.—As used in this part, the term:

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

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

44 (3) "Automotive-only locksmith" means a locksmith who
45 performs only those locksmith services relating to motor

Amendment No. 1

46 vehicles as described in paragraphs (11)(e)-(g) on behalf of a
47 locksmith services business.

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

52 (5) "Department" means the Department of Agriculture and
53 Consumer Services.

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

56 (7) "Licensee" means a locksmith services business
57 licensed under this part.

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

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

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

Amendment No. 1

74 refers the customer to, another locksmith services business for
75 the performance of the locksmith services.

76 (11) "Locksmith services" means:

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

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

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

83 (d) Creating, documenting, selling, installing, managing,
84 and servicing master key systems.

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

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

91 (g) Keying, rekeying, or recombinating motor vehicle
92 locks.

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

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

Amendment No. 1

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

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

109 (15) "Motor vehicle" has the same meaning as in s.
110 559.903(5).

111 559.944 Application of part; exemptions.—This part does
112 not apply to:

113 (1) A law enforcement officer, firefighter or voluntary
114 firefighter, emergency medical technician or paramedic, or other
115 government employee or agent who, in his or her official line of
116 duty, performs locksmith services.

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

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

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

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

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

Amendment No. 1

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

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

138 (9) Building trades personnel who:

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

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

145 (10) A wrecker operator as defined in s. 1.01(15) who
146 possesses or uses the car-opening tools which are necessary to
147 unlock vehicles, so long as the wrecker operator does not
148 advertise himself as a locksmith.

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

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

156 559.945 Locksmith services business; licensure.-

Amendment No. 1

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

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

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

173 (c) The mailing address, street address, and telephone
174 number of the applicant's principal business location and, if
175 the applicant performs locksmith services or operates a
176 locksmith referral service at more than one business location,
177 the mailing address, street address, and telephone number of
178 each additional business location. For an applicant operating
179 as a mobile locksmith services business, the vehicle
180 identification number, license plate number, and a copy of the
181 vehicle registration.

182 (d) If the applicant is not a natural person, a statement
183 of:

Amendment No. 1

184 1. The applicant's type of business entity, such as a
185 corporation, partnership, or other limited liability
186 corporation.

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

188 3. Whether the applicant is a foreign or domestic business
189 entity, the state and date of incorporation, the charter number,
190 and the date that the applicant first registered with the
191 Department of State to do business in the state.

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

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

197 1. Each locksmith, automotive-only locksmith, and
198 apprentice locksmith who performs locksmith services on behalf
199 of the applicant.

200 2. Each officer and director of the corporation, their
201 official positions, and corporate offices, if the applicant is a
202 corporation.

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

205 4. Each managing member, if the applicant is a limited
206 liability corporation.

207 5. The owner of the applicant, if the applicant is a
208 proprietorship.

209 6. The applicant's registered agent for service of process
210 in this state.

Amendment No. 1

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

213 (2) Each application must be accompanied by:

214 (a) Payment of a nonrefundable biennial license fee,
215 calculated as follows:

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

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

220 3. If the applicant operates a locksmith referral service
221 but does not employ any locksmiths, an amount not to exceed
222 \$800.

223
224 If, upon receiving documentation that demonstrates an
225 applicant's financial hardship as a result of a tax
226 determination, collections enforcement, or other proof that the
227 applicant's liabilities exceed the income of his or her business
228 to the extent that the fees required herein would impose a
229 significant financial hardship, the department may waive or
230 reduce the fees established under this subsection for an initial
231 or renewal application.

232 (b) Proof of liability insurance coverage as required in
233 s. 559.95.

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

Amendment No. 1

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

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

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

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

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

Amendment No. 1

266 559.946 Locksmith services businesses; fingerprinting and
267 background screening; disqualification.-

268 (1) (a) Each person listed in s. 559.945(1) (f) must be
269 fingerprinted and undergo background screening for criminal
270 justice information as defined in s. 943.045. The department
271 shall submit each set of fingerprints to the Department of Law
272 Enforcement for statewide criminal records checks, and the
273 Department of Law Enforcement shall forward the fingerprints to
274 the Federal Bureau of Investigation for federal criminal records
275 checks. The cost of the fingerprint processing and criminal
276 records checks shall be borne by the locksmith services business
277 or the person required to be fingerprinted and shall be paid to
278 the department. The Department of Law Enforcement shall submit a
279 monthly invoice to the department for the fingerprint processing
280 and criminal records checks performed during the month, and the
281 department shall pay the invoice from the fees collected. The
282 results of the criminal records checks shall be returned to the
283 department, and the department shall screen the results to
284 determine whether the person is disqualified under subsection
285 (2).

286 (b) If a legible set of fingerprints, as determined by the
287 Department of Law Enforcement or the Federal Bureau of
288 Investigation, cannot be obtained after two attempts, the
289 department shall determine whether the person is disqualified
290 based upon criminal records checks under the person's name
291 conducted by the Department of Law Enforcement and the Federal
292 Bureau of Investigation.

Amendment No. 1

293 (2) (a) A person required to undergo background screening
294 pursuant to this section must not have been convicted or
295 incarcerated as a result of having been convicted of a crime
296 involving sexual battery, attempted sexual battery, trespass,
297 burglary, theft, larceny, dealing in stolen property, receiving
298 stolen property, embezzlement, obtaining property by false
299 pretenses, possession of altered property, or any other
300 fraudulent or dishonest dealing within the previous 10 years.

301 (b) The department may grant a person disqualified under
302 paragraph (a) an exemption from disqualification for conviction
303 of:

304 1. Any felony committed more than 3 years before the date
305 of disqualification.

306 2. Any misdemeanor.

307 (c) In order for the department to grant an exemption, the
308 disqualified person must demonstrate by clear and convincing
309 evidence of rehabilitation including, but not limited to, the
310 circumstances surrounding the criminal incident for which an
311 exemption is sought, the time period that has elapsed since the
312 incident, the nature of the harm caused to the victim, and the
313 history of the disqualified person since the incident, or any
314 other evidence or circumstances indicating that the disqualified
315 person will not present a danger to the public if an exemption
316 is granted.

317 (3) (a) All fingerprints submitted to the Department of Law
318 Enforcement must be submitted electronically. All fingerprints
319 submitted to the Department of Law Enforcement as required by
320 this section shall be retained by the Department of Law

Amendment No. 1

321 Enforcement in a manner provided by rule and entered in the
322 statewide automated fingerprint identification system authorized
323 by s. 943.05(2)(b). The fingerprints shall thereafter be
324 available for all purposes and uses authorized for arrest
325 fingerprints entered in the statewide automated fingerprint
326 identification system pursuant to s. 943.051.

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

339 (c) Each licensee shall pay to the department a fee for
340 the cost of retaining the fingerprints and performing the
341 ongoing searches of arrest records under paragraph (b). The
342 Department of Law Enforcement shall submit an invoice to the
343 department for the fingerprints retained and searches performed,
344 and the department shall pay the invoice from the fees
345 collected. The Department of Law Enforcement shall adopt rules
346 establishing the amount of the fee and procedures for retaining
347 the fingerprints, performing the searches, and disseminating the
348 search results. The department shall notify the Department of

Amendment No. 1

349 Law Enforcement of any change in a person's status as a person
350 listed s. 559.945(1)(f) if, as a result of the change, the
351 person's fingerprints are no longer required to be retained
352 under paragraph (a).

353 (4) Before expiration of the time limit in s. 120.60 for
354 approving an application, if the department does not receive
355 criminal justice information for any person listed in s.
356 559.945(1)(f), or receives criminal justice information that
357 includes a crime that may disqualify the person but does not
358 include a final disposition of the crime, the time limit in s.
359 120.60 for approving the application is extended until the
360 department receives final disposition of the crime or proof of
361 restoration of civil rights. However, an applicant may only
362 operate as an apprentice locksmith until the applicant's case
363 disposition or proof of restoration of applicant's civil rights
364 are received by the department.

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

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

370 (b) Employed by a licensee or applicant for a license
371 under this part.

372 559.947 Licensure by endorsement.—

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

Amendment No. 1

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

378 (a) Meets the qualifications for licensure in s. 559.945;
379 or

380 (b) Holds a valid locksmith services business license, or
381 the equivalent thereof, issued by another state, territory, or
382 possession of the United States, the District of Columbia, or
383 the Commonwealth of Puerto Rico with which the department has
384 established reciprocity.

385 (2) The department may establish reciprocity with other
386 states, territories, or possessions of the United States, the
387 District of Columbia, or the Commonwealth of Puerto Rico and may
388 adopt criteria for establishing reciprocity, subject to the
389 following:

390 (a) The licensing requirements of the other state,
391 territory, or possession must substantially meet or exceed the
392 requirements of s. 559.945.

393 (b) The other state, territory, or possession must issue a
394 license, or the equivalent thereof, to a locksmith services
395 business that is licensed in this state and seeks to do business
396 in the other state, territory, or possession.

397 559.948 License renewal.—Each locksmith services business
398 license must be renewed biennially on or before the license's
399 expiration date. To apply for renewal of a license, the licensee
400 must submit each of the following to the department:

401 (1) A renewal application in the format prescribed by the
402 department that includes the information required for initial
403 licensure in s. 559.945(1).

Amendment No. 1

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

406 (3) Proof of liability insurance coverage as required in
407 s. 559.95.

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

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

415 559.949 Denial, suspension, revocation, or refusal to
416 renew license.—The department may deny, suspend, revoke, or
417 refuse to renew the license of a locksmith services business
418 based upon a determination that the locksmith services business
419 or any person listed in s. 559.945(1)(f):

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

422 (2) Is disqualified based upon background screening
423 pursuant to s. 559.946(2);

424 (3) Received any civil, criminal, or administrative
425 adjudication in any jurisdiction; or

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

429 (5) Failure to maintain liability insurance as required in
430 s. 559.95.

431 559.95 Liability insurance.—

Amendment No. 1

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

437 (2) The insurance coverage must be issued by an insurance
438 company or carrier licensed to transact business in this state
439 under the Florida Insurance Code. The department shall require a
440 locksmith services business to present a policy or certificate
441 of insurance of the required coverage before issuance or renewal
442 of a license. The department shall be named as a
443 certificateholder in the policy or certificate and must be
444 notified at least 30 days before any changes in insurance
445 coverage.

446 (3) Notwithstanding the availability of administrative
447 relief under chapter 120, the department may seek an immediate
448 injunction in the circuit court of the county in which the
449 business is located that prohibits the locksmith services
450 business from operating until the business complies with this
451 section and imposes a civil penalty not to exceed \$10,000 and
452 reasonable court costs.

453 559.951 Locksmiths; apprentice locksmiths; photo
454 identification cards; display of license and license number.-

455 (1) A person may not perform locksmith services on behalf
456 of a locksmith services business unless the person is the
457 licensee or one of the following:

458 (a) Locksmith.-Except as provided in paragraph (b) for an
459 automotive-only locksmith, a locksmith must be 18 years of age

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 301 (2010)

Amendment No. 1

460 or older and complete 16 hours of training, including training
461 in industry ethics, the federal Americans with Disabilities Act,
462 the Florida Building Code, the Florida Fire Prevention Code, and
463 the Life Safety Code as those codes relate to locksmith services
464 and the installation of locks.

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

468 (c) Apprentice locksmith.-An apprentice locksmith must be
469 15 years of age or older and complete a minimum of 16 hours of
470 training, including training in industry ethics, the federal
471 Americans with Disabilities Act, the Florida Building Code, the
472 Florida Fire Prevention Code, and the Life Safety Code as those
473 codes relate to locksmith services and the installation of
474 locks. An apprentice locksmith may perform locksmith services
475 only under the direct and continuous supervision of a locksmith
476 or automotive-only locksmith. An apprentice locksmith may not
477 perform or contract to perform locksmith services without the
478 express approval of his or her supervising locksmith. The
479 supervising locksmith is responsible for any violation of this
480 part committed by the apprentice locksmith.

481 (2) (a) Except as provided in paragraph (b) for an
482 automotive-only locksmith, every 2 years, a locksmith must
483 complete at least 16 hours of training, including training on
484 the federal Americans with Disabilities Act, the Florida
485 Building Code, the Florida Fire Prevention Code, and the Life
486 Safety Code as those codes relate to locksmith services and the
487 installation of locks.

Amendment No. 1

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

492 (3) Each locksmith services business must maintain a
493 personnel record of each locksmith, automotive-only locksmith,
494 and apprentice locksmith who performs locksmith services on
495 behalf of the licensee. The personnel record must include:

496 (a) Two copies of a photograph taken of the locksmith,
497 automotive-only locksmith, or apprentice locksmith within 10
498 days after the date that he or she begins to perform locksmith
499 services on behalf of the licensee. One copy shall be used for
500 the locksmith's or apprentice's photo identification card. The
501 second copy shall be retained in his or her personnel record.
502 Both copies of the photograph shall be replaced with a current
503 photograph at least once every 2 calendar years.

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

506 (c) Documentation provided by the locksmith services
507 business that demonstrates completion of the training required
508 in subsections (1) and (2).

509 (4) Each locksmith services business shall issue a photo
510 identification card to each locksmith, automotive-only
511 locksmith, and apprentice locksmith performing locksmith
512 services on behalf of the licensee. A photo identification card
513 must contain the name and photograph of the locksmith or
514 apprentice, the name of the locksmith services business, and the
515 license number. The photo identification card must also include:

Amendment No. 1

- 516 (a) For a locksmith, the word "Locksmith."
- 517 (b) For an automotive-only locksmith, the phrase
- 518 "Automotive-Only Locksmith."
- 519 (c) For an apprentice locksmith, the word "Apprentice."
- 520
- 521 Each locksmith, automotive-only locksmith, and apprentice
- 522 locksmith must display the photo identification card on his or
- 523 her person at all times while performing locksmith services.
- 524 (5) A locksmith services business must display a copy of
- 525 its locksmith services business license at each business
- 526 location in a manner easily readable by the general public. A
- 527 mobile locksmith services business shall keep a copy of the
- 528 license in each service vehicle for immediate presentation to
- 529 any law enforcement officer, state or local official, or member
- 530 of the general public upon request.
- 531 (6) Each advertisement or other form of advertising, each
- 532 service vehicle, and each work order, invoice, sales receipt, or
- 533 other business form of a licensee must include the license
- 534 number and name of the locksmith services business as they
- 535 appear on the license issued by the department.
- 536 559.952 Acceptable forms of payment; locksmith services
- 537 business records.—
- 538 (1) A locksmith services business shall accept at least
- 539 two of the following methods of payment:
- 540 (a) Cash, cashier's check, money order, or traveler's
- 541 check;

Amendment No. 1

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

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

547 (2) A locksmith services business shall clearly and
548 conspicuously disclose to the person requesting locksmith
549 services in a work order, invoice, or sales receipt the methods
550 of payment that the locksmith services business accepts.

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

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

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

559 559.953 Prohibited acts.—

560 (1) A person may not:

561 (a) Perform or offer to perform locksmith services without
562 having or acting under a valid license issued by the department
563 under this part.

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

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

Amendment No. 1

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

571 (a) Require a consumer to waive his or her rights provided
572 in this part as a precondition to the performance of locksmith
573 services.

574 (b) Fail or refuse, after notice, to provide any law
575 enforcement officer or the department with any document or
576 record or disclose any information required to be produced or
577 disclosed.

578 (c) Employ or contract with any person disqualified under
579 s. 559.946 to perform locksmith services on behalf of the
580 licensee.

581 (d) Submit to the department the fingerprints of a person
582 other than the person for whom fingerprints must be submitted
583 pursuant to s. 559.946 or fail to submit replacement
584 fingerprints for a locksmith or apprentice locksmith whose
585 original fingerprint submissions are returned to the department
586 as unclassifiable by the screening agency.

587 (e) Use a mailing address, registration facility, drop
588 box, or answering service in the promotion, advertisement,
589 solicitation, or sale of locksmith services, unless the street
590 address of the licensed business location is clearly disclosed
591 during any telephone solicitation and is prominently and
592 conspicuously disclosed in all advertisements and on the work
593 orders, invoices, and sales receipts.

594 (f) Operate as a locksmith services business at a business
595 location other than the location that appears on the license
596 issued by the department.

Amendment No. 1

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

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

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

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

608 (k) Violate this part or any rule adopted or order issued
609 under this part.

610 559.954 Civil penalties; remedies.-

611 (1) A consumer injured by a violation of this part may
612 bring an action in the appropriate court for relief. The court
613 may award reasonable costs and attorney's fees to the prevailing
614 party. The consumer may also bring an action for injunctive
615 relief in the circuit court.

616 (2) (a) The department may bring an action in a court of
617 competent jurisdiction to recover any penalties or damages
618 authorized in this part and for injunctive relief to enforce
619 this part.

620 (b) The department may seek a civil penalty of up to
621 \$10,000 for each violation of this part.

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

Amendment No. 1

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

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

629 559.955 Administrative remedies; penalties.-

630 (1) The department shall process a consumer complaint
631 against a locksmith services business in the manner described in
632 ss. 570.07 and 570.544.

633 (2) A locksmith services business shall allow department
634 personnel to enter its business locations for purposes of
635 determining whether the license is current. If department
636 personnel are refused entry or access to the premises, the
637 department may seek injunctive relief in circuit court to
638 enforce this subsection.

639 (3) If the department determines that a locksmith services
640 business has violated, or is operating in violation of, this
641 part or any rules adopted or orders issued under this part, the
642 department may enter an order doing one or more of the
643 following:

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

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

647 (c) Directing that the locksmith services business cease
648 and desist specified activities.

649 (d) Refusing to issue or renew, suspending, or revoking a
650 license.

Amendment No. 1

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

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

656 (5) In a final order imposing an administrative fine or
657 refusing to issue or renew, suspending, or revoking a license,
658 the department may assess against the sanctioned party the cost
659 of conducting the administrative proceedings, unless the
660 department determines that the offense was inadvertent or done
661 in a good faith belief that the act or omission did not violate
662 a state law or rule. An assessment is limited to the reasonable
663 hourly rate of the hearing officer and the actual cost of
664 recording or transcribing the proceedings.

665 (6) (a) The department shall prominently post a "Closed by
666 Order of the Department" sign on a locksmith services business
667 whose license is suspended or revoked. The department shall also
668 post a sign on a locksmith services business that is judicially
669 or administratively determined to be operating without a
670 license.

671 (b) A person who defaces or removes the sign without
672 written authorization from the department, or a locksmith
673 services business that opens for operation without a license or
674 opens for operation as a locksmith services business while its
675 license is suspended or revoked, commits a misdemeanor of the
676 second degree, punishable as provided in s. 775.082 or s.
677 775.083.

Amendment No. 1

678 (c) A criminal penalty imposed under this subsection shall
679 be in addition to any administrative sanction imposed by the
680 department under subsection (3).

681 559.956 Deceptive and unfair trade practices.—A person who
682 violates any provision of this part commits an unfair or
683 deceptive trade practice and is subject to the penalties and
684 remedies provided in part II of chapter 501.

685 559.957 Criminal penalties.—A person who violates s.
686 559.953 commits a misdemeanor of the first degree, punishable as
687 provided in s. 775.082 or s. 775.083.

688 559.958 Rulemaking authority.—The department shall adopt
689 rules pursuant to ss. 120.536(1) and 120.54 to administer this
690 part. The rules shall include, but are not limited to, the
691 following:

692 (1) Requirements and procedures for the licensure of
693 locksmith services businesses.

694 (2) Requirements and procedures for the fingerprinting and
695 background screening of persons listed in s. 559.945(1)(f) for
696 criminal justice information.

697 (3) Forms required to implement this part, including
698 license applications, renewal applications, fingerprint
699 submissions, affidavits of criminal history, and photo
700 identification cards.

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

704 (5) Establishment and periodic update of a background
705 screening fee schedule to incorporate fee changes by the Federal

Amendment No. 1

706 Bureau of Investigation, the Department of Law Enforcement, and
707 other entities involved in conducting the background screenings.

708 (6) Methods of obtaining and renewing photographs for
709 photo identification.

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

711 559.959 Deposit and use of revenues from fees, civil
712 penalties, and fines.-Any fees, civil penalties, administrative
713 finances, or other funds collected by the department pursuant to
714 this part shall be deposited in the General Inspection Trust
715 Fund and used to administer this part.

716 559.96 Preemption; local business tax receipts.-

717 (1) Effective July 1, 2011, this part preempts any local
718 act, law, ordinance, or regulation of a county or municipality
719 that relates to locksmith services, locksmiths, or locksmith
720 services businesses that do not meet or exceed the requirements
721 in this part.

722 (2) A county or municipality may not issue or renew a
723 local business tax receipt for a locksmith services business
724 unless the person applying for or renewing the local business
725 tax receipt exhibits a valid license issued by the department.

726 559.961 Florida Locksmith Services Advisory Council.-The
727 Florida Locksmith Services Advisory Council is created within
728 the department to advise and assist the department in carrying
729 out this part.

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

Amendment No. 1

732 (a) Six industry members must be owners or employees of
733 locksmith services businesses licensed under this part, as
734 follows:

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

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

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

742 (c) One member must have private investigative, private
743 security, motor vehicle recovery, or law enforcement experience
744 or expertise.

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

747
748 Each member must be a resident of the state. Each member, except
749 the consumer member, must have at least 3 years of experience
750 and be currently engaged in the profession. Initial industry
751 members must be owners or employees of locksmith services
752 businesses.

753 (2) Members shall be appointed for a maximum of two
754 consecutive 4-year teams, unless there are no other applicants
755 seeking appointment to the council, and must be geographically
756 representative of the state. A member whose term expires shall
757 continue to serve until his or her successor is appointed. A
758 vacancy occurring before the expiration of a member's term shall
759 be filled by the commissioner for the remainder of the term.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 301 (2010)

Amendment No. 1

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

762 (b) The council shall meet at the call of the chair, upon
763 the request of a majority of its membership, or upon the request
764 of the Commissioner of Agriculture.

765 (c) In conducting its meetings, the council shall use
766 accepted rules of procedure. The department shall keep a
767 complete record of each meeting, which must show the names of
768 the members present and actions taken. The department shall keep
769 the records of the council.

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

773 (5) The department shall provide administrative and staff
174 support for the council.

775 (6) The council may review any rules adopted by the
776 department pursuant to this part and may advise the department
777 on matters relating to advancements in industry standards,
778 practices, and other issues that require technical expertise and
779 consultation or that promote consumer protection in the
780 locksmith services industry.

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

782

Amendment No. 1A

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	<input checked="" type="checkbox"/> (Y/N)
OTHER	—

1 Council/Committee hearing bill: Public Safety & Domestic
2 Security Policy Committee
3 Representative(s) Drake offered the following:

4
5 **Amendment to Amendment (1) by Representative Anderson**

6 Between lines 126 and 127, insert:

7 (6) A person, who is personally known to a customer, who
8 lawfully acquires and owns locksmith tools, who provides
9 services to those customers' property, including but not limited
10 to the customer's home, business, and vehicle; and who does not
11 broadly advertise locksmith services.

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

CS/HB 485 : Pub. Rec./Public Defenders/Regional Counsel

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams				X	
Mackenson Bernard			X		
Brad Drake	X				
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 787 : Child Abduction Prevention

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams				X	
Mackenson Bernard	X				
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

HB 787 by Rouson
 Kenneth Connelly - Information Only
 2812 Hampton Ct.
 Richardson Texas 75082
 Phone: 214-364-4181

HB 787 by Rouson
 William J. Lake, Captain - Proponent
 Mary Victoria Lake
 3056 Safronia Shores Road
 Navarrie Florida 32566
 Phone: 850-939-8290

HB 787 by Rouson
 Caroloy Ann Vlk - Proponent
 2155 67 Avenue So
 St. Pete Florida 33712
 Phone: 727-565-6500

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 787 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

ADOPTED



1 Council/Committee hearing bill: Public Safety & Domestic
2 Security Policy Committee
3 Representative(s) Rouson offered the following:

Amendment

Remove lines 223-225 and insert:

7 (m) The party has been diagnosed with a mental health
8 disorder the court considers relevant to the risk of abduction;

9 or

10 (n) The party has engaged in any other conduct the court

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 1029 : Motor Vehicle Crashes

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams				X	
Mackenson Bernard	X				
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

HB 1029 by Troutman--Motor Vehicle Crashes
 Andy Ray, Captain, Polk Co. Sheriff's Office - Proponent
 Polk County
 455 N Broadway Avenue
 Barton Florida 33830
 Phone: 863-297-1130

HB 1029 by Troutman--Motor Vehicle Crashes
 Tanda Careney, Citizen - Information Only
 Polk County
 113 Cesara Drive
 Mulberry Florida 33860
 Phone: 863-512-3382

HB 1029 by Troutman--Motor Vehicle Crashes
 Connie Rivera, Citizen - Information Only
 Polk County
 622 Carleton Street
 Lakeland Florida 33803
 Phone: 863-327-6635

HB 1029 by Troutman--Motor Vehicle Crashes
 Elizabeth & Wendy Cox - Proponent
 Benjamin Cox
 7674 Christy Cory Lane
 Tallahassee Florida 32304
 Phone: 850-519-1348

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1029 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Council/Committee hearing bill: Public Safety & Domestic
 2 Security Policy Committee
 3 Representative(s) Troutman offered the following:

Amendment (with title amendment)

Remove line 58 and insert:

7 fulfilled the requirements of s. 316.062. The term "serious
 8 bodily injury" means an injury to any person, including the
 9 driver, which consists of a physical condition that creates a
 10 substantial risk of death, serious personal disfigurement, or
 11 protracted loss or impairment of the function of any bodily
 12 member or organ. Any person who

15 -----
 16 **T I T L E A M E N D M E N T**

Remove line 6 and insert:

18 specified requirements; providing a definition; providing
 19 penalties; directing the

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

CS/HB 1189 : Mental Health And Substance Abuse Treatment

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams				X	
Mackenson Bernard			X		
Brad Drake	X				
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 1301 : Violations of County Ordinances

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 1335 : Offense of Sexting

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams				X	
Mackenson Bernard	X				
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Council/Committee hearing bill: Public Safety & Domestic
 2 Security Policy Committee
 3 Representative Abruzzo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Section 847.0146, Florida Statutes, is created
8 to read:

9 847.0146 Sexting; prohibited acts; penalties.--

10 (1) A minor commits the offense of sexting if he or she
11 knowingly:

12 (a) Uses a computer, or any other device capable of
13 electronic data transmission or distribution, to transmit or
14 distribute to another person any photograph or video of himself
15 or herself which depicts nudity and is harmful to minors; or

16 (b) Possesses a photograph or video that was transmitted
17 or distributed by another minor as described in paragraph (a).

18 (2) A minor who violates subsection (1):

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1335 (2010)

Amendment No. 1

19 (a) Commits a noncriminal violation for a first offense,
20 punishable by 8 hours of community service and a \$25 fine. The
21 court may order the minor to participate in suitable training or
22 instruction in lieu of community service.

23 (b) Commits a misdemeanor of the second degree for a
24 second offense, punishable as provided in s. 775.082 or s.
25 775.083.

26 (c) Commits a misdemeanor of the first degree for a third
27 offense, punishable as provided in s. 775.082 or s. 775.083.

28 (d) Commits a felony of the third degree for a fourth or
29 subsequent offense, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31 (3) (a) For purposes of this section, the transmission or
32 distribution of multiple photographs or videos described in
33 paragraph (1) (a) is a single offense if such photographs or
34 videos were transmitted or distributed in the same 24 hour
35 period.

36 (b) For purposes of this section, the possession of
37 multiple photographs or videos that were transmitted or
38 distributed by a minor as described in paragraph (1) (a) is a
39 single offense if such photographs or videos were transmitted or
40 distributed by the minor in the same 24 hour period.

41 (4) This section does not prohibit the prosecution of a
42 minor for conduct relating to material that includes the
43 depiction of sexual conduct or sexual excitement, and does not
44 prohibit the prosecution of a minor for stalking under s.
45 784.048.

46 Section 2. This act shall take effect October 1, 2010.

Amendment No. 1

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

T I T L E A M E N D M E N T

Remove the entire title and insert:

An act relating to the offense of sexting; creating s.
847.0146, F.S.; providing that a minor commits the offense
of sexting if he or she knowingly uses a computer, or any
other device capable of electronic data transmission or
distribution, to transmit or distribute to another person
any photograph or video of himself or herself which
depicts nudity and is harmful to minors, or knowingly
possesses such a photograph or video that was transmitted
or distributed to the minor from another minor; providing
noncriminal and criminal penalties; providing that the
transmission or distribution of multiple photographs or
videos is a single offense if such photographs and videos
were transmitted or distributed in the same 24 hour
period; providing that the possession of multiple
photographs or videos that were transmitted or distributed
by a minor is a single offense if such photographs and
videos were transmitted or distributed by the minor in the
same 24 hour period; providing that the act does not
prohibit prosecution of a minor for conduct relating to
material that includes the depiction of sexual conduct or
sexual excitement or for stalking; providing an effective
date.

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 1359 : Detention by Licensed Security Officers

Temporarily Deferred

Appearances:

HB 1359 by Murzin--Detention by Licensed Security Officers

Major Alan Lamarche, Retired - Proponent

Florida Assoc. of Security Companies

7908 Bandits Run

Tallahassee Florida 32309

Phone: 850-893-2219

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

ADOPTED

1 Council/Committee hearing bill: Public Safety & Domestic
 2 Security Policy Committee
 3 Representative Holder offered the following:
 4

Amendment (with title amendment)

Remove lines 23-93 and insert:

Section 1. Section 493.6305, Florida Statutes, is amended to read:

493.6305 Uniforms, required wear; authority limitations exceptions.-

(1) Class "D" and Class "MB" licensees shall perform duties regulated under this chapter in a uniform that which bears at least one patch or emblem visible at all times clearly identifying the employing agency. A licensed security officer who also possesses a valid Class "G" license, or a licensed security agency manager who also possesses a valid Class "G" license, who is on duty, in uniform, and is providing security services on the premises of a critical infrastructure facility, and who has probable cause to believe that a person has

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1359 (2010)

Amendment No. 1

20 committed or is committing a crime against the client or patrons
21 thereof, may temporarily detain the person for the purpose of
22 ascertaining his or her identity and the circumstances of the
23 activity that is the basis for the temporary detention. The
24 detaining security officer may detain the person in a reasonable
25 manner until the responding law enforcement officer arrives at
26 the premises of the client and is in the presence of the
27 detainee. ~~Upon resignation or termination of employment, a Class~~
28 ~~"D" licensee shall immediately return to the employer any~~
29 ~~uniform and any other equipment issued to her or him by the~~
30 ~~employer.~~

31 (2) When temporarily detaining any person, the licensed
32 security officer or security agency manager shall notify the
33 appropriate law enforcement agency as soon as reasonably
34 possible. Temporary detention of a person by a licensed security
35 officer or security agency manager must be done solely for the
36 purpose of detaining the person before the arrival of a law
37 enforcement officer, and custody of any person being temporarily
38 detained shall be immediately transferred to the responding law
39 enforcement officer for determination of appropriate
40 disposition.

41 (3) A person may not be further detained under this
42 section upon the arrival of a law enforcement officer except
43 under the authority of the responding law enforcement officer.
44 The temporary detention by a licensed security officer or
45 security agency manager may not extend beyond the place where it
46 was first affected or the immediate vicinity thereof.

Amendment No. 1

47 (4) A person may not be temporarily detained under
48 subsection (2) longer than is reasonably necessary to effect the
49 purposes of this section.

50 ~~(5)(2)~~ Class "D" licensees may perform duties regulated
51 under this chapter in nonuniform status on a limited special
52 assignment basis, and only when duty circumstances or special
53 requirements of the client necessitate such dress.

54 ~~(6)(3)~~ Class "D" licensees who are also Class "G"
55 licensees and who are performing limited, special assignment
56 duties may carry their authorized firearm concealed in the
57 conduct of such duties.

58 (7) Upon resignation or termination of employment, a Class
59 "D" licensee shall immediately return to the employer any
60 uniform and any other equipment issued to him or her by the
61 employer.

62

63

64

65

T I T L E A M E N D M E N T

66

Remove lines 9-16 and insert:

67

offender to the custody of the officer; amending s. 493.6118,

68

F.S.;

69

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1359 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

7Y/3N

ADOPTED

1 Council/Committee hearing bill: Public Safety & Domestic
 2 Security Policy Committee
 3 Representative Holder offered the following:

Amendment

Between lines 93 and 94, insert:

7 (8) For purposes of this section, the term "critical
 8 infrastructure facility" includes food establishments, water
 9 treatment plants, as defined in s. 403.866; electrical power
 10 plants, as defined in s. 403.503; and port facilities listed in
 11 s. 403.021(9)(b). The term also includes any location where
 12 activities are performed pursuant to a United States military
 13 defense contract. The term "food establishment" means any
 14 factory or any other facility that manufactures or processes
 15 food.

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 1455 : Misrepresentation of Military Status

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Monday, March 22, 2010 6:30:16PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1455 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER _____

ADOPTED

1 Council/Committee hearing bill: Public Safety & Domestic
 2 Security Policy Committee
 3 Representative(s) Sachs offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (6) of section 496.415, Florida Statutes,
 8 is amended to read:

9 496.415 Prohibited acts.—It is unlawful for any person in
 10 connection with the planning, conduct, or execution of any
 11 solicitation or charitable or sponsor sales promotion to:

12 (6) Falsely state that he or she ~~the person~~ is a member of
 13 or represents a representative of a charitable organization or
 14 sponsor, or falsely state or represent that he or she ~~the person~~
 15 is a member of or represents the United States Air Force, United
 16 States Army, United States Coast Guard, United States Marine
 17 Corps, United States Navy, the National Guard, or a law
 18 enforcement or emergency service organization.

Amendment No. 1

19 Section 2. Section 817.312, Florida Statutes, is created
20 to read:

21 817.312 Unlawful use of uniforms, medals, or insignia.-

22 (1) A person may not misrepresent himself or herself as a
23 member or veteran of the United States Air Force, United States
24 Army, United States Coast Guard, United States Marine Corps,
25 United States Navy, or National Guard and wear the uniform of or
26 any medal or insignia authorized for use by members or veterans
27 of the United States Air Force, United States Army, United
28 States Coast Guard, United States Marine Corps, United States
29 Navy, or the National Guard while soliciting for charitable
30 contributions.

31 (2) A person who violates subsection (1) commits a felony
32 of the third degree, punishable as provided in s. 775.082, s.
33 775.083, or s. 775.084.

34 Section 3. This act shall take effect October 1, 2010.
35
36

37 -----
38 **T I T L E A M E N D M E N T**

39 Remove the entire title and insert:

40 A bill to be entitled

41 An act relating to misrepresentation of military status;
42 amending s. 496.415, F.S.; prohibiting a person from
43 falsely representing himself or herself as a member of or
44 representing the United States Armed Forces or the
45 National Guard for the purpose of solicitation of
46 charitable contributions or participation in a charitable

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1455 (2010)

Amendment No. 1

47 or sponsor sales promotion; creating s. 817.312, F.S.;

48 prohibiting a person from wearing the uniform of or any

49 medal or insignia authorized for use by members or

50 veterans of the United States Armed Forces or the National

51 Guard with the intent to misrepresent himself or herself

52 as a member or veteran of the United States Armed Forces

53 or the National Guard while soliciting for charitable

54 contributions; providing criminal penalties; providing an

55 effective date.

56

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 1493 : Career Offenders

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

HB 1493 by Cruz--Career Offenders
 Yolanda Cox, Detective - Proponent
 Tampa
 P.O. Box 172417
 Tampa Florida 33672

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1493 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

ADOPTED

1 Council/Committee hearing bill: Public Safety & Domestic
2 Security Policy Committee
3 Representative Cruz offered the following:
4

Amendment (with title amendment)

5
6 Remove everything after the enacting clause and insert:
7 Section 1. Subsection (10) is added to section 775.261,
8 Florida Statutes, to read:
9 775.261 The Florida Career Offender Registration Act.-
10 (10) ASSISTING IN NONCOMPLIANCE.-It is a misdemeanor of
11 the first degree, punishable as provided in s. 775.082 or s.
12 775.083, for a person who has reason to believe that a career
13 offender is not complying, or has not complied, with the
14 requirements of this section and who, with the intent to assist
15 the career offender in eluding a law enforcement agency that is
16 seeking to find the career offender to question the career
17 offender about, or to arrest the career offender for, his or her
18 noncompliance with the requirements of this section, to:

Amendment No. 1

19 (a) Withhold information from, or fail to notify, the law
20 enforcement agency about the career offender's noncompliance
21 with the requirements of this section and, if known, the
22 whereabouts of the career offender;

23 (b) Harbor or attempt to harbor, or assist another in
24 harboring or attempting to harbor, the career offender;

25 (c) Conceal or attempt to conceal, or assist another in
26 concealing or attempting to conceal, the career offender; or

27 (d) Provide information to the law enforcement agency
28 regarding the career offender which the person knows to be
29 false.

30 Section 2. This act shall take effect July 1, 2010.
31
32

33 -----
34 **T I T L E A M E N D M E N T**

35 Remove the entire title and insert:

36 An act relating to career offenders; amending s. 775.261, F.S.;
37 providing that it is a first-degree misdemeanor for a person to
38 perform specified acts with the intent to assist a career
39 offender in eluding a law enforcement agency that is seeking to
40 find the career offender to question the career offender about,
41 or to arrest the career offender for, his or her noncompliance;
42 providing criminal penalties; providing an effective date.

COMMITTEE MEETING REPORT
Public Safety & Domestic Security Policy Committee

3/22/2010 3:15:00PM

Location: 404 HOB

HB 1587 : Inmate Reentry

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams				X	
Mackenson Bernard			X		
Brad Drake			X		
Greg Evers			X		
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

HB 1587 by Bogdanoff--Inmate Reentry
 James McDonough, former Secretary , DOC - Proponent
 Self
 4923 Arden Forest Way
 Tallahassee Florida 32309
 Phone: 850-445-0376