

Item # 51

**ADDITIONAL MATERIAL
Public Hearing
OCTOBER 6, 2020**

**SUBMITTED AT THE REQUEST OF
OFFICE of the COUNTY
ATTORNEY**

MEMORANDUM

TO: Board of County Commissioners

FROM: Maite Azcoitia, Deputy County Attorney /s/ *Maite Azcoitia*

DATE: October 1, 2020

RE: **Agenda Item No. 51 on the October 6, 2020, County Commission Agenda, Relating to Locksmiths**
CAO File: 41020.0001

At the County Commission meeting of September 22, 2020, the public hearing on the above-referenced Ordinance was opened and then continued to allow for further legal and staff review and to provide more time for the development of appropriate amendments. The attached amended Ordinance is distributed at the direction of the Ordinance's sponsor, Commissioner Bogen ("Amended Locksmith Ordinance"). Changes from the versions on the agenda of September 22, 2020, and in the Board's published agenda for October 6, 2020, are highlighted in grey, with new language being underlined and deleted language being struck through.

The Amended Locksmith Ordinance continues to require individuals performing locksmith services to apply for a license and for locksmith business owners to register with the County. Individuals applying for licensure must undergo background screening, and certain offenses would disqualify applicants from licensure (and resulting registration).

The most significant changes contained in the Amended Locksmith Ordinance are as follows:

- **Existing Locksmiths.** Persons engaged in locksmithing on the date the Amended Locksmith Ordinance takes effect ("Existing Locksmiths") would have ninety (90) days to file the required application(s) with the County's Environmental and Consumer Protection Division ("ECPD"). ECPD would then have forty-five (45) days to grant or deny the license or registration. Existing locksmiths may continue to work as a locksmith during the one hundred thirty-five (135) day period. Persons who enter the locksmithing business after the effective date of the Amended Locksmith Ordinance must come into compliance immediately and may not work as a locksmith while the application(s) is (are) pending. These changes are shown on pages 5 and 9.
- **Background screening.** Pursuant to Florida law, the County may only exclude people from licensure for offenses "related to" the occupation in question. The Amended Locksmith Ordinance refines prior language to provide that no person who

has a history of committing violent, sexual, or property crimes ("disqualifying offenses") may receive a locksmith license or locksmith business registration, subject to certain exceptions discussed below. These changes are on pages 15 and 17.

- **Rehabilitation for "Active Locksmiths."** Individuals who were working as a locksmith or owned a locksmith business on December 31, 2019 ("Active Locksmiths"), may obtain a license or registration despite an otherwise disqualifying offense, provided the applicant demonstrates rehabilitation to the Director of ECPD. The Amended Locksmith Ordinance includes guidelines for determining rehabilitation, including how long ago the offense occurred, the age of the applicant at the time of the offense, the nature of the offense, and the applicant's subsequent work history. Applicants dissatisfied with the determination of the ECPD Director may appeal the decision to a hearing officer. This process is similar to the County's existing procedures for taxicab drivers, except that the opportunity to prove rehabilitation is limited to Active Locksmiths (and not locksmiths who began, or wish to begin, to practice their trade commencing in 2020 or later). These changes are found on pages 18 and 19.
- **Identification of customers.** Locksmiths would have an obligation to identify customers before opening locks for them and to record the method of identification. The Amended Locksmith Ordinance contemplates the possibility that a customer's identification may be locked in the vehicle or building, or may otherwise not be available, and allows the locksmith to use other methods of identification. These changes are on pages 21 through 23.
- **Stalking.** The Amended Locksmith Ordinance provides that individuals subject to a court order for stalking would be subject to suspension or revocation of their locksmith license or registration. This additional language is on page 27. Criminal stalking has also been added to the list of disqualifying offenses on page 17.
- **Public entity locksmiths.** The Amended Locksmith Ordinance allows employees of a public entity to work on residential facilities of the public entity as well as nonresidential facilities. This change is on page 34.

Please contact the County Attorney, Assistant County Attorney Scott Andron, or me if you have any questions or need additional information regarding this matter.

MA/SA/jl
Attachment

c: Bertha Henry, County Administrator
Robert Melton, County Auditor
Andrew J. Meyers, County Attorney
Leonard Vialpando, Director, Environmental Protection and Growth Management
Department
Jeff Halsey, Director, Environmental and Consumer Protection Division

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3
4 Section 1. Division 8 of Article VII of Chapter 20 of the Broward County Code of
5 Ordinances is hereby created to read as follows:

6 [Underlining omitted]

7 DIVISION 8. LOCKSMITHS AND LOCKSMITH BUSINESSES

8 **Sec. 20-176.130. Definitions.**

9 The following terms shall have the following meanings as used in this division:

10 *Advertisement* or *advertise* shall apply to business cards, business stationery,
11 business proposals, contracts, newspapers, airwave transmissions (other than internal
12 company communications), internet communications (other than intranet
13 communications), social media, classified telephone directories, handbills, billboards,
14 flyers, shopping and service guides (coupon offerings), magazines (including trade
15 association publications), classified advertisements, and signs on vehicles. The terms
16 "advertisement" and "advertise" do not include small promotional items such as pencils,
17 pens, hats, and articles of clothing. Additionally, the terms do not include free classified
18 telephone directory listings that display only the proper name, company name, address,
19 and/or telephone number, in whole or in part, in an unbolded or unhighlighted print,
20 without further textual or pictorial elaboration or touting in the overall display.

21 *Broward County Locksmith Act* or *Locksmith Act* shall mean this Division 8 of
22 Article VII of Chapter 20 of the Broward County Code of Ordinances.

23 *Code* shall mean the Broward County Code of Ordinances.

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1 *Compensation* shall mean money, fee, emolument, quid pro quo, barter,
2 remuneration, pay, reward, indemnification, or satisfaction.

3 *County Commission* shall mean the Board of County Commissioners of
4 Broward County, Florida.

5 *Customer* shall mean a person who makes an inquiry or request for, or purchases,
6 locksmith goods or services from a locksmith or a locksmith business.

7 *Director* shall mean the director of the Environmental and Consumer Protection
8 Division.

9 *ECPD* shall mean the Broward County Environmental and Consumer Protection
10 Division, or successor agency.

11 *Key* shall mean a properly combined device that is or most closely resembles
12 the device specifically intended by a lock manufacturer to operate the corresponding lock.
13 "Key" includes any digital or electronic device or app that is coded, calibrated, or
14 programmed to operate a corresponding lock.

15 *Key duplication machine* shall mean any device that is capable of copying or
16 reproducing keys.

17 *License* shall mean the authorization required by this Code for a locksmith to
18 perform locksmith work or services.

19 *Locksmith* shall mean any individual who for compensation, wages, or salary
20 engages in locksmith work and who has received a license under this ~~chapter~~ division.
21 This definition shall not include any person whose activities are limited to making a
22 duplicate key from an existing key.

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1 *Locksmith business* shall mean any person advertising, offering to perform, or
2 performing locksmith work for compensation, including, but not limited to, locksmith
3 contractors, mobile locksmith business operators, locksmith shops, and sole proprietors.

4 *Locksmith work or locksmith services* shall mean installing, repairing, rebuilding,
5 rekeying, repinning, recoding, servicing, adjusting, opening, or modifying locks,
6 mechanical and electronic security locking devices and peripherals, safes, vaults, and
7 safe deposit boxes. It shall also mean originating keys for locks and the operation of
8 mechanical or electronic security locking devices and peripherals, safes, vaults, or safe
9 deposit boxes by any means other than the means intended by the manufacturer.

10 **Sec. 20-176.131. Intent and purpose.**

11 It is hereby declared by the County Commission that the health, safety, and welfare
12 of the people of Broward County, and protection of their families and property, require the
13 licensure and regulation of individuals and businesses engaged in locksmith services.
14 Any individual desiring to perform locksmith services in Broward County shall be required
15 to obtain a Broward County license; locksmith businesses shall be required to obtain a
16 Broward County registration certificate; and locksmiths and locksmith businesses shall
17 be required to comply with the regulations provided in this division. It is the legislative
18 intent of the County Commission that the fees assessed under this division shall be
19 sufficient to fund the costs incurred in implementing this division.

20 **Sec. 20-176.132. Locksmith license required; apprentice licenses.**

21 (a) It shall be a violation of this section for an individual to provide, offer to
22 provide, or advertise for the provision of locksmith services for compensation without first
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1 obtaining and maintaining a current and valid locksmith license or a current and valid
2 apprentice locksmith license pursuant to the provisions of this division.

3 (b) An apprentice locksmith may perform locksmith services for compensation
4 only under the supervision of a licensed locksmith. "Supervision" means, at a minimum,
5 that the licensed locksmith reviews the work of the apprentice locksmith before the
6 locksmith services are completed and before final payment is accepted from the
7 customer.

8 (c) Each locksmith and each apprentice locksmith must display a current and
9 valid license certificate issued by Broward County in full view of the customer at the
10 locksmith's primary place of business.

11 (d) The license number of the licensed locksmith must appear on all
12 advertisements, forms, quotations, invoices, and commercial motor vehicles of the
13 licensed locksmith. The license number of the licensed apprentice locksmith and the
14 supervising licensed locksmith must appear on all advertisements, forms, quotations,
15 invoices, and commercial motor vehicles of the licensed apprentice locksmith.

16 (e) Locksmiths who were working as locksmiths on the effective date of this
17 ordinance shall have ninety (90) days from the effective date to submit a fully completed
18 application for a license. ECPD shall then have forty-five (45) days to either grant or deny
19 the license. Such locksmiths may continue to work as locksmiths during this period.
20 Locksmiths who commence provision of locksmithing services after the effective date of
21 this division must meet all requirements of this division prior to commencement of work
22 as a locksmith.

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1 **Sec. 20-176.133. Application for locksmith license or apprentice locksmith**
2 **license.**

3 (a) An applicant for a locksmith license or an apprentice locksmith license must:

4 (1) Complete an application in the form provided by ECPD and pay the
5 nonrefundable application fee; and

6 (2) Submit documentation demonstrating that the applicant has successfully
7 passed the background screening required by Section 20-176.137.

8 (b) Each application for a locksmith license or an apprentice locksmith license
9 must contain the following information:

10 (1) Full legal name of the applicant;

11 (2) Current telephone number (rotating voice over internet protocol (VOIP)
12 telephone numbers are not permitted); the telephone number may be a
13 cellular phone number but must be associated with a single physical
14 address;

15 (3) Current residential address;

16 (4) Current employer;

17 (5) Current business mailing address and physical address(es), if any;

18 (6) Background check and list of all offenses required to be disclosed pursuant
19 to Section 20-176.137 of this division;

20 (7) One of the following:

21 a. For a locksmith license, a sworn statement from the applicant
22 attesting that the applicant has worked as a locksmith or an
23 apprentice locksmith for at least one (1) year, accompanied by the

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1 name and contact information of a person or persons who employed
2 the applicant as a locksmith or an apprentice locksmith for at least
3 one (1) year; or

4 b. For an apprentice locksmith license, a sworn statement from a
5 currently licensed locksmith who has agreed to supervise the
6 applicant as an apprentice for at least one (1) year. Any apprentice
7 locksmith licensed under this provision must notify ECPD within ten
8 (10) days after any change in place of employment or supervising
9 licensed locksmith; and

10 (8) Such other relevant items or information as may be required by the Director
11 that are consistent with the provisions of this division.

12 (c) The application must be executed under penalty of perjury by the applicant.

13 (d) The criteria for issuance of a locksmith license or an apprentice locksmith
14 license by ECPD shall be as follows:

15 (1) Compliance by the applicant with all the applicable provisions of this division
16 and all rules, regulations, and standards promulgated thereunder, including
17 that the applicant has no disqualifying offenses as set forth in
18 Section 20-176.137 of this division; and

19 (2) Submission of a complete, sworn application and payment of the applicable
20 application fee.

21 (e) If the application is incomplete or ECPD requires more information to
22 process it, then ECPD shall provide written notice to the applicant of the defects or the
23 additional information required. The applicant shall have thirty (30) days from the date of

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1 ECPD's notification to correct the defects or provide the additional information required.
2 If the applicant does not provide a timely written response, the application shall be
3 deemed abandoned, the application fee will be forfeited, and no further action shall be
4 required by ECPD.

5 (f) ECPD shall act on all complete applications within thirty (30) days after
6 receipt of the complete application.

7 (g) If ECPD determines that an applicant does not qualify for a locksmith
8 license or apprentice locksmith license, then ECPD shall so inform the applicant in writing.

9 (h) Upon determining that the applicant has qualified for a license pursuant to
10 this division, ECPD shall issue a license in the form prescribed by the Director.

11 (i) Locksmith licenses and apprentice locksmith licenses are nontransferable.

12 **Sec. 20-176.134. Locksmith business registration required.**

13 (a) It shall be a violation of this section for a locksmith business to provide, offer
14 to provide, or advertise for the provision of locksmith services for compensation or as part
15 of a regularly conducted business activity without first obtaining and maintaining a current
16 and valid registration pursuant to the provisions of this division.

17 (b) The locksmith business must display a valid, current locksmith business
18 registration issued by Broward County in full view of the customer at the place of business
19 for which the registration was obtained.

20 (c) All advertisements of the locksmith business must include the locksmith
21 business registration number issued pursuant to this division.

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1 (d) Each locksmith business must employ or retain the services of at least
2 one (1) locksmith licensed by Broward County. The licensed locksmith may be an owner,
3 employee, or independent contractor of the locksmith business.

4 (e) If the only licensed locksmith employed or retained by a locksmith business
5 leaves the employ or retention of the locksmith business, the locksmith business must
6 promptly notify ECPD, and may not perform locksmith services until the locksmith
7 business hires or retains the services of a licensed locksmith.

8 (f) Existing locksmith businesses as of the effective date of this division shall
9 have ~~twelve (12) months~~ ninety (90) days from the effective date of this ~~division~~ ordinance
10 to apply for a registration. to come into full compliance with the requirements of this
11 division. ECPD shall then have forty-five (45) days to either grant or deny the registration.
12 Such locksmith businesses may continue to operate during this period. Locksmith
13 businesses that commence operation after the effective date of this division must meet
14 all requirements of this division prior to commencement of business operations.

15 **Sec. 20-176.135. Application for locksmith business registration; criteria for**
16 **registration.**

17 (a) Each application for a locksmith business registration must contain the
18 following information:

- 19 (1) Legal business name and trade name (if any);
20 (2) Current telephone number (rotating voice over internet protocol (VOIP)
21 telephone numbers are not permitted); the telephone number may be a
22 cellular phone number but must be associated with a single physical
23 address;

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- 1 (3) Current business mailing address (which must be the same as the address
2 listed on the Broward County local business tax receipt for the locksmith
3 business), as well as the addresses of any branch office(s);
- 4 (4) Proof of registration of fictitious name (if any);
- 5 (5) Copy of current local business tax receipt(s);
- 6 (6) Federal taxpayer identification number;
- 7 (7) If the application for registration is by an individual, the applicant's full name,
8 current address, and telephone number;
- 9 (8) If the application for registration is by a partnership, then the full names,
10 current addresses, and telephone numbers of all general partners; the
11 Florida registered agent, if a limited partnership; and the full name, current
12 address, and telephone number of the individual who will be actively in
13 charge of the locksmith business;
- 14 (9) If the application for registration is by a corporation or limited liability
15 company, the full names, addresses, and telephone numbers of its
16 corporate officers and directors or members; the federal tax identification
17 number of the corporation; the Florida registered agent of the corporation;
18 the date and place of incorporation; a statement listing the names of any
19 other corporations, entities, or trade names through which any owner,
20 director, officer, or member of the applicant was known or did business as
21 a locksmith or as a locksmith business within five (5) calendar years
22 preceding the date upon which the corporation is submitting the application
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1 for registration; and the full name, current address, and telephone number
2 of the individual who will be actively in charge of the locksmith business;

3 (10) The full name, current address, and license number of all locksmiths who
4 are currently employed or retained by the locksmith business;

5 (11) Evidence of a minimum of fifty thousand dollars (\$50,000.00) in combined
6 liability insurance;

7 (12) Evidence of workers' compensation insurance as required by Chapter 440
8 of the Florida Statutes, a State certificate of exemption, or a sworn
9 statement from the applicant affirming that such coverage is not required by
10 law;

11 (13) Background check and list of all offenses required to be disclosed pursuant
12 to Section 20-176.137 of this division; and

13 (14) Such other relevant items or information as may be required by the Director
14 that are consistent with the provisions of this division.

15 (b) The application must be executed under penalty of perjury by the individual
16 applicant, by all general partners of a partnership applicant, or by an authorized officer,
17 director, or member of a corporation or limited liability company applicant with authority
18 to bind the corporation or limited liability company.

19 (c) A person operating a locksmith business at more than one (1) location in
20 Broward County, Florida, may file a single application that applies to all locations,
21 provided the application clearly indicates each location and lists a distinct individual in
22 charge of each locksmith business location.

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1 (d) The criteria for issuance of a locksmith business registration by ECPD shall
2 be as follows:

3 (1) Compliance by the applicant with all the applicable provisions of this
4 division and any rules, regulations, and standards promulgated thereunder,
5 including that the applicant, its partners, officers, directors, or members, as
6 applicable, have no disqualifying offenses as set forth in
7 Section 20-176.137 of this division;

8 (2) Submission of a complete, sworn application and payment of the applicable
9 application fee; and

10 (3) At least one (1) licensed locksmith per location in the employ of or retained
11 by the locksmith business.

12 (e) If the application is incomplete or ECPD requires more information to
13 process it, then ECPD shall provide written notice to the applicant of the defects or the
14 additional information required. The applicant shall have thirty (30) days from the date of
15 ECPD's notification to correct the defects or provide the additional information required.
16 If the applicant does not provide a timely written response, the application shall be
17 deemed abandoned, the application fee will be forfeited, and no further action shall be
18 required by ECPD.

19 (f) ECPD shall act on all complete applications within thirty (30) days after
20 receipt of the complete application.

21 (g) If ECPD determines that an applicant does not qualify for registration, then
22 ECPD shall so inform the applicant in writing.

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1 (h) Upon determining that the applicant has qualified for registration pursuant
2 to this division, ECPD shall issue a registration certificate in the form prescribed by the
3 Director. Such registration certificate must be prominently displayed by the registered
4 locksmith business to the public in the primary location of the locksmith business. The
5 registration number appearing on the certificate must appear on all advertisements,
6 forms, and commercial motor vehicles of the locksmith business.

7 (i) Locksmith business registrations are nontransferable. The locksmith
8 business must promptly notify ECPD of any change in the location(s) of the locksmith
9 business. In the event of a change in ownership of a locksmith business, a new
10 application and payment of an application fee is required. Provided the new ownership
11 of the locksmith business applies for registration in accordance with this division within
12 thirty (30) days after the change in ownership, the locksmith business may continue to
13 operate pending a determination on the application. For purposes of this section, "change
14 of ownership" includes any change in the ownership or operator of a locksmith business
15 that is owned by one or more individuals or partnerships, and any change in ownership
16 of ten percent (10%) or more of the outstanding stock or other ownership interest of a
17 locksmith business that is a corporation or a limited liability company.

18 **Sec. 20-176.136. Fees; applications; renewals.**

19 (a) The fees for initial applications, renewal applications, and duplicate licenses
20 or registrations shall be established by the County Commission and reviewed periodically
21 for any appropriate changes. All fees collected pursuant to this division shall be used
22 exclusively to accomplish the intent and purpose of this division.

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1 (b) A locksmith business may submit a single application for multiple locations
2 of the same locksmith business, but an application fee is required for each business
3 location. The total of all such application fees may be paid in a single payment.

4 (c) Applications, renewal applications, and applications for a duplicate license
5 or registration shall be submitted on forms provided by ECPD.

6 (d) Each license and registration shall be effective for a period of one (1) year,
7 except that the Director may, at the discretion of the Director, extend the license or
8 registration duration for an additional period of up to six (6) ~~additional~~ months for the
9 purpose of enabling renewals to occur at specific times during each year.

10 (e) Prior to the expiration of a license or registration, an applicant may apply for
11 renewal of the license or registration. As a part of the renewal process, the applicant
12 must update the original application and verify the information contained therein on forms
13 prescribed by ECPD. Each renewal application must be submitted prior to the expiration
14 of the current license or registration and shall be accompanied by the applicable renewal
15 fee.

16 (f) In the event of loss, destruction, or mutilation of the license or registration,
17 the individual or business to whom it was issued may obtain a duplicate copy upon
18 payment of the applicable fee and satisfactory proof of the loss, destruction, or mutilation.

19 (g) Upon receipt of the completed application form and fee, and after
20 ~~determining that there is no reason why the application should not be approved~~ confirming
21 compliance with the applicable rules and requirements of this division, ECPD shall
22 approve the application and notify the applicant of the approval.

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1 **Sec. 20-176.137. Background screening; disclosure of convictions; disqualifying**
2 **offenses.**

3 (a) It is the policy of Broward County that, because locksmiths may have
4 access to the homes, businesses, possessions, and children of County residents, no
5 person who has a history of committing violent, sexual, or property crimes should receive
6 a locksmith license or locksmith business registration, subject to the exception in
7 Subsection (f) below.

8 ~~(a)~~ (b) Each individual applying for a locksmith license or a locksmith apprentice
9 license, and each owner, general partner, officer, director, or member of a locksmith
10 business applying for registration, must be fingerprinted and the fingerprints submitted to
11 the Florida Department of Law Enforcement (FDLE) for a state criminal background
12 history record check and to the Federal Bureau of Investigation for a national criminal
13 history record check. Prior to submitting a request for a criminal history record check
14 pursuant to this section, ECPD shall notify each applicant to be fingerprinted that their
15 fingerprints will be sent to the FDLE for a state criminal history record check and to the
16 Federal Bureau of Investigation for a national criminal history record check. The
17 notifications shall also state that the applicants ~~has~~ have a right to: obtain a copy of their
18 criminal history records; challenge the completeness and accuracy of the criminal history
19 records pursuant to state and federal law; and request a correction, change, or update to
20 the criminal history records pursuant to state and federal law. ECPD may perform
21 fingerprinting directly and/or may refer applicants to FDLE-approved fingerprint services.

22 ~~(b)~~ (c) Each individual applying for a locksmith license and each owner, general
23 partner, officer, director, or member of a locksmith business applying for registration must

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1 fully and accurately disclose in the application any criminal history, as provided in this
2 section. As used herein, conviction means any judicial determination of conviction,
3 conviction by plea of guilty or nolo contendere, or conviction by jury verdict, regardless of
4 whether adjudication was withheld.

5 ~~(c)~~ (d) Each applicant must disclose in the initial application and each renewal
6 application:

7 a. All convictions, in any jurisdiction, regardless of whether adjudication was
8 withheld, of any felonies, misdemeanors, or ordinance violations (excluding
9 noncriminal traffic violations) for robbery, burglary, larceny, theft,
10 possession of stolen goods, possession of a stolen car, breaking and
11 entering, or any other crime related to locksmithing, for the individual
12 applicant, and for each owner, general partner, officer, director, and/or
13 member of an applicant that is not an individual; and

14 b. All convictions, in any jurisdiction, regardless of whether adjudication has
15 been withheld, of any felony involving moral turpitude relating to sex, the
16 use of a deadly weapon, homicide, violence against a law enforcement
17 officer, or as a habitual violent felony offender.

18 ~~(d)~~ (e) Except as provided in subsection (f), below, No applicant for licensure as
19 a locksmith or applicant for registration of a locksmith business may be granted a
20 locksmith license or a locksmith business registration, or granted the renewal of any such
21 license or registration, if the license applicant, or the registration applicant or any owner,
22 officer, director, general partner, or member of the registration applicant, meets any of the
23 following disqualifying criteria (each a "disqualifying offense"):

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1 ~~(1) Been convicted within the last seven (7) years of a felony, or been released~~
2 ~~from incarceration from a prison within the last six (6) months as a result of~~
3 ~~a felony conviction as shown on any publicly accessible website made~~
4 ~~available by any state or federal Department of Corrections or similar~~
5 ~~governmental agency unless their civil or residency rights have been~~
6 ~~restored;~~

7 ~~(2)~~ (1) Been convicted of any criminal offense involving moral turpitude relating to
8 sex crimes; the use of a deadly weapon; homicide; violent offense against
9 a law enforcement officer under Section 775.0823, Florida Statutes; sexual
10 misconduct with certain developmentally disabled clients and reporting of
11 such sexual misconduct under Section 393.135, Florida Statutes; sexual
12 misconduct with certain mental health patients and reporting of such sexual
13 misconduct under Section 394.4593, Florida Statutes; manslaughter,
14 aggravated manslaughter of an elderly person or disabled adult, or
15 aggravated manslaughter of a child under Section 782.07, Florida Statutes;
16 vehicular homicide under Section 782.071, Florida Statutes; killing of an
17 unborn child by injury to the mother under Section 782.09, Florida Statutes;
18 any offense under Section 784.048, Florida Statutes; kidnapping under
19 Section 787.01, Florida Statutes; false imprisonment under Section 787.02,
20 Florida Statutes; sexual battery under Section 794.011, Florida Statutes;
21 unlawful sexual activity with certain minors under Section 794.05,
22 Florida Statutes; lewd or lascivious offenses committed upon or in the
23 presence of an elderly person or disabled adult under Section 825.1025,

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1 Florida Statutes; sexual performance by a child under Section 827.071,
2 Florida Statutes; sexual misconduct with certain forensic clients and
3 reporting of such sexual misconduct under Section 916.1075,
4 Florida Statutes; inflicting cruel or inhuman treatment on an inmate resulting
5 in great bodily harm under Section 944.35(3), Florida Statutes; sexual
6 misconduct in juvenile justice programs under Section 985.701,
7 Florida Statutes; theft, robbery, or related crimes under Chapter 812,
8 Florida Statutes; offenses involving abuse and exploitation of elderly
9 persons under Chapter 825, Florida Statutes; burglary and trespass
10 offenses under Chapter 810, Florida Statutes; or been adjudicated a
11 habitual violent felony offender under Section 775.084, Florida Statutes; or
12 ~~(3)~~ (2) Been convicted of any other offense, ~~involving moral turpitude (unrelated to~~
13 ~~sex crimes)~~ including, but not limited to, drug offenses to the extent they
14 may be considered under Section 775.16, Florida Statutes, when, in the
15 discretion of the ECPD Director, approval of such license or registration
16 would constitute a threat to the health, welfare, or safety of the public or
17 property.

18 ~~(e)~~ (f) An applicant who was working as a locksmith or owned a locksmith
19 business on December 31, 2019 ("Active Locksmith"), and was convicted of a
20 disqualifying offense as described in Subsection (e) before the date this ordinance takes
21 effect, may, while the application is pending before ECPD, present evidence to ECPD
22 that the applicant or applicable individual has been rehabilitated and that such conviction
23 should therefore not preclude approval of the application. In such event, a locksmith

24 Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 license or locksmith business registration may, in ECPD's discretion, either be denied or
2 may be issued by ECPD subject to such conditions, limitations, and restrictions imposed
3 by ECPD as ECPD deems necessary to protect the public, provided such conditions,
4 limitations, and restrictions are consistent with the purpose and provisions of this division.
5 A violation of such a condition, limitation, or restriction imposed by ECPD shall be a
6 violation of this division, and may be cause for suspension or revocation of a license or
7 registration. In determining whether to grant a license or registration to an Active
8 Locksmith with an otherwise disqualifying offense, ECPD shall consider the following
9 factors:

- 10 (1) The level of seriousness of the offense;
- 11 (2) The date of the offense, considering that offenses committed more than
12 seven (7) years before the date of the application should be given reduced
13 weight unless the individual re-offended or the offense was a sex crime;
- 14 (3) The age of the individual at the time of the conviction;
- 15 (4) The circumstances surrounding the commission of the offense, if known;
- 16 (5) The nexus between the criminal conduct of the individual and the provision
17 of locksmithing services;
- 18 (6) The individual's prison, jail, probation, parole, rehabilitation, and
19 employment records since the date of conviction; and
- 20 (7) The subsequent commission by the individual of an offense listed in
21 Subsection (e) of this section.

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1 **Sec. 20-176.138. Cost estimates; quotations; invoices.**

2 (a) In response to a customer inquiry or request for services, the locksmith or
3 locksmith business must provide a cost estimate to the customer. The cost estimate may
4 be verbal and may be a price range (for example, between \$50.00 and \$75.00).

5 (b) Prior to performing any locksmith services, the locksmith must provide a
6 written quotation to the customer specifying the total cost to the customer of the goods or
7 services to be provided. The locksmith must obtain the customer's signature on the
8 written quotation prior to commencing locksmith services.

9 (c) If, after commencing locksmith services, the locksmith determines that the
10 work required to be provided will exceed the cost of the written quotation signed by the
11 customer, the locksmith must perform one of the following, as elected by the customer:

12 (1) Restore the subject of the locksmith services to the same status or condition
13 it was in prior to any work by the locksmith, and not charge the customer
14 any amount whatsoever; or

15 (2) Provide the customer with an updated written quotation, obtain the
16 customer's signature on the updated written quotation, and complete the
17 locksmith services as stated on the updated written quotation approved by
18 the customer.

19 (d) After completing locksmith services, the locksmith must provide a written
20 invoice to the customer. The amount of the written invoice may not exceed the amount
21 stated on the written quotation or updated written quotation that was signed by the
22 customer.

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24 Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 **Sec. 20-176.139. Recordkeeping.**

2 Every locksmith business required to be registered hereunder must:

3 (a) Maintain complete records of all locksmith services provided during the
4 immediately preceding six (6) months, including records of the following for each separate
5 job:

6 (1) Cost estimate;

7 (2) Record of the locksmith services provided, including the type of lock being
8 serviced and the vehicle identification number, if applicable;

9 (3) Invoices for services rendered; and

10 (4) Records of payments for services rendered.

11 (b) The locksmith business must grant ECPD access to these records for
12 inspection or copying during regular business hours upon five (5) days' prior written
13 notice. If a locksmith business fails to provide ECPD with access to the records as
14 required herein, ECPD may institute proceedings to suspend or revoke the registration of
15 the locksmith business. All records and information inspected and not copied shall be
16 confidential, except that records may be copied or made public for the purpose of
17 registration suspension or revocation proceedings.

18 **Sec. 20-176.140. Prohibited practices.**

19 It shall be a prohibited practice for a locksmith or locksmith business to:

20 ~~(a) Perform locksmith services that include opening services on a residential~~
21 ~~property without first:~~

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24 Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underlined type are additions.

1 ~~(1) Obtaining and recording the name and driver's license number or other~~
2 ~~valid, unexpired government-issued identification of the person requesting~~
3 ~~the locksmith services; and~~

4 ~~(2) Confirming the name on the driver's license or other government-issued~~
5 ~~identification matches the property owner listed on the records at the~~
6 ~~Broward County Property Appraiser's Office, or otherwise obtaining written~~
7 ~~confirmation from the property owner listed on the records at the Broward~~
8 ~~County Property Appraiser's Office that the customer requesting the~~
9 ~~locksmith services is authorized to obtain the requested services.~~

10 ~~(b) Perform locksmith services that include opening services on a motor vehicle~~
11 ~~without first:~~

12 ~~(1) Obtaining and recording the name and driver's license number or other~~
13 ~~valid, unexpired government-issued identification of the person requesting~~
14 ~~opening;~~

15 ~~(2) Obtaining and recording the registration number, license plate number, or~~
16 ~~vehicle identification number of the motor vehicle upon which locksmith~~
17 ~~work is to be performed; and~~

18 ~~(3) Confirming the name on the customer's driver's license or other~~
19 ~~government-issued identification matches the name on the motor vehicle~~
20 ~~registration, or otherwise confirming the customer is the owner of or~~
21 ~~otherwise authorized to possess the motor vehicle.~~

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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 ~~(c) — Perform locksmith services that include opening services for any person of~~
2 ~~a safe, vault, safe deposit box, or other safeguarding device on a residential, commercial,~~
3 ~~industrial, or agricultural structure, without first obtaining and recording the following:~~

4 ~~(1) — The address of the residential, commercial, industrial, or agricultural~~
5 ~~structure or any other address at which the safe, vault, safe deposit box, or~~
6 ~~other safeguarding device is located, and the signature of the person for~~
7 ~~whom the locksmith services are to be performed; and~~

8 ~~(2) — The name, address, telephone number, and driver's license number (or~~
9 ~~other valid, unexpired government issued identification number) of the~~
10 ~~person requesting the locksmith services.~~

11 (a) Perform locksmith services, including, but not limited to, opening services
12 on a residential property, motor vehicle, safe, vault, safe deposit box, or other
13 safeguarding device on a residential, commercial, industrial, or agricultural structure,
14 without first obtaining personal identification from the person requesting the service. Such
15 personal identification must be one of the following:

16 (1) The locksmith personally knows the customer;

17 (2) A driver license or other photo identification;

18 (3) In-person verification of the customer's identity by a neighbor, the
19 customer's landlord, or a law-enforcement officer; or

20 (4) The location and description of definitive proof of the customer's identity and
21 right of possession or ownership, including a photograph, that may be found
22 upon entry.

23 Such information shall be recorded on the work order or invoice.

24 Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 ~~(d)~~ (b) Fail to provide an invoice for the sale of any locksmith services valued at
2 fifty dollars (\$50.00) or greater, or to include all of the following information in each such
3 invoice:

4 (1) Invoice number;

5 (2) Name, address, registration number, and telephone number of the
6 locksmith business;

7 (3) Name and license number of the licensed locksmith who completed and/or
8 supervised the locksmith services, and the name and license number of the
9 licensed apprentice locksmith, if any, who performed any part of the
10 locksmith services;

11 (4) ~~†~~The name, address, telephone number, and signature of the customer;

12 (5) ~~†~~The amount of goods or services and amount of tax;

13 (6) ~~†~~The date of the sales transaction;

14 (7) A brief description of the goods or services; and

15 (8) Any terms and conditions, if applicable.

16 ~~(e)~~ (c) Operate a locksmith business without at least one (1) licensed locksmith in
17 its employ or retention.

18 ~~(f)~~ (d) Aid or abet a person providing locksmith services who is not registered as
19 a locksmith business or licensed as a locksmith or apprentice locksmith.

20 ~~(g)~~ (e) Conduct a locksmith business as an individual, partnership, corporation, or
21 limited liability company unless the locksmith business holds a valid registration issued to
22 the same individual, partnership, corporation, or limited liability company.

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24 Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 ~~(h)~~ (f) Fail to maintain records containing the name, address, commencement
2 date of employment or retention, and position of each employee or other personnel
3 (including independent contractors retained to provide locksmith services), proof of
4 locksmith license, and the last date of employment or retention for any individual that is
5 terminated or otherwise leaves the employ or retention of the locksmith business. The
6 records, together with usual payroll records, shall be available for inspection by ECPD
7 and copies thereof and information pertaining thereto or contained therein shall be
8 submitted to ECPD upon written request.

9 ~~(i)~~ (g) Fail to include the name and the valid, current registration number of the
10 locksmith business in all advertisements.

11 ~~(j)~~ (h) Utilize a rotating voice over the internet protocol (VOIP) telephone number,
12 or utilize a telephone number that is not registered to a single physical business location.

13 ~~(k)~~ (i) Make or authorize any written or oral statements that are deceptive,
14 fraudulent, misleading, or false as to quality, quantity, characteristics, workmanship,
15 nature, or origin or source of any goods or services in order to influence, persuade, or
16 induce patronage of a customer, or perform any other act that constitutes fraud or
17 misrepresentation.

18 ~~(l)~~ (j) Represent that services have been rendered when they have not been
19 rendered or bill for services that have not been rendered.

20 ~~(m)~~ (k) Perform or charge for locksmith services that were not stated in a written
21 quotation signed by the customer.

22 ~~(n)~~ (l) Represent that certain parts or services are necessary when such parts or
23 services are not necessary.

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 underscored type are additions.

1 ~~(e)~~ (m) Operate a locksmith business without a minimum combined liability
2 insurance of fifty thousand dollars (\$50,000.00) ~~or~~ and workers' compensation insurance,
3 if applicable.

4 ~~(p)~~ (n) Duplicate a key that is a restricted key or a key that states specifically it is
5 not to be duplicated, unless the locksmith business obtains written authorization to
6 duplicate said key for each transaction and maintains said authorization on file. The
7 duplication authorization must be retained by the locksmith business for at least six (6)
8 months and must include the following information: name, address, telephone number,
9 driver's license or other government-issued identification number, and the signature of
10 the person authorized to request the duplication; the date of the request; a description of
11 the key; and the specific quantity of keys ~~to be~~ duplicated.

12 ~~(e)~~ (o) Fail to provide a customer with all duplicated keys, including keys made in
13 error and keys with duplicating errors.

14 ~~(r)~~ (p) Fail to post in a conspicuous place near the key duplication machine a sign
15 that is written in a legible manner in English, Spanish, and Creole, that the Broward
16 County Locksmith Act entitles the customer to all duplicated keys, including keys made
17 in error and keys with duplicating errors.

18 ~~(s)~~ (q) ~~Make u~~Use of the title "licensed locksmith," "certified locksmith," or "certified
19 master locksmith," or any words, letters, or abbreviations that would denote such
20 certification or licensure when the individual has not obtained such licensure or
21 certification.

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 underscored type are additions.

1 ~~(t)~~ (r) Dispatch to a customer's residence or place of business any person to
2 perform locksmith services that is not a licensed locksmith or a licensed apprentice
3 locksmith.

4 **Sec. 20-176.141. Denial, revocation, and suspension of business registration,**
5 **locksmith license, or apprentice locksmith license.**

6 (a) ECPD may deny, revoke, or suspend a business registration, locksmith
7 license, or apprentice license issued pursuant to the provisions of this division if ECPD
8 determines that the applicant:

- 9 (1) Violated any provision of this division;
- 10 (2) Engaged in a prohibited practice as prescribed in this division;
- 11 (3) Aided or abetted a person to evade or avoid provisions of this division;
- 12 (4) Misrepresented or concealed a fact on the application, renewal application,
13 or replacement application for registration or license;
- 14 (5) Violated any condition, limitation, or restriction of a registration or license
15 imposed by ECPD;
- 16 (6) Was enjoined by a court of competent jurisdiction from engaging in the trade
17 or business of locksmithing or was enjoined by a court of competent
18 jurisdiction with respect to any of the requirements of this division;
- 19 (7) Failed to comply with the terms of a cease and desist order, notice to correct
20 a violation, or any other lawful order of ECPD;
- 21 (8) Was convicted of a violation of this division;
- 22 (9) Was convicted of any of the disqualifying offenses stated in
23 Section 20-176.137 of this division, but subject to Section 20.176-137(f); or

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underscored type are additions.

1 (10) Becomes subject to an injunction or temporary injunction pursuant to
2 Section 784.0485, Florida Statutes, until such time as the injunction is
3 dissolved.

4 (b) Unless ECPD provides written notice of immediate revocation or
5 suspension as set forth herein, any revocation or suspension of a license or registration
6 by ECPD shall be effective ten (10) days after the date of the notice, except if the
7 revocation or suspension is appealed pursuant to this division. If appealed within said
8 ten (10) days, the revocation or suspension shall be effective upon the rendition of the
9 hearing officer's order. However, if in the Director's sole discretion, the Director finds that
10 permitting the locksmith or locksmith business to continue providing services would
11 present a danger to public health, safety, or welfare, then the Director may make the
12 revocation or suspension effective immediately. Written notice of immediate revocation
13 or suspension shall be provided in the notice of revocation or suspension.

14 **Sec. 20-176.142. ~~Appeal~~ Enforcement and penalties; appeal and review.**

15 (a) Violations of this division shall be punishable by civil penalties as provided
16 in Section 8½-16 of this Code. Notice, enforcement, and adjudication of such violations
17 shall be as provided in Chapter 8½ of this Code. The Director is authorized to appoint
18 code inspectors within the meaning of Chapter 8½.

19 (b) In addition to fines as provided in Section 8½-16 of this Code, ECPD is
20 authorized to enforce the provisions of this division by suspension or revocation of a
21 license or registration as provided in this division.

22 ~~(a)~~ (c) Any individual or business dissatisfied or aggrieved with the decision of
23 ECPD to deny an application for license or registration, or renewal of same, or to suspend

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1 or revoke a license or registration, may appeal in writing to ECPD within ten (10) days
2 after the date of notice of denial, ~~or the effective date of the~~ suspension or revocation. No
3 later than thirty (30) days after receipt of a notice of the appeal, ECPD shall schedule a
4 hearing regarding the appeal, unless ~~a hearing is waived in writing by the appellant~~ the
5 appellant, in writing, agrees to a longer time or waives a hearing. The appellant shall be
6 provided a notice of hearing, which must include (a) a statement of the time and place for
7 the hearing; and (b) a reference to the facts and relevant section of this division upon
8 which the denial, revocation, or suspension is based.

9 ~~(b)~~ (d) ~~The a~~ Appeals pertaining to denial, suspension, or revocation of a license or
10 registration shall be adjudicated by a hearing officer, which position is hereby created for
11 such purposes, as described in this section.

12 (1) The hearing officer shall be selected by the County Attorney from a list of
13 candidates approved by the County Commission and must be a member in
14 good standing with The Florida Bar, engaged in the practice of law in
15 Broward County.

16 (2) Upon receipt of a timely request for a hearing before a hearing officer, the
17 matter shall be set on the next regularly scheduled hearing date or as soon
18 thereafter as reasonably possible.

19 (3) Unless the appellant provides a different notice address in the notice of
20 appeal, ECPD shall ~~serve~~ provide a notice of hearing to the appellant, at
21 the address provided in the application or in ECPD's files for the license or
22 registration holder, as applicable, which notice shall include, but not be
23 limited to, the following:

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underlined type are additions.

- 1 a. Place, date, and time of the hearing.
- 2 b. Right of the appellant to be represented by an attorney, at that
- 3 appellant's option and cost.
- 4 c. Right of the individual or business requesting the hearing to present
- 5 witnesses and evidence and conduct cross examination.
- 6 d. A conspicuous statement reflecting the requirements of Chapter 286,
- 7 Florida Statutes, that appellant will need to ensure that a verbatim
- 8 record of the proceedings is made.

9 (4) All hearings shall be open to the public. All testimony shall be under oath,

10 minutes shall be taken, and the proceedings shall be recorded.

11 (5) ECPD shall provide clerical and administrative personnel as may be

12 reasonably required by each hearing officer.

13 (6) Each case before a hearing officer shall be presented and prosecuted by

14 personnel designated by the Director or the County Attorney.

15 (7) Formal rules of evidence do not apply, but fundamental principles of due

16 process shall be observed and govern the proceedings. All evidence of a

17 type commonly relied upon by reasonably prudent persons in the conduct

18 of their affairs shall be admissible whether or not such evidence would be

19 admissible in a State of Florida court.

20 (8) Each party shall have the right to call and examine witnesses, to introduce

21 exhibits, and to cross examine opposing witnesses on any relevant matter.

22 (9) The hearing officer shall make findings of fact based on evidence presented

23 and issue an order.

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underscored type are additions.

1 (10) If ECPD's decision is upheld, the appellant will be required to pay for the
2 reasonable costs of the administrative hearing.

3 (11) The hearing officer shall have the power to:

4 a. Hold hearings, conduct investigations, provide for the administration
5 of oaths, and take testimony under oath;

6 b. Determine whether the appellant was properly notified of the hearing;

7 c. Determine whether the denial, suspension, or revocation of the
8 license or registration, or renewal of same, was proper.

9 d. Subpoena persons and evidence for the purpose of discovery in a
10 pending action, and subpoena evidence, alleged violators, and
11 witnesses to its hearings. A subpoena may be served by any person
12 authorized by law to serve process. Service shall be made as
13 provided by law. Witness fees shall be paid as provided by law.

14 (12) The appellant or the County may seek review of a decision of a hearing
15 officer as provided by the Florida Rules of Appellate Procedure.

16 (13) The same hearing officer may, at the same hearing, adjudicate violations of
17 this division and resulting fines as well as denial, suspension, or revocation
18 of a license or registration under this division. In such a case, the provisions
19 of Chapter 8½ of this Code shall apply to the violations and fines, while the
20 provisions of this division shall apply to the denial, suspension, or revocation
21 of the license or registration. In the event of a conflict between Chapter 8½
22 and this division, this division shall prevail.

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underscored type are additions.

1 (e) It shall be the duty and responsibility of all law enforcement officials to assist
2 in the enforcement of this division and the Code to the extent that it is within their
3 jurisdiction to do so.

4 (f) Each registered locksmith business must permit ECPD personnel to enter
5 the business premises of the locksmith business to ascertain whether the registration is
6 current and confirm the employees or independent contractors of the locksmith business
7 are licensed as required under this division. If ECPD personnel are refused entry or
8 access to the business premises as stated above, ECPD may obtain an inspection
9 warrant pursuant to Sections 933.20 through 933.30, Florida Statutes, to ascertain
10 compliance with this division.

11 (g) Whenever any person has engaged in any act or practice that constitutes a
12 violation of any provision of this division or the Code, the State Attorney or the Office of
13 the County Attorney may make application to the Seventeenth Judicial Circuit for an order
14 enjoining such acts or practices and for an order granting permanent injunction,
15 restraining order, or other order enjoining such acts or practices; said orders to be granted
16 without bond.

17 **Sec. 20-176.143. Exclusions.**

18 (a) This division shall not apply to the following individuals and entities,
19 provided these individuals and entities do not hold themselves out to the public as
20 locksmiths or locksmith businesses:

- 21 (1) Any individual or entity, or the agent or employee of such individual or entity,
22 who is the manufacturer of a product other than locks and keys and who
23 installs, repairs, opens, or modifies locks for that product; or who makes

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1 keys for the locks of that product as a normal incident to that product's
2 marketing.

3 (2) Tow truck operators or reposseors who do not originate keys for locks
4 and whose locksmith services are limited to gaining access to motor
5 vehicles in the normal course of their duties; except that tow truck operators
6 must comply with the provisions of Division 2 of this article. Tow truck
7 operators and reposseors may possess tools exclusively designed to
8 open motor vehicles.

9 (3) Any individual or entity, or an agent or employee of such individual or entity,
10 whose activities are limited to making a duplicate key from an existing key
11 with a key duplication machine; however, the customer must be provided
12 with all such duplicated keys, including any keys made in error or keys with
13 duplicating errors. Any business wishing to qualify for this exception must
14 post a sign with the language and meeting the requirements of
15 Section 20-176.140(s) of this division.

16 (4) Members of law enforcement, fire rescue, and other government service
17 agencies providing opening services in the line of duty.

18 (5) Sales representatives of key and lock manufacturers who make bona fide
19 sales demonstrations to locksmiths or locksmith businesses.

20 (6) Members of the building trades, such as carpenters, construction workers,
21 and contractors, who install or remove complete locks, locking devices, or
22 access control devices during the normal course of residential or
23 commercial new construction.

24 Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

- 1 (7) Any individual or entity, or an agent or employee of such individual or entity,
2 whose activities are limited to installing, maintaining, repairing, altering,
3 adding, or changing any system electrically energized, in whole or in part,
4 for the detection, prevention, or control of burglary, fire, noxious gases, or
5 liquid or atomic radiation.
- 6 (8) Any individual who performs locksmith services solely for that individual or
7 that individual's immediate family members and without compensation.
- 8 (9) Any individual who performs locksmith work or services on ~~nonresidential~~
9 public facilities, equipment, or vehicles arising out of the individual's job
10 duties as a public employee for a public employer.
- 11 (10) Any retail establishment for which the only locksmith services provided are
12 rekeying or recombination services, provided that:
- 13 a. All such rekeying or recombination takes place on the premises of
14 the retail establishment;
- 15 b. All rekeying or recombination services are limited to locks purchased
16 on the retail establishment premises;
- 17 c. All agents and employees of the retail establishment performing
18 rekeying or recombination services are trained by the manufacturer
19 of the locks to perform these services, and the manufacturer issues
20 written evidence to the retail establishment demonstrating that said
21 agents and employees have been adequately trained;
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

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- d. Neither the retail establishment nor any agent or employee of the retail establishment advertises or represents himself to be a locksmith;
- e. Neither the retail establishment nor any agent or employee of the retail establishment designs or implements a master key system;
- f. Neither the retail establishment nor any agent or employee of the retail establishment rekeys, changes the combination of, alters, or installs any automotive locks;
- g. The retail establishment carries minimum combined liability insurance of one million dollars (\$1,000,000.00);
- h. The retail establishment, in the ordinary course of business, performs criminal background investigations of all employees performing services, and does not employ any individual who does not meet the requirements set forth in Section 20-176.137 of this division;
- i. The retail establishment does not have on its premises any locksmith tool other than key duplication machines, key blanks, and pin kits; and
- j. Documentation evidencing compliance with the aforementioned requirements of training and criminal background investigations is kept on the premises of the retail establishment and is available for inspection and copying to authorized County employees and agents

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1 as well as to all law enforcement personnel during normal business
2 hours.

3 (b) This division shall apply to all locksmiths and locksmith businesses,
4 including locksmiths and locksmith businesses that perform work on motor vehicles.
5 However, this division shall not apply to motor vehicle repair shops, mechanics, and
6 technicians who service, install, repair, or rebuild automotive locks, provided that they do
7 not hold themselves out to the public as locksmiths or locksmith businesses, and provided
8 they comply with the provisions of Division 4 of this article.

9 ~~Sec. 20-176.144. Enforcement and penalties.~~

10 ~~(a) It shall be the duty and responsibility of all law enforcement officials to assist~~
11 ~~in the enforcement of this division and the Code to the extent that it is within their~~
12 ~~jurisdiction to do so.~~

13 ~~(b) ECPD shall maintain a system by which licensees and registered locksmith~~
14 ~~businesses are given written notice of violations.~~

15 ~~(c) Each registered locksmith business must permit ECPD personnel to enter~~
16 ~~the business premises of the locksmith business to ascertain whether the registration is~~
17 ~~current and confirm the employees or independent contractors of the locksmith business~~
18 ~~are licensed as required under this division. If ECPD personnel are refused entry or~~
19 ~~access to the business premises as stated above, ECPD may obtain an inspection~~
20 ~~warrant pursuant to Sections 933.20 through 933.30, Florida Statutes, to ascertain~~
21 ~~compliance with this division.~~

22 ~~(d) In addition to fines as provided in Section 8½-16 of this Code, ECPD is~~
23 ~~authorized to enforce the provisions of this division by suspension or revocation of a~~

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underscored type are additions.

1 ~~license or registration, upon notice and hearing as provided in this section, unless the~~
2 ~~licensee or registrant waives such notice and hearing. Licenses and registrations are~~
3 ~~subject to denial, suspension, or revocation if:~~

4 ~~(1) The licensee or registrant failed to comply with or violated a provision of this~~
5 ~~division;~~

6 ~~(2) The licensee failed to pay fines for violations of this ordinance; or~~

7 ~~(3) The license or registration was obtained by an application in which any~~
8 ~~material fact was omitted or falsely stated.~~

9 ~~(e) In addition to the foregoing, a license or registration issued pursuant to this~~
10 ~~division may be suspended, after a hearing pursuant to the provisions of this section, if~~
11 ~~ECPD learns that the licensee, or a registrant's owner, officer, director, general partner,~~
12 ~~or member, or any other person owning, holding, or controlling a majority interest of a~~
13 ~~registrant, has pled nolo contendere, guilty, or been convicted of a felony or of any~~
14 ~~criminal offense involving motor vehicles. In addition, ECPD may initiate a hearing as~~
15 ~~hereinafter specified to consider revocation of such license or registration.~~

16 ~~(f) All hearings required by this section for proposed suspension or revocation~~
17 ~~of licenses or registrations shall be preceded by a minimum of twenty (210) days'~~
18 ~~written notice. Said notice shall specify the Director's proposed action and the grounds~~
19 ~~upon which the action is predicated. The licensee or registrant may be represented by~~
20 ~~legal counsel and shall be entitled to present a defense to the proposed action. Failure~~
21 ~~to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and~~
22 ~~an admission of the acts specified in the notice. Failure to claim certified mail, sent to the~~

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1 current address on file with ECPD, notifying the licensee or registrant of the hearing shall
2 be construed as failure to appear at a duly noticed hearing.

3 ~~(g)~~ The hearings pertaining to violations and penalties shall be conducted
4 before a hearing officer in accordance with the procedures provided in Chapter 8½ of this
5 Code. For purposes of Chapter 8½, the Director may designate personnel to serve as
6 code inspectors. Hearings pertaining apply to the denial, suspension, or revocation of a
7 license or registration shall be held in accordance with this division.

8 ~~(h)~~ The decision of the hearing officer may be appealed to a court of
9 appropriate jurisdiction in accordance with the Florida Rules of Appellate Procedure.

10 ~~(i)~~ Whenever any person has engaged in any act or practice that constitutes a
11 violation of any provision of this division or the Code, the State Attorney or the Office of
12 the County Attorney may make application to the Seventeenth Judicial Circuit for an order
13 enjoining such acts or practices and for an order granting permanent injunction,
14 restraining order, or other order enjoining such acts or practices; said orders to be granted
15 without bond.

16 **Sec. 20-176.144. Criminal penalties.**

17 In addition to any other judicial or administrative remedies or penalties provided by
18 law, rule, regulation, or ordinance, if any person intentionally violates or fails or refuses to
19 obey or comply with any of the provisions of this division, any lawful order of the Director,
20 any cease and desist order of the Director, or any notice to correct a violation of the
21 Director, such person, upon conviction of any such offense, shall be punished by a fine
22 not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60)

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1 days in the county jail, or both, at the discretion of the court. Each day or portion thereof
2 of a continuing violation shall be deemed a separate offense.

3 Section 2. Section 8½-16 of the Broward County Code of Ordinances is hereby
4 amended to read as follows:

5 **Sec. 8½-16. Schedule of civil penalties.**

6 ...

7 (dd) Violations of Division 8 of Article VII of Chapter 20, Relating to Locksmiths
8 and Locksmith Businesses:

		<i>Fine</i>			
	<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third Violation</i>	<i>Subsequent Violations</i>
(1)	<u>Any violation of Section 20-176.132, Locksmith License Required, Section 20-176.134, Locksmith Business Registration Required, Section 20-176.139, Recordkeeping, or Section 20-176.140, Prohibited Practices</u>	<u>\$250</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,000</u>

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1 Section 3. Severability.

2 If any portion of this Ordinance is determined by any court to be invalid, the invalid
3 portion will be stricken, and such striking will not affect the validity of the remainder of this
4 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
5 legally applied to any individual, group, entity, property, or circumstance, such
6 determination will not affect the applicability of this Ordinance to any other individual,
7 group, entity, property, or circumstance.

8 Section 4. Inclusion in the Broward County Code of Ordinances.

9 It is the intention of the County Commission that the provisions of this Ordinance
10 become part of the Broward County Code of Ordinances as of the effective date. The
11 sections of this Ordinance may be renumbered or relettered and the word "ordinance"
12 may be changed to "section," "article," or such other appropriate word or phrase to the
13 extent necessary in order to accomplish such intention.

14 Section 5. Effective Date.

15 This Ordinance is effective as of the date provided by law.

16
17 ENACTED

18 FILED WITH THE DEPARTMENT OF STATE

19 EFFECTIVE
20
21
22
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underscored type are additions.

1 Approved as to form and legal sufficiency:
2 Andrew J. Meyers, County Attorney

3 By /s/ Scott Andron 09/18/2020
4 Scott Andron (date)
5 Assistant County Attorney

6 By /s/ Mark A. Journey 09/18/2020
7 Mark A. Journey (date)
8 Senior Assistant County Attorney

9 By /s/ Maite Azcoitia 09/18/2020
10 Maite Azcoitia (date)
11 Deputy County Attorney

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23 Locksmith Ordinance
10/01/2020
24 #529032.1

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