



147488

LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/14/2021 06:17 PM

Senator Rodriguez moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (10) of section 525.07, Florida
Statutes, is amended to read:

525.07 Powers and duties of department; inspections;
unlawful acts.—

(10) (a) Each person who owns or operates ~~manages~~ a retail
petroleum fuel measuring device shall have affixed to or
installed onto the measuring device a security measure to



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12 restrict the unauthorized access of customer payment card
13 information. The security measure must include one or more of
14 the following:

15 1. The placement and maintenance of pressure-sensitive
16 security tape over the panel opening that leads to the scanning
17 device for the retail petroleum fuel measuring device in a
18 manner that will restrict the unauthorized opening of the panel
19 or the placement and maintenance of pressure-sensitive custom
20 branded security tape unique to the station in more than one
21 location over the panel opening.

22 2. A device or system that will render the retail petroleum
23 fuel measuring device or the scanning device in the measuring
24 device inoperable if there is an unauthorized opening of the
25 panel.

26 3. A device or system that encrypts the customer payment
27 card information in the scanning device.

28 4. A physical locking mechanism that requires an access key
29 unique to each station to restrict the unauthorized access of
30 customer payment card information.

31 5. A device or system that will sound an alarm to alert the
32 owner or operator if there is an unauthorized opening of the
33 retail petroleum measuring device panel.

34 6. A daily inspection of each measuring device that
35 includes opening the panels, using an anti-skimmer application
36 that detects wireless based skimmers, and documenting such
37 inspections.

38 7. A device or system that permits customers to use a
39 contactless payment method, such as an electronic contact-free
40 system, tap-and-go system, or mobile cryptographic system, for



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41 payment that does not use a magnetic strip scanning device.

42 8.4. Another security measure approved by the department.

43 (b) Effective January 1, 2022, the owner or operator of a
44 retail petroleum fuel measuring device shall have affixed to or
45 installed onto the measuring device at least two of the security
46 measures under paragraph (a). The use and maintenance of two
47 security measures on each measuring device by an owner or
48 operator is deemed to be in compliance with this subsection.

49 (c) ~~(b)~~ The owner or manager of A retail petroleum fuel
50 measuring device without a security measure or with an illegal
51 skimming or filtering device or an altered or damaged security
52 measure, upon discovery by the department, shall be prohibited
53 from further use until the security measure is installed,
54 replaced, or repaired. The department may take a retail
55 petroleum fuel measuring device that is in violation of this
56 subsection out of service until compliance is restored upon
57 written notice from the department of such noncompliance, shall
58 have 5 calendar days to comply with this subsection. After the
59 fifth day of noncompliance, the department may prohibit further
60 use of the retail petroleum fuel measuring device until a
61 security measure is installed, replaced, or repaired. A repeat
62 violation found on the same retail petroleum fuel measuring
63 device will be cause for The department to immediately take the
64 measuring device out of service.

65 (d) ~~(e)~~ For purposes of this subsection, the terms "scanning
66 device" and "payment card" have the same meanings as ~~defined~~ in
67 s. 817.625.

68 (e) ~~(d)~~ This subsection applies only to retail petroleum
69 fuel measuring devices that have a scanning device.



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70 (f)~~(e)~~ The department may seize without warrant any
71 skimming device, as defined in s. 817.625, for use as evidence.

72 (g)~~(f)~~ The regulation of retail petroleum fuel measuring
73 devices is preempted to the state. The department shall enforce,
74 and may adopt rules to administer, this subsection; however, s.
75 525.16 may not be used to enforce this section unless the owner
76 or operator of a retail petroleum fuel measuring device has
77 failed to install or implement security measures pursuant to
78 this section or has placed the measuring device back in service
79 before compliance with this section has been restored. However,
80 if noncompliance is the result of damage or alteration after
81 repair by the owner or operator of the security measure, and the
82 owner or operator demonstrates or provides sufficient evidence
83 of such, the department may not use s. 525.16 to enforce this
84 section.

85 Section 2. Subsection (6) is added to section 525.16,
86 Florida Statutes, to read:

87 525.16 Administrative fine; penalties; prosecution of cases
88 by state attorney.—

89 (6) This section may not be used to enforce s. 525.07(10)
90 or rules adopted thereunder unless the owner or operator of a
91 retail petroleum fuel measuring device has failed to install or
92 implement security measures pursuant to s. 525.07(10) or has
93 placed the measuring device back in service before compliance
94 with s. 525.07(10) has been restored. However, if noncompliance
95 is the result of damage or alteration after repair by the owner
96 or operator of the security measure, and the owner or operator
97 demonstrates or provides sufficient evidence of such, the
98 department may not use this section to enforce s. 525.07(10).



99 Section 3. This act shall take effect July 1, 2021.

100

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

102 And the title is amended as follows:

103 Delete everything before the enacting clause

104 and insert:

105 A bill to be entitled

106 An act relating to retail petroleum fuel measuring
107 devices; amending s. 525.07, F.S.; revising the types
108 of certain security measures required to be affixed to
109 or installed onto retail petroleum fuel measuring
110 devices; requiring owners or operators of retail
111 petroleum fuel measuring devices to affix to or
112 install onto the measuring devices certain security
113 measures by a specified date; providing that the use
114 of certain measures complies with such requirement;
115 authorizing the Department of Agriculture and Consumer
116 Services to take certain retail petroleum fuel
117 measuring devices out of service until compliance is
118 restored; preempting the regulation of petroleum fuel
119 measuring devices to the state; prohibiting the
120 department from enforcing certain provisions for
121 violations of certain rules; amending s. 525.16, F.S.;
122 exempting department petroleum fuel measuring device
123 rules from enforcement under specified provisions;
124 providing an effective date.