

By Senator Montford

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20161148__

1 A bill to be entitled
2 An act relating to self-service gasoline stations;
3 amending s. 526.141, F.S.; requiring that retail self-
4 service gasoline station pumps have printers in
5 working order and capable of producing receipts;
6 requiring that pumps without functioning printers be
7 taken out of service; requiring the Department of
8 Agriculture and Consumer Services to inspect pumps for
9 functioning printers; requiring the department to
10 adopt rules by a specified date; amending s. 320.0848,
11 F.S.; conforming a cross-reference; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 526.141, Florida Statutes, is amended to
17 read:

18 526.141 Self-service gasoline stations; attendants, pumps,
19 and, regulations.—

20 (1) This section authorizes the establishment of self-
21 service gasoline stations.

22 (2) A "self-service gasoline station" shall be that portion
23 of property where flammable and combustible liquids used as
24 motor fuels are stored and subsequently dispensed from fixed,
25 approved dispensing equipment into the fuel tanks of motor
26 vehicles by persons other than the service station attendant.

27 (3) All self-service gasoline stations shall have at least
28 one attendant on duty while the station is open to the public.
29 The attendant's primary function is ~~shall be~~ the proper
30 administration, supervision, observation, and control of the
31 dispensing of flammable and combustible liquids used as motor
32 fuels while such liquids are actually being dispensed. It shall

3-01222-16

20161148__

33 be the responsibility of the attendant to prevent the dispensing
34 of flammable and combustible liquids used as motor fuels into
35 portable containers unless such container bears a seal of
36 approval of a nationally recognized testing agency; to control
37 sources of ignition; and immediately to handle accidental spills
38 and fire extinguishers if needed. The attendant on duty shall be
39 mentally and physically capable of performing the functions and
40 assuming the responsibility prescribed in this subsection.

41 (4) All pumps in retail outlet self-service gasoline
42 stations must have printers that are in good working order and
43 capable of producing receipts. A pump not capable of producing a
44 receipt for any reason, including mechanical problems, lack of
45 paper or ink, or intentional disabling of the printing device,
46 shall be taken out of service until the printer is repaired or
47 refilled, as necessary.

48 (5)~~(4)~~ (a) The "attendant control area" is that area
49 reserved for the placing of the attendant. The attendant control
50 area, ~~which~~ shall be not more than 100 feet from the dispensing
51 area and shall contain the fire- equipment and emergency
52 controls.

53 (b) The "dispensing area" is that area where the pumps used
54 to dispense flammable and combustible liquids used as motor
55 fuels are located. The dispensing area shall at all times be in
56 clear view of the attendant, and the placing or allowing of any
57 obstruction to vision between the dispensing area and the
58 attendant control area is ~~shall be~~ prohibited. The attendant
59 shall at all times be able to communicate with persons in the
60 dispensing area. Emergency controls shall be installed at a
61 location acceptable to the authority having jurisdiction, but

3-01222-16

20161148__

62 controls shall not be more than 100 feet from dispensers.
63 Operating instructions and warning signs shall be conspicuously
64 posted in the dispensing area.

65 (6)~~(5)~~ (a) Every full-service gasoline station offering
66 self-service at a lesser cost shall require an attendant
67 employed by the station to dispense gasoline from the self-
68 service portion of the station to any motor vehicle properly
69 displaying an exemption parking permit as provided in s.
70 316.1958 or s. 320.0848 or a license plate issued pursuant to s.
71 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 when the
72 person to whom such permit has been issued is the operator of
73 the vehicle and such service is requested. Such stations shall
74 prominently display a decal no larger than 8 square inches on
75 the front of all self-service pumps clearly stating the
76 requirements of this subsection and the penalties applicable to
77 violations of this subsection. The Department of Agriculture and
78 Consumer Services shall enforce this requirement.

79 (b)1. When inspecting a self-service gasoline station, the
80 Department of Agriculture and Consumer Services shall confirm
81 that a decal is affixed to each pump. The decal must be blue, at
82 least 15 square inches, and clearly display the international
83 symbol of accessibility shown in s. 320.0842, the telephone
84 number of the station, and the words "Call for Assistance." The
85 Department of Agriculture and Consumer Services shall adopt
86 rules to implement and enforce this paragraph and shall confirm
87 that the decals conform with this paragraph and are in place by
88 July 1, 2016.

89 2. This paragraph does not bar a county or municipality
90 from adopting an ordinance, or enforcing an existing ordinance,

3-01222-16

20161148__

91 that expands the accessibility, safety, or availability of
92 fueling assistance to a motor vehicle operator described in
93 paragraph (a).

94 (c) Violation of paragraph (a) is a misdemeanor of the
95 second degree, punishable as provided in s. 775.082 or s.
96 775.083.

97 (7) (a) ~~(6)~~ All self-service equipment used to dispense
98 gasoline shall be approved by a nationally recognized testing
99 agency for its intended use.

100 (b) When inspecting a retail outlet with a self-service
101 gasoline station, the Department of Agriculture and Consumer
102 Services shall confirm that all pumps at the self-service
103 gasoline station are in compliance with the requirements of
104 subsection (4).

105 (c) The department shall adopt rules for the implementation
106 and enforcement of subsection (4) and this subsection by July 1,
107 2017.

108 (8) ~~(7)~~ A refiner, terminal supplier, wholesaler, or
109 retailer is not liable for damages resulting from the use of
110 incompatible motor fuel dispensed at a retail site if:

111 (a) The incompatible fuel meets the requirements and
112 standards adopted under s. 525.14;

113 (b) The incompatible fuel was selected by the purchaser;
114 and

115 (c) The retail dispenser that dispensed the incompatible
116 fuel was properly labeled according to the labeling requirements
117 adopted under s. 525.14.

118 (9) ~~(8)~~ The Chief Financial Officer, under her or his
119 powers, duties, and functions as State Fire Marshal, shall adopt

3-01222-16

20161148__

120 rules for the administration and enforcement of this section,
121 except for subsections (4), (6), and (7) ~~subsection (5)~~ which
122 shall be administered and enforced by the Department of
123 Agriculture and Consumer Services.

124 Section 2. Paragraph (b) of subsection (2) of section
125 320.0848, Florida Statutes, is amended to read:

126 320.0848 Persons who have disabilities; issuance of
127 disabled parking permits; temporary permits; permits for certain
128 providers of transportation services to persons who have
129 disabilities.—

130 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
131 MOBILITY PROBLEMS.—

132 (b) License plates issued under ss. 320.084, 320.0842,
133 320.0843, and 320.0845 are valid for the same parking privileges
134 and other privileges provided under ss. 316.1955, 316.1964, and
135 526.141(6)(a) ~~526.141(5)(a)~~.

136 Section 3. This act shall take effect July 1, 2016.