

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee  
3 Representative Spano offered the following:

**Amendment (with title amendment)**

Remove lines 43-69 and insert:

Section 2. Subsections (3) and (4) of section 525.07, Florida Statutes, are amended, and a new subsection (10) is added to that section, to read:

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

(3) Each person who owns or manages ~~All persons who own or operate~~ a petroleum fuel measuring device shall be responsible for ensuring accurate measure by the device within the tolerances defined by the rule. An appropriate security seal shall be placed on all measuring devices found to be giving accurate measure within the tolerances defined by the department

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18 in such a way that the metering adjustment cannot be changed  
19 without breaking the seal.

20 (4) A ~~Any~~ measuring device that is found to be operating  
21 outside the tolerances defined by the department shall be deemed  
22 inaccurate and the department, at its discretion, shall either:

23 (a) Give, in writing, the ~~operator or owner~~ or manager of  
24 the measuring device a reasonable time to repair the measuring  
25 device; or

26 (b) Condemn or prohibit the further use of the measuring  
27 device by using an appropriate security seal to obstruct the  
28 mechanism so that it cannot be operated without breaking the  
29 seal. The measuring device shall not be operated in this state  
30 again

31 (10) (a) Each person who owns or manages a retail petroleum  
32 fuel measuring device shall have affixed to or installed onto  
33 the measuring device a security measure to restrict the  
34 unauthorized access of customer payment card information. The  
35 security measure must include one or more of the following:

36 1. The placement of pressure-sensitive security tape over  
37 the panel opening that leads to the scanning device for the  
38 retail petroleum fuel measuring device in a manner that will  
39 restrict the unauthorized opening of the panel.

40 2. A device or system that will render the retail  
41 petroleum fuel measuring device or the scanning device in the  
42 measuring device inoperable if there is an unauthorized opening  
43 of the panel.

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44 3. A device or system that encrypts the customer payment  
45 card information in the scanning device.

46 4. Another security measure approved by the department.

47 (b) The owner or manager of a retail petroleum fuel  
48 measuring device without a security measure or with an altered  
49 or damaged security measure, upon written notice from the  
50 department of such noncompliance, shall have 5 calendar days to  
51 comply with this subsection. After the fifth day of  
52 noncompliance, the department may prohibit further use of the  
53 retail petroleum fuel measuring device until a security measure  
54 is installed, replaced, or repaired. A repeat violation found on  
55 the same retail petroleum fuel measuring device will be cause  
56 for the department to immediately take the measuring device out  
57 of service.

58 (b) For purposes of this subsection, the terms "scanning  
59 device" and "payment card" have the same meanings as defined in  
60 s. 817.625.

61 (c) This subsection applies only to retail petroleum fuel  
62 measuring devices that have a scanning device.

63 (d) The department

64  
65  
66 -----  
67 **T I T L E A M E N D M E N T**

68 Remove line 5 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 761 (2016)

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69 conveyance of fuel; amending s. 525.07, F.S.; specifying  
70 requirements for managers of petroleum fuel measuring devices  
71 with respect to accurate measurement; requiring