



258574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2021	.	
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The Committee on Rules (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 18 - 35

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 manages a retail petroleum fuel measuring device shall have affixed to or installed onto the measuring device a security measure to restrict the



258574

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

14 1. The placement of pressure-sensitive security tape over  
15 the panel opening that leads to the scanning device for the  
16 retail petroleum fuel measuring device in a manner that will  
17 restrict the unauthorized opening of the panel. Effective  
18 January 1, 2022, a pressure-sensitive security tape may not be  
19 the sole security measure used. After such date, the owner or  
20 manager of a retail petroleum fuel measuring device who chooses  
21 to install a pressure-sensitive security tape must also include  
22 at least one of the security measures listed in subparagraphs  
23 2.-5.

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

28 3. A device or system that encrypts the customer payment  
29 card information in the scanning device.

30 4. A physical locking mechanism, as defined by department  
31 rule.

32 5. Another security measure approved by the department.

33 (b) The owner or manager of a retail petroleum fuel  
34 measuring device without a security measure or with an  
35 unapproved or altered or damaged security measure may not use  
36 the retail petroleum fuel measuring device after discovering  
37 such an issue, upon written notice from the department of such  
38 noncompliance, shall have 5 calendar days to comply with this  
39 subsection. After the fifth day of noncompliance, the department  
40 may prohibit further use of the retail petroleum fuel measuring



258574

41 ~~device~~ until a security measure is installed, replaced, or  
42 repaired. ~~A repeat violation found on the same retail petroleum~~  
43 ~~fuel measuring device will be cause for~~ The department may ~~to~~  
44 ~~immediately~~ take a the measuring device out of service until it  
45 is in compliance with this section.

46 (c) If the owner or operator of a fuel measuring device  
47 finds during inspection that a required security measure has  
48 been breached and has failed to restrict the unauthorized access  
49 of customer payment card information, the owner or operator must  
50 report the security breach to the department, on a form  
51 prescribed by the department, within 3 business days after the  
52 discovery.

53 (d) The owner or operator of a pump or a registered meter  
54 mechanic shall report to the department, on a form prescribed by  
55 the department, any illegal skimming or filtering device that he  
56 or she finds at a retail petroleum facility within 3 business  
57 days after finding the device.

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

63 (g) ~~(e)~~ The department may seize without warrant any  
64 skimming device, as defined in s. 817.625, for use as evidence.

65 (h) ~~(f)~~ The regulation of petroleum fuel measuring devices  
66 is preempted to the state and to the department, which shall  
67 enforce, and may adopt rules to administer, this subsection;  
68 however, s. 525.16 may not be used to enforce this subsection  
69 unless the person who owns or manages the petroleum fuel



258574

70 measuring device has failed to install a security device or  
71 implement a security measure pursuant to this section.

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

74 525.16 Administrative fine; penalties; prosecution of cases  
75 by state attorney.—

76 (6) This section may not be used to enforce s. 525.07(10)  
77 or rules adopted pursuant to that subsection unless the person  
78 who owns or manages the petroleum fuel measuring device has  
79 failed to install a security device or implement a security  
80 measure pursuant to s. 525.07(10) (a).

81  
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 3

85 and insert:

86 amending s. 525.07, F.S.; prohibiting a pressure-  
87 sensitive security tape from being the sole security  
88 measure used on a retail petroleum fuel measuring  
89 device after a specified date; authorizing additional  
90 security measures; prohibiting the owners or operators  
91 of such devices from using a device that fails to meet  
92 certain standards and requiring them to report certain  
93 issues discovered when inspecting such devices to the  
94 Department of Agriculture and Consumer Services;  
95 preempting the regulation of