

By the Committees on Rules; and Commerce and Tourism; and
Senator Rodriguez

595-03839-21

2021430c2

1 A bill to be entitled
2 An act relating to petroleum fuel measuring devices;
3 amending s. 525.07, F.S.; prohibiting a pressure-
4 sensitive security tape from being the sole security
5 measure used on a retail petroleum fuel measuring
6 device after a specified date; authorizing additional
7 security measures; prohibiting the owners or operators
8 of such devices from using a device that fails to meet
9 certain standards and requiring them to report certain
10 issues discovered when inspecting such devices to the
11 Department of Agriculture and Consumer Services;
12 preempting the regulation of petroleum fuel measuring
13 devices to the state and the Department of Agriculture
14 and Consumer Services; prohibiting the department from
15 enforcing certain provisions for violations of rules
16 relating to petroleum fuel measuring devices unless an
17 owner or operator fails to take certain security
18 measures; amending s. 525.16, F.S.; exempting
19 department petroleum fuel measuring device rules from
20 enforcement under specified provisions unless an owner
21 or operator fails to take certain security measures;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (10) of section 525.07, Florida
27 Statutes, is amended to read:

28 525.07 Powers and duties of department; inspections;
29 unlawful acts.—

595-03839-21

2021430c2

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

35 1. The placement of pressure-sensitive security tape over
36 the panel opening that leads to the scanning device for the
37 retail petroleum fuel measuring device in a manner that will
38 restrict the unauthorized opening of the panel. Effective
39 January 1, 2022, a pressure-sensitive security tape may not be
40 the sole security measure used. After such date, the owner or
41 manager of a retail petroleum fuel measuring device who chooses
42 to install a pressure-sensitive security tape must also include
43 at least one of the security measures listed in subparagraphs
44 2.-5.

45 2. A device or system that will render the retail petroleum
46 fuel measuring device or the scanning device in the measuring
47 device inoperable if there is an unauthorized opening of the
48 panel.

49 3. A device or system that encrypts the customer payment
50 card information in the scanning device.

51 4. A physical locking mechanism, as defined by department
52 rule.

53 5. Another security measure approved by the department.

54 (b) The owner or manager of a retail petroleum fuel
55 measuring device without a security measure or with an
56 unapproved or altered or damaged security measure may not use
57 the retail petroleum fuel measuring device after discovering
58 such an issue, upon written notice from the department of such

595-03839-21

2021430c2

59 ~~noncompliance, shall have 5 calendar days to comply with this~~
60 ~~subsection. After the fifth day of noncompliance, the department~~
61 ~~may prohibit further use of the retail petroleum fuel measuring~~
62 ~~device until a security measure is installed, replaced, or~~
63 ~~repaired. A repeat violation found on the same retail petroleum~~
64 ~~fuel measuring device will be cause for~~ The department may ~~to~~
65 ~~immediately~~ take a the measuring device out of service until it
66 is in compliance with this section.

67 (c) If the owner or operator of a fuel measuring device
68 finds during inspection that a required security measure has
69 been breached and has failed to restrict the unauthorized access
70 of customer payment card information, the owner or operator must
71 report the security breach to the department, on a form
72 prescribed by the department, within 3 business days after the
73 discovery.

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

79 (e)~~(e)~~ For purposes of this subsection, the terms "scanning
80 device" and "payment card" have the same meanings as ~~defined~~ in
81 s. 817.625.

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

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

86 (h)~~(f)~~ The regulation of petroleum fuel measuring devices
87 is preempted to the state and to the department, which shall

595-03839-21

2021430c2

88 enforce, and may adopt rules to administer, this subsection;
89 however, s. 525.16 may not be used to enforce paragraph (a)
90 unless the person who owns or manages the petroleum fuel
91 measuring device has failed to install a security device or
92 implement a security measure pursuant to this section.

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

95 525.16 Administrative fine; penalties; prosecution of cases
96 by state attorney.-

97 (6) This section may not be used to enforce s. 525.07(10)
98 or rules adopted pursuant to that subsection unless the person
99 who owns or manages the petroleum fuel measuring device has
100 failed to install a security device or implement a security
101 measure pursuant to s. 525.07(10)(a).

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