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2 An act relating to retail petroleum fuel measuring
3 devices; amending s. 525.07, F.S.; revising the types
4 of certain security measures required to be affixed to
5 or installed onto retail petroleum fuel measuring
6 devices; requiring owners or operators of retail
7 petroleum fuel measuring devices to affix to or
8 install onto the measuring devices certain security
9 measures by a specified date; providing that the use
10 of certain measures complies with such requirement;
11 authorizing the Department of Agriculture and Consumer
12 Services to take certain retail petroleum fuel
13 measuring devices out of service until compliance is
14 restored; preempting the regulation of petroleum fuel
15 measuring devices to the state; prohibiting the
16 department from enforcing certain provisions for
17 violations of certain rules; amending s. 525.16, F.S.;
18 exempting department petroleum fuel measuring device
19 rules from enforcement under specified provisions;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (10) of section 525.07, Florida
25 Statutes, is amended to read:

26 525.07 Powers and duties of department; inspections;
27 unlawful acts.—

28 (10) (a) Each person who owns or operates ~~manages~~ a retail
29 petroleum fuel measuring device shall have affixed to or

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30 installed onto the measuring device a security measure to
31 restrict the unauthorized access of customer payment card
32 information. The security measure must include one or more of
33 the following:

34 1. The placement and maintenance of pressure-sensitive
35 security tape over the panel opening that leads to the scanning
36 device for the retail petroleum fuel measuring device in a
37 manner that will restrict the unauthorized opening of the panel
38 or the placement and maintenance of pressure-sensitive custom
39 branded security tape unique to the station in more than one
40 location over the panel opening.

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

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

47 4. A physical locking mechanism that requires an access key
48 unique to each station to restrict the unauthorized access of
49 customer payment card information.

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

53 6. A daily inspection of each measuring device that
54 includes opening the panels, using an anti-skimmer application
55 that detects wireless based skimmers, and documenting such
56 inspections.

57 7. A device or system that permits customers to use a
58 contactless payment method, such as an electronic contact-free

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59 system, tap-and-go system, or mobile cryptographic system, for
60 payment that does not use a magnetic strip scanning device.

61 8.4. Another security measure approved by the department.

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

68 (c)(b) The owner or manager of A retail petroleum fuel
69 measuring device without a security measure or with an illegal
70 skimming or filtering device or an altered or damaged security
71 measure, upon discovery by the department, shall be prohibited
72 from further use until the security measure is installed,
73 replaced, or repaired. The department may take a retail
74 petroleum fuel measuring device that is in violation of this
75 subsection out of service until compliance is restored ~~upon~~
76 written notice from the department of such noncompliance, shall
77 have 5 calendar days to comply with this subsection. After the
78 fifth day of noncompliance, the department may prohibit further
79 use of the retail petroleum fuel measuring device until a
80 security measure is installed, replaced, or repaired. A repeat
81 violation found on the same retail petroleum fuel measuring
82 device will be cause for The department to immediately take the
83 measuring device out of service.

84 (d)(e) For purposes of this subsection, the terms "scanning
85 device" and "payment card" have the same meanings as defined in
86 s. 817.625.

87 (e)(d) This subsection applies only to retail petroleum

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88 fuel measuring devices that have a scanning device.

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

91 (g)~~(f)~~ The regulation of retail petroleum fuel measuring
92 devices is preempted to the state. The department shall enforce,
93 and may adopt rules to administer, this subsection; however, s.
94 525.16 may not be used to enforce this section unless the owner
95 or operator of a retail petroleum fuel measuring device has
96 failed to install or implement security measures pursuant to
97 this section or has placed the measuring device back in service
98 before compliance with this section has been restored. However,
99 if noncompliance is the result of damage or alteration after
100 repair by the owner or operator of the security measure, and the
101 owner or operator demonstrates or provides sufficient evidence
102 of such, the department may not use s. 525.16 to enforce this
103 section.

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

106 525.16 Administrative fine; penalties; prosecution of cases
107 by state attorney.—

108 (6) This section may not be used to enforce s. 525.07(10)
109 or rules adopted thereunder unless the owner or operator of a
110 retail petroleum fuel measuring device has failed to install or
111 implement security measures pursuant to s. 525.07(10) or has
112 placed the measuring device back in service before compliance
113 with s. 525.07(10) has been restored. However, if noncompliance
114 is the result of damage or alteration after repair by the owner
115 or operator of the security measure, and the owner or operator
116 demonstrates or provides sufficient evidence of such, the

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117 department may not use this section to enforce s. 525.07(10).

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