

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Regulatory Reform
2 Subcommittee

3 Representative Busatta Cabrera offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Subsection (10) of section 525.07, Florida
8 Statutes, is amended to read:

9 525.07 Powers and duties of department; inspections;
10 unlawful acts.—

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

Amendment No. 1

16 1. The placement of pressure-sensitive security tape over
17 the panel opening that leads to the scanning device for the
18 retail petroleum fuel measuring device in a manner that will
19 restrict the unauthorized opening of the panel.

20 2. A device or system that will render the retail
21 petroleum fuel measuring device or the scanning device in the
22 measuring device inoperable if there is an unauthorized opening
23 of the panel.

24 3. A device or system that encrypts the customer payment
25 card information in the scanning device.

26 4. Another security measure approved by the department.

27 (b) The owner or manager of a retail petroleum fuel
28 measuring device without a security measure or with an altered
29 or damaged security measure, upon written notice from the
30 department of such noncompliance, shall have 5 calendar days to
31 comply with this subsection. After the fifth day of
32 noncompliance, the department may prohibit further use of the
33 retail petroleum fuel measuring device until a security measure
34 is installed, replaced, or repaired. A repeat violation found on
35 the same retail petroleum fuel measuring device will be cause
36 for the department to immediately take the measuring device out
37 of service.

38 (c) For purposes of this subsection, the terms "scanning
39 device" and "payment card" have the same meanings as defined in
40 s. 817.625.

Amendment No. 1

41 (d) This subsection applies only to retail petroleum fuel
42 measuring devices that have a scanning device.

43 (e) The department may seize without warrant any skimming
44 device, as defined in s. 817.625, for use as evidence.

45 (f) The department shall enforce, and may adopt rules to
46 administer, this subsection.

47 (g) The regulation of petroleum fuel measuring devices is
48 preempted to the state and to the department.

49 (h) The department may not issue a fine in accordance with
50 s. 525.16, for violations of this subsection, unless the owner
51 or manager of a petroleum fuel measuring device is found to be
52 in violation of this subsection four or more times in a year, or
53 three times in 6 months, and has not adopted a security policy
54 to assist in preventing future alteration or damage to a
55 security measure, and the department determines that the owner
56 or manager has not taken measures to correct each violation
57 within 5 days of receiving each notice of an altered or damaged
58 security measure.

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

61 525.16 Administrative fine; penalties; prosecution of
62 cases by state attorney.—

63 (6) The department may not use this section to enforce s.
64 525.07(10) unless the owner or manager of a petroleum fuel
65 measuring device is found to be in violation of s. 525.07(10)

Amendment No. 1

66 four or more times in a year, or three times in 6 months, and
67 has not adopted a security policy to assist in preventing future
68 alteration or damage to a security measure, and the department
69 determines that the owner or manager has not taken measures to
70 correct each violation within 5 days of receiving each notice of
71 an altered or damaged security measure.

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74 **T I T L E A M E N D M E N T**

75 Remove everything before the enacting clause and insert:
76 An act relating to petroleum fuel measuring devices;
77 amending s. 525.07, F.S.; preempting the regulation of
78 petroleum fuel measuring devices to the state and the
79 Department of Agriculture and Consumer Services;
80 prohibiting the department from enforcing security
81 measure violations relating to petroleum fuel
82 measuring devices; providing exceptions; amending s.
83 525.16, F.S.; prohibiting the department from
84 enforcing security measure violations relating to
85 petroleum fuel measuring devices; providing
86 exceptions; providing an effective date.