

1 A bill to be entitled
2 An act relating to petroleum fuel measuring devices;
3 amending s. 525.07, F.S.; revising the types of
4 certain security measures required to be affixed to or
5 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 and the Department of
16 Agriculture and Consumer Services; prohibiting the
17 department from enforcing certain provisions for
18 violations of certain rules; amending s. 525.16, F.S.;
19 exempting department petroleum fuel measuring device
20 rules from enforcement under specified provisions;
21 providing an effective date.

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

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25 Section 1. Subsection (10) of section 525.07, Florida

26 Statutes, is amended to read:

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

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

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

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

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

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

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

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

58 7. A device or system that permits customers to use a
59 contactless payment method, such as an electronic contact-free
60 system, tap-and-go system, or mobile cryptographic system, for
61 payment that does not use a magnetic strip scanning device.

62 8.4- Another security measure approved by the department.

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

69 (c) ~~(b)~~ The owner or manager of A retail petroleum fuel
70 measuring device without a security measure or with an illegal
71 skimming or filtering device or an altered or damaged security
72 measure, upon discovery by the department, shall be prohibited
73 from further use until the security measure is installed,
74 replaced, or repaired. The department may take a retail
75 petroleum fuel measuring device that is in violation of s.

76 525.07(10) out of service until compliance is restored upon
77 ~~written notice from the department of such noncompliance, shall~~
78 ~~have 5 calendar days to comply with this subsection. After the~~
79 ~~fifth day of noncompliance, the department may prohibit further~~
80 ~~use of the retail petroleum fuel measuring device until a~~
81 ~~security measure is installed, replaced, or repaired. A repeat~~
82 ~~violation found on the same retail petroleum fuel measuring~~
83 ~~device will be cause for the department to immediately take the~~
84 ~~measuring device out of service.~~

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

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

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

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

101 repair by the owner or operator of the security measure, and the
102 owner or operator demonstrates or provides sufficient evidence
103 of such, the department may not use s. 525.16 to enforce this
104 section.

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

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

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

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