A bill to be entitled

An act relating to petroleum fuel measuring devices; amending s. 525.07, F.S.; revising the types of certain security measures required to be affixed to or installed onto retail petroleum fuel measuring devices; requiring owners or operators of retail petroleum fuel measuring devices to affix to or install onto the measuring devices certain security measures by a specified date; providing that the use of certain measures complies with such requirement; authorizing the Department of Agriculture and Consumer Services to take certain retail petroleum fuel measuring devices out of service until compliance is restored; requiring owners or operators of retail petroleum fuel measuring devices to report certain illegal devices and altered or damaged measures to the department; preempting the regulation of petroleum fuel measuring devices to the state and the Department of Agriculture and Consumer Services; prohibiting the department from enforcing certain provisions for violations of certain rules; amending s. 525.16, F.S.; exempting department petroleum fuel measuring device rules from enforcement under specified provisions; providing an effective date.

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

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 operates ~~manages~~ a retail petroleum fuel measuring device shall have affixed to or installed onto the measuring device a security measure to restrict the unauthorized access of customer payment card information. The security measure must include one or more of the following:

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

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

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

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

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

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

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

8.~~4.~~ Another security measure approved by the department.

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

(c)~~(b)~~ ~~The owner or manager of~~ A retail petroleum fuel measuring device without a security measure or with an illegal skimming or filtering device or an altered or damaged security measure, upon discovery by the department, shall be prohibited

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

(d) If the owner or operator of a retail petroleum fuel measuring device finds an illegal skimming or filtering device or an altered or damaged security measure, the owner or operator shall report the illegal device or altered or damaged measure to the department within 3 business days of the discovery on a form prescribed by the department.

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

demonstrates or provides sufficient evidence of such, the department may not use this section to enforce 525.07(10).

Section 3. Except as otherwise provided, this act shall take effect July 1, 2021.

CODING: Words stricken are deletions; words underlined are additions.