

1 A bill to be entitled  
2 An act relating to retail petroleum fuel measuring  
3 devices; amending s. 525.07, F.S.; removing provisions  
4 authorizing pressure-sensitive security tape and daily  
5 inspections as security measure options for retail  
6 petroleum fuel measuring devices; requiring owners and  
7 operators of retail petroleum fuel measuring devices  
8 to conduct certain daily inspections of the devices  
9 and report altered or damaged security measures and  
10 illegal skimming or filtering devices to the  
11 Department of Agriculture and Consumer Services in a  
12 specified manner within a specified time; requiring  
13 registered meter mechanics to report illegal skimming  
14 or filtering devices to the department in a specified  
15 manner within a specified time; requiring the storage  
16 of certain devices; prohibiting the department from  
17 enforcing certain provisions for violations of certain  
18 rules; amending s. 525.16, F.S.; exempting department  
19 petroleum fuel measuring device rules from enforcement  
20 under specified provisions; providing an effective  
21 date.

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

24  
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) The owner or operator of ~~Each person who owns or~~  
 30 ~~operates~~ a retail petroleum fuel measuring device shall ~~have~~  
 31 affix ~~affixed~~ to or install ~~installed~~ onto the measuring device  
 32 a security measure to restrict the unauthorized access of  
 33 customer payment card information. The security measure must  
 34 include one or more of 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 ~~1.2.~~ 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 ~~2.3.~~ A device or system that encrypts the customer payment  
 47 card information in the scanning device.

48 ~~3.4.~~ 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        ~~4.5.~~ 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        5.7. 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        ~~6.8.~~ 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 affix ~~have affixed~~  
65 to or install ~~installed~~ onto the measuring device at least two  
66 of the security measures under paragraph (a). The use and  
67 maintenance of two security measures on each measuring device by  
68 an owner or operator is deemed to be in compliance with this  
69 subsection.

70        (c)1. The owner or operator of a retail petroleum fuel  
71 measuring device shall perform a daily inspection of each  
72 measuring device that includes opening the panel and documenting  
73 the inspection.

74        2. The owner or operator must report on a form prescribed  
75 by the department any altered or damaged security measure

76 discovered during an inspection within 3 business days after the  
77 inspection date.

78 3. The owner or operator or a registered meter mechanic  
79 must report on a form prescribed by the department any illegal  
80 skimming or filtering device discovered at a retail petroleum  
81 fueling facility within 3 business days after the date of such  
82 discovery. The skimming or filtering device must be securely  
83 stored until it is provided to the department.

84 (d)(e) A retail petroleum fuel measuring device without a  
85 security measure or with an illegal skimming or filtering device  
86 or an altered or damaged security measure, upon discovery by the  
87 department, is ~~shall be~~ prohibited from further use until the  
88 security measure is installed, replaced, or repaired. The  
89 department may take a retail petroleum fuel measuring device  
90 that is in violation of this subsection out of service until  
91 compliance is restored.

92 (e)(d) For purposes of this subsection, the terms  
93 "scanning device" and "payment card" have the same meanings as  
94 in s. 817.625.

95 (f)(e) This subsection applies only to retail petroleum  
96 fuel measuring devices that have a scanning device.

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

99 (h)(g) The regulation of retail petroleum fuel measuring  
100 devices is preempted to the state. The department shall enforce,

101 and may adopt rules to administer, this subsection; however, s.  
 102 525.16 may not be used to enforce paragraphs(a) and (b) ~~this~~  
 103 ~~section~~ unless the owner or operator of a retail petroleum fuel  
 104 measuring device has failed to install or implement security  
 105 measures pursuant to this section or has placed the measuring  
 106 device back in service before compliance with this section has  
 107 been restored. However, if noncompliance is the result of damage  
 108 or alteration after repair of the security measure by the owner  
 109 or operator of the measuring device ~~security measure~~, and the  
 110 owner or operator demonstrates or provides sufficient evidence  
 111 of such, the department may not use s. 525.16 to enforce  
 112 paragraphs (a) and (b) ~~this section~~.

113 Section 2. Subsection (6) of section 525.16, Florida  
 114 Statutes, is amended to read:

115 525.16 Administrative fine; penalties; prosecution of  
 116 cases by state attorney.—

117 (6) This section may not be used to enforce s.  
 118 525.07(10) (a) or (b) ~~s. 525.07(10)~~ or rules adopted thereunder  
 119 unless the owner or operator of a retail petroleum fuel  
 120 measuring device has failed to install or implement security  
 121 measures pursuant to s. 525.07(10) (a) or (b) ~~s. 525.07(10)~~ or  
 122 has placed the measuring device back in service before  
 123 compliance with s. 525.07(10) (a) or (b) ~~s. 525.07(10)~~ has been  
 124 restored. However, if noncompliance is the result of damage or  
 125 alteration after repair by the owner or operator of the security

HB 1381

2022

126 | measure, and the owner or operator demonstrates or provides  
127 | sufficient evidence of such, the department may not use this  
128 | section to enforce s. 525.07(10)(a) or (b) ~~s. 525.07(10)~~.

129 |       Section 3. This act shall take effect July 1, 2022.