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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(23)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution supporting SB 912, HB 761, or similar legislation that would require implementation of additional security measures at retail petroleum fuel stations that would hinder or prohibit the unauthorized access of customer payment card information and increase criminal penalties for possession or use of counterfeit credit cards or illegally obtained credit card information

Resolution No. R-72-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

Abigail Price-Williams
County Attorney

APW/jls

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MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

Please note any items checked.

_____ "3-Day Rule" for committees applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Statement of social equity required

_____ Ordinance creating a new board requires detailed County Mayor's report for public hearing

✓ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(23)
1-20-16

RESOLUTION NO. R-72-16

RESOLUTION SUPPORTING SB 912, HB 761, OR SIMILAR LEGISLATION THAT WOULD REQUIRE IMPLEMENTATION OF ADDITIONAL SECURITY MEASURES AT RETAIL PETROLEUM FUEL STATIONS THAT WOULD HINDER OR PROHIBIT THE UNAUTHORIZED ACCESS OF CUSTOMER PAYMENT CARD INFORMATION AND INCREASE CRIMINAL PENALTIES FOR POSSESSION OR USE OF COUNTERFEIT CREDIT CARDS OR ILLEGALLY OBTAINED CREDIT CARD INFORMATION

WHEREAS, Senate Bill 912 ("SB 912") and House Bill 761 ("HB 761") have been filed for consideration during the 2016 session of the Florida Legislature by Senator Anitere Flores (R – Miami) and Representative Dana Young (R – Tampa), respectively; and

WHEREAS, the proposed legislation would, among other things, help protect consumers from identity theft at gas station pumps by: (1) requiring self-service fuel dispensers to use certain security measures to prevent theft of consumer financial information; (2) increasing enforcement authority against those who possess or traffic fraudulent credit cards; (3) reclassifying the crime of unlawful conveyance of fuel, which increases the maximum sentence; and (4) increasing the offense level of the crime, which affects the sentencing guidelines; and

WHEREAS, in particular, the proposed legislation could help protect consumers from credit card skimmers; and

WHEREAS, credit card skimmers are devices that thieves install on equipment that accepts payment via a credit or debit card to illegally capture and steal the customer's credit or debit card information; and

WHEREAS, the use of credit card skimmers at gas stations across the state is a growing concern; and

WHEREAS, the Florida Department of Agriculture and Consumer Services estimates that each credit card skimmer victimizes between 100 and 5,000 consumers and steals an average of $1,000 per consumer, which represents an impact of approximately $100,000 to $5,000,000 per skimmer; and

WHEREAS, in response to this problem, the Florida Commissioner of Agriculture authorized statewide sweeps to be conducted at gas stations throughout 2015; and

WHEREAS, since March 2015, inspectors with the Florida Department of Agriculture and Consumer Services have uncovered 166 skimmers used for identity theft at Florida gas stations; and

WHEREAS, many of these skimmers were installed in Miami-Dade County; and

WHEREAS, in a three-month period, the Department of Agriculture and Consumer Services found 16 skimmers at gas stations in Miami-Dade County, which represented a total of approximately 16 percent of all skimmers uncovered at Florida gas stations during that time; and

WHEREAS, to help combat the problem of credit card skimmers, this Board wishes to support SB 912, HB 761, or similar legislation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports SB 912, HB 761, or similar legislation that would require implementation of additional security measures at retail petroleum fuel stations that would hinder or prohibit the unauthorized access of customer payment card information and increase criminal penalties for possession or use of counterfeit credit cards or illegally obtained credit card information.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, Senator Anitere Flores, Representative Dana Young, and the Chair and the remaining members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package previously approved by the Board to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MBV

Michael B. Valdes