

# MEMORANDUM

Agenda Item No. 11(A)(23)

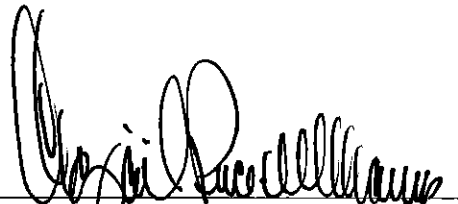
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**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

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



# 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. \_\_\_\_\_

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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MBV

Michael B. Valdes