

38 fuel for sale to the public at retail.

39 “*Payment Card*” shall have the same meaning as defined in § 817.625,
40 Florida Statutes, as amended from time to time.

41 “*Owner*” shall mean the record title owner of the property on which a Gas
42 Pump is located.

43 “*Operator*” shall mean the person or legal entity which leases, manages, or
44 operates a Gas Pump.

45 “*Scanning Device*” shall have the same meaning as defined in § 817.625,
46 Florida Statutes, as amended from time to time.

47 b. Each Gas Pump which contains a Scanning Device in Charlotte County shall
48 have affixed to or installed on the exterior of any Gas Pump a visible Gas Pump
49 lock which requires an access key unique to each gas station location to restrict
50 the unauthorized access of consumer Payment Card information. The access
51 key shall be maintained at the gas station at all times. As an alternative to the
52 foregoing security measure, the following security measures may be
53 implemented to comply with this Section:

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55 1. A device or anti-breach system that will render the Gas Pump, or the
56 Scanning Device in the Gas Pump inoperable if Gas Pump is
57 accessed without proper security code entry; or

58 2. A device or system that encrypts the customer Payment Card
59 information in the Scanning Device.

60 The Owner or Operator of any Gas Pump that chooses to install an
61 alternative security measure pursuant to this section shall demonstrate
62 compliance with this section of the Code to a County Code Officer or to the
63 Charlotte County Sheriff’s Office upon request.

64 Gas Pumps that have been found in compliance with this section by the
65 County may be appropriately marked by the County.

66 c. A security measure affixed or installed on a Gas Pump pursuant to subsection
67 (b) shall be maintained by the Owner or Operator in good working condition
68 at all times.

69 d. Failure to comply with this section shall constitute a violation of Charlotte
70 County Code Section 2-5-9, and shall subject the Owner or Operator to the
71 code enforcement provisions and procedures provided in section 1-1-15 of
72 the Charlotte County Code and penalties pursuant to §125.69, Florida
73 Statutes. A violation of this section shall be punishable by a fine of \$250 per

74 gas station, per day. Each day that a violation exists shall constitute a
75 separate and distinct violation and will result in an accumulation of fines
76 beginning on the day that the initial citation is issued at a rate of \$250 per day
77 until the Owner or Operator notifies the County that all Gas Pumps are in
78 compliance.

79 **Section 2. CODIFICATION.** It is the intention of the Board of County
80 Commissioners of Charlotte County, Florida, and it is hereby provided that the
81 provisions of this Ordinance shall become and be made a part of the Code of
82 Ordinances in Charlotte County, Florida, that the sections of the ordinance may be
83 renumbered or relettered to accomplish such intention, and that the word
84 "ordinance" may be changed to "section" or "article" or other appropriate
85 designation.

86 **Section 3. SEVERABILITY.** If any subsection, sentence, clause, phrase, or
87 portion of this Ordinance is for any reason held invalid or unconstitutional by any
88 court of competent jurisdiction, such portion shall be deemed a separate, distinct,
89 and independent provision and such holding shall not affect the validity of the
90 remainder of this Ordinance.

91 **Section 4. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed
92 with the Department of State of the State of Florida by the Clerk of the Board of
93 County Board of County Commissioners within 10 days of enactment and shall
94 take effect upon January 1, 2019.

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(SIGNATURE PAGE FOLLOWS)

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PASSED AND DULY ADOPTED this _____ day of September, 2018.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Kenneth W. Doherty, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Janette S. Knowlton, County Attorney
LR 18-0498 