By Representatives Dockery, Putnam, Rodriguez-Chomat, Burroughs, Valdes, Stabins, Edwards, Mackenzie, Trovillion, Crist, Heyman, Bullard, Horan, Fuller, Lacasa, Merchant, Villalobos, Brennan, Eggelletion, Kosmas, Frankel, Silver, (Additional Sponsors on Last Printed Page)

1 A bill to be entitled 2 An act relating to underground facilities 3 damage prevention and safety; amending s. 4 556.106, F.S.; specifying liability for damage occurring in certain excavations; amending s. 5 6 556.108, F.S.; revising certain exemptions from 7 notification requirements; providing an effective date. 8 9 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 1. Subsection (5) is added to section 556.106, 13 Florida Statutes, to read: 14 556.106 Liability of the member operator, excavator, 15 and system. --16 (5) An excavator who performs any excavation with hand tools pursuant to s. 556.108(5) is liable for any damage to 17 18 any operator's underground facilities damaged during such 19 excavation. 20 Section 2. Subsection (4) of section 556.108, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is 21 22 added to said section, to read: 556.108 Exemptions. -- The notification requirements 23 24 provided in s. 556.105(1) do not apply to: Any excavation of 18 inches or less for: 25 26 Surveying public or private property by surveyors 27 or mappers as defined in chapter 472, excluding marked 28 rights-of-way, marked easements, or permitted uses where 29 marked, provided mechanized equipment is not used in the

process of such surveying and the surveying is performed in

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accordance with the practice rules established under s. 1 2 472.027; 3 (b) Locating or protecting underground facilities, 4 provided no mechanized equipment is used in the process of 5 locating or protecting such underground facilities; 6 (c) Extending underground facilities from an easement, 7 right-of-way, or area of permitted use onto the four-family, three-family, two-family, or single-family residential 8 9 property of the person to be served by such facilities, provided that, in the process of such extension, no mechanized 10 equipment is used on any operator's marked right-of-way, 11 12 easement, or permitted use; or 13 (b)(d) Maintenance activities performed by a state 14 agency and its employees when such activities are within the 15 right-of-way of a public road, provided, if a member operator has permanently marked facilities on such right-of-way, no 16 17 mechanized equipment may be used without first providing 18 notification. 19 (5) Any excavation with hand tools by a member 20 operator or an agent of a member operator for: 21 (a) Locating, repairing, connecting, or protecting, or 22 routine maintenance of, the member operator's underground 23 facilities; or (b) The extension of a member operator's underground 24 25 facilities onto the property of a person to be served by such 26 facilities. 27 Section 3. This act shall take effect October 1, 1997. 2.8 29 30 31

********** HOUSE SUMMARY Imposes liability for damage occurring to underground facilities during excavations with hand tools. Revises exemptions from notification requirements for excavations to locate, repair, connect, protect, or routinely maintain underground facilities or to extend facilities onto a person's property to be served by the facilities. See bill for details. ADDITIONAL SPONSORS Effman, Greene, Culp, Flanagan, Livingston, Andrews, Bush, Bradley, Spratt, Gay and Turnbull