

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  
5           occurring in certain excavations; amending s.  
6           556.108, F.S.; revising certain exemptions from  
7           notification requirements; providing an  
8           effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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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  
17 tools pursuant to s. 556.108(5) is liable for any damage to  
18 any operator's underground facilities damaged during such  
19 excavation.

20           Section 2. Subsection (4) of section 556.108, Florida  
21 Statutes, 1996 Supplement, is amended, and subsection (5) is  
22 added to said section, to read:

23           556.108 Exemptions.--The notification requirements  
24 provided in s. 556.105(1) do not apply to:

25           (4) Any excavation of 18 inches or less for:

26           (a) 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  
30 process of such surveying and the surveying is performed in

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1 accordance with the practice rules established under s.  
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,~~  
8 ~~three-family, two-family, or single-family residential~~  
9 ~~property of the person to be served by such facilities,~~  
10 ~~provided that, in the process of such extension, no mechanized~~  
11 ~~equipment is used on any operator's marked right-of-way,~~  
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  
16 has permanently marked facilities on such right-of-way, no  
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

24 (b) The extension of a member operator's underground  
25 facilities onto the property of a person to be served by such  
26 facilities.

27 (c) The exemption provided in paragraphs (a) and (b)  
28 is limited to excavations to a depth of 30 inches if the  
29 right-of-way has permanently marked facilities of a company  
30 other than the member operator or its agents performing the  
31 excavation.

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Section 3. This act shall take effect October 1, 1997.