

By the Committee on Utilities & Communications and
Representatives Bloom, Kelly, Livingston and Wise

1 A bill to be entitled
2 An act relating to the Underground Facility
3 Damage Prevention and Safety Act; amending s.
4 556.101, F.S.; revising legislative intent;
5 amending s. 556.102, F.S.; revising
6 definitions; amending s. 556.103, F.S.;
7 requiring membership in a specified
8 corporation; amending s. 556.104, F.S.;
9 requiring participation in a specified system;
10 amending s. 556.105, F.S.; exempting certain
11 member operators from notification and mark and
12 location requirements under certain
13 circumstances; amending s. 556.110, F.S.;
14 providing for monthly assessments for operating
15 costs; exempting member operators from certain
16 assessments under certain circumstances;
17 repealing s. 556.106(2)(e), F.S., relating to
18 certain required duties of excavators relating
19 to notice; providing an effective date.
20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Subsection (3) of section 556.101, Florida
24 Statutes, is amended to read:
25 556.101 Short title; legislative intent.--
26 (3) It is the purpose of this act to:
27 (a) Aid the public by preventing injury to persons or
28 property and the interruption of services resulting from
29 damage to an underground facility caused by excavation or
30 demolition operations.
31

1 (b) Create a not-for-profit corporation comprised of
2 operators of underground facilities in this state to
3 administer the provisions of this act.

4 (c) Fund the cost of administration entirely and
5 exclusively by assessed contributions from the member
6 operators.

7
8 ~~It is not the purpose of this act to create liability for~~
9 ~~negligence on the part of any operator of an underground~~
10 ~~facility who elects to not participate in the one-call~~
11 ~~notification system created by this act.~~

12 Section 2. Subsections (7) and (9) of section 556.102,
13 Florida Statutes, are amended to read:

14 556.102 Definitions.--As used in this act:

15 (7) "Member operator" means any person who furnishes
16 or transports materials or services by means of an underground
17 facility ~~and who elects to participate as a member of the~~
18 ~~one-call notification center for any portion of the territory~~
19 ~~served by the person.~~

20 (9) "Underground facility" means any public or private
21 personal property which is buried, placed below ground, or
22 submerged on any member operator's right-of-way, easement, or
23 permitted use which is being used or will be used in
24 connection with the storage or conveyance of water; sewage;
25 electronic, telephonic, or telegraphic communication; electric
26 energy; oil; petroleum products; natural gas; optical signals;
27 or other substances, and includes, but is not limited to,
28 pipelines, pipes, sewers, conduits, cables, valves, and lines.
29 For purposes of this act, a liquefied petroleum gas line
30 regulated under chapter 527 is not an underground facility
31 unless such line is subject to the requirements of Title 49,

1 Code of Federal Regulations, adopted by the Department of
2 Agriculture and Consumer Services, provided there is no
3 encroachment on any member operator's right-of-way, easement,
4 or permitted use. Petroleum storage systems subject to
5 regulation pursuant to chapter 376 are not considered
6 underground facilities for the purposes of this act unless the
7 storage system is located on a member operator's right-of-way
8 or easement. Storm drainage systems are not considered
9 underground facilities.

10 Section 3. Subsection (1) of section 556.103, Florida
11 Statutes, is amended to read:

12 556.103 Creation of the corporation; establishment of
13 the board of directors; authority of the board; annual
14 report.--

15 (1) The "Sunshine State One-Call of Florida, Inc." is
16 hereby created as a not-for-profit corporation. Each ~~Any~~
17 operator of an underground facility in this state shall ~~may~~ be
18 a member of the corporation and shall ~~may~~ use and participate
19 in the system. The corporation shall be formed by June 1,
20 1993. The corporation shall administer the provisions of this
21 act. The corporation shall exercise its powers through a
22 board of directors established pursuant to this section.

23 Section 4. Section 556.104, Florida Statutes, is
24 amended to read:

25 556.104 One-call notification system.--The corporation
26 shall establish a one-call toll-free telephone notification
27 system which shall be operational by June 1, 1994. Any person
28 who furnishes or transports materials or services by means of
29 an underground facility in this state shall ~~may elect to~~
30 participate as a member operator of the system, except
31 counties, municipalities, or municipal or cooperative electric

1 utilities, or departments or agencies thereof, shall not be
2 required to participate as a member operator until October 1,
3 1998. The purpose of the system is to receive notification of
4 planned excavation or demolition activities and to notify
5 member operators of such planned excavation or demolition
6 activities. The system shall provide a single toll-free
7 telephone number within this state which excavators can use to
8 notify member operators of planned excavation or demolition
9 activities.

10 Section 5. Subsection (4) of section 556.105, Florida
11 Statutes, 1996 Supplement, is amended to read:

12 556.105 Procedures.--

13 (4) All member operators within the defined area of a
14 proposed excavation or demolition shall be promptly notified
15 through the system, except member operators with state-owned
16 underground facilities located within the right-of-way of a
17 state highway need not be notified of excavation or demolition
18 activities and shall be under no obligation to mark or locate
19 such facilities.

20 Section 6. Section 556.110, Florida Statutes, is
21 amended to read:

22 556.110 Costs assessed among member operators.--Member
23 operators shall proportionately share in the cost of operating
24 the system through monthly assessments made upon each member
25 operator. However, any member which receives fewer than 10
26 notifications in any month shall not be assessed for such
27 month.

28 Section 7. Paragraph (e) of subsection (2) of section
29 556.106, Florida Statutes, is hereby repealed.

30 Section 8. This act shall take effect October 1, 1997.
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