

By the Committee on Regulated Industries; and Senator Holzendorf

315-2255-02

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.; redefining the terms  
6           "business hours," "excavate," and "system";  
7           defining the terms "design services," "positive  
8           response," "premark," and "tolerance zone";  
9           amending s. 556.104, F.S.; providing for a  
10          free-access notification system; amending s.  
11          556.105, F.S.; revising the procedures for  
12          excavation and notification; amending s.  
13          556.106, F.S.; revising liability provisions;  
14          amending s. 556.107, F.S.; revising noncriminal  
15          and criminal penalties; creating s. 556.112,  
16          F.S.; prescribing requirements for member  
17          operators and requests for design services;  
18          providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Section 556.101, Florida Statutes, is  
23 amended to read:

24           556.101 Short title; legislative intent.--

25           (1) This act may be cited as the "Underground Facility  
26 Damage Prevention and Safety Act."

27           (2) It is the intent of the Legislature to provide  
28 access ~~a single toll-free telephone number~~ for excavating  
29 contractors and the ~~general~~ public to provide ~~call for~~  
30 notification to the system of their intent to engage in  
31 excavation or demolition. This notification system shall

1 provide the member operators an opportunity to identify and  
2 locate their underground facilities.

3 (3) It is the purpose of this act to:

4 (a) Aid the public by preventing injury to persons or  
5 property and the interruption of services resulting from  
6 damage to an underground facility caused by excavation or  
7 demolition operations.

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

11 (c) Fund the cost of administration through ~~entirely~~  
12 ~~and exclusively by assessed~~ contributions from the member  
13 operators for services provided to the member operators and  
14 from charges made to others for services requested and  
15 provided, such as record searches, education or training, and  
16 damage prevention activities.

17 (d) Reserve to the state the power to regulate any  
18 subject matter specifically addressed in this act.

19 (e) Permit any local law enforcement officer or  
20 permitting-agency inspector to enforce this act without the  
21 need to incorporate the provisions of this act into any local  
22 code or ordinance.

23 (4) It is not the purpose of this act to create  
24 liability for negligence on the part of any small municipality  
25 ~~or county~~ operator of an underground facility which elects to  
26 not participate in the one-call notification system in the  
27 manner set forth in s. 556.103(1)~~created by this act.~~ This  
28 subsection expires January 1, 2003.

29 (5) It is not the purpose of this act to amend or void  
30 any permit issued by a state agency for placement or  
31 maintenance of facilities in its right-of-way.

1           Section 2. Section 556.102, Florida Statutes, is  
2 amended to read:

3           556.102 Definitions.--As used in this act:

4           (1) "Business days" means Monday through Friday,  
5 excluding the following holidays: New Year's Day, Birthday of  
6 Dr. Martin Luther King, Jr., Memorial Day, Independence Day,  
7 Labor Day, Thanksgiving Day and the following Friday,  
8 Christmas Eve, and Christmas Day. Any such holiday that falls  
9 on a Saturday shall be observed on the preceding Friday. Any  
10 such holiday that falls on a Sunday shall be observed on the  
11 following Monday.

12           (2) "Business hours" means the hours of a day during  
13 which the system is open for business ~~toll-free telephone~~  
14 ~~number is answered by a natural person.~~

15           (3) "Damage" means any impact upon or contact with,  
16 including, without limitation, penetrating, striking,  
17 scraping, displacing, or denting, however slight, the  
18 protective coating, housing, or other protective devices of  
19 any underground facility, or the removal or weakening of any  
20 lateral or vertical support from any underground facility, or  
21 the severance, partial or complete, of any underground  
22 facility.

23           (4) "Demolish" or "demolition" means any operation by  
24 which a structure or mass of material is wrecked, razed,  
25 rended, moved, or removed by means of any tool, equipment, or  
26 discharge of explosives, or any disturbance of the earth in  
27 any manner on public or private lands which could damage any  
28 underground facility.

29           (5) "Design services" means services that may be  
30 provided by a member operator to a design engineer, architect,  
31 surveyor, or planner, if the presence of underground

1 facilities is known to a member operator, upon payment of a  
2 fee to the member operator, which services may be based on:

3 (a) Information obtained solely from a review of  
4 utility records.

5 (b) Information to augment utility records, such as  
6 topographic surveying of above-ground utility features.

7 (c) Information obtained through the use of  
8 designating technologies to obtain horizontal underground  
9 facility locations.

10 (d) Information obtained from physically exposing  
11 underground facilities.

12 (6)(5) "Excavate" or "excavation" means any manmade  
13 cut, cavity, trench, or depression in the earth's surface,  
14 formed by removal of earth, intended to change the grade or  
15 level of land, or intended to penetrate or disturb the surface  
16 of the earth, including land beneath the waters of the state,  
17 as defined in s. 373.019(17), and the term includes pipe  
18 bursting and directional drilling or boring from one point to  
19 another point beneath the surface of the earth, or other  
20 trenchless technologies.

21 (7)(6) "Excavator" or "excavating contractor" means  
22 any person performing excavation or demolition operations.

23 (8)(7) "Member operator" means any person who  
24 furnishes or transports materials or services by means of an  
25 underground facility except a small municipality ~~or county~~  
26 that has elected not to participate in the one-call  
27 notification system in the manner set forth in s. 556.103(1).

28 (9)(8) "Person" means any individual, firm, joint  
29 venture, partnership, corporation, association, municipality,  
30 or other political subdivision, governmental unit, department,  
31

1 or agency, and includes any trustee, receiver, assignee, or  
2 personal representative of a person.

3 (10) "Positive response" means the communications  
4 among member operators, excavators, and the system concerning  
5 the status of locating an underground facility.

6 (11) "Premark" means to delineate the general scope of  
7 the excavation on the surface of the ground using white paint,  
8 white stakes, or other similar white markings.

9 (12) "Tolerance zone" means 24 inches from the outer  
10 edge of either side of the exterior surface of a marked  
11 underground facility.

12 (13)~~(9)~~ "Underground facility" means any public or  
13 private personal property which is buried, placed below  
14 ground, or submerged on any member operator's right-of-way,  
15 easement, or permitted use which is being used or will be used  
16 in connection with the storage or conveyance of water; sewage;  
17 electronic, telephonic, or telegraphic communication; electric  
18 energy; oil; petroleum products; natural gas; optical signals;  
19 or other substances, and includes, but is not limited to,  
20 pipelines, pipes, sewers, conduits, cables, valves, and lines.  
21 For purposes of this act, a liquefied petroleum gas line  
22 regulated under chapter 527 is not an underground facility  
23 unless such line is subject to the requirements of Title 49  
24 C.F.R. adopted by the Department of Agriculture and Consumer  
25 Services, provided there is no encroachment on any member  
26 operator's right-of-way, easement, or permitted use. Petroleum  
27 storage systems subject to regulation pursuant to chapter 376  
28 are not considered underground facilities for the purposes of  
29 this act unless the storage system is located on a member  
30 operator's right-of-way or easement. Storm drainage systems  
31 are not considered underground facilities.

1           ~~(14)(10)~~ "System" means a free-access ~~one-call~~  
2 ~~toll-free telephone~~ notification system established by the  
3 corporation as provided in this act.

4           Section 3. Section 556.104, Florida Statutes, is  
5 amended to read:

6           556.104 Free-access ~~One-call~~ notification system.--The  
7 corporation shall maintain a free-access ~~establish a one-call~~  
8 ~~toll-free telephone~~ notification system ~~which shall be~~  
9 ~~operational by June 1, 1994~~. Any person who furnishes or  
10 transports materials or services by means of an underground  
11 facility in this state shall participate as a member operator  
12 of the system except that a small city as defined in s. 120.52  
13 may elect not to participate in the system in the manner set  
14 forth in s. 556.103(1). The purpose of the system is to  
15 receive notification of planned excavation or demolition  
16 activities and to notify member operators of such planned  
17 excavation or demolition activities. The system shall provide  
18 a single toll-free telephone number within this state which  
19 excavators can use to notify member operators of planned  
20 excavation or demolition activities, and the system may also  
21 provide additional modes of access at no cost to the user.

22           Section 4. Section 556.105, Florida Statutes, is  
23 amended to read:

24           556.105 Procedures.--

25           (1)(a) Not less than 2 nor more than 5 full business  
26 days before beginning any excavation or demolition, an  
27 excavator shall provide the following information through the  
28 system:

29           1. The name of the individual who provided  
30 notification and the name, address, including the street  
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1 address, city, state, zip code, and telephone number of her or  
2 his employer.

3 2. The name and telephone number of the representative  
4 for the excavator.

5 3. The county, the city or closest city, and the  
6 street address or the closest street, road, or intersection to  
7 the location where the excavation or demolition is to be  
8 performed, and the construction limits of the excavation or  
9 demolition.

10 4. The commencement date and anticipated duration of  
11 the excavation or demolition.

12 5. Whether machinery will be used for the excavation  
13 or demolition.

14 6. The person or entity for whom the work is to be  
15 done.

16 7. The type of work to be done.

17 8. The approximate depth of the excavation.

18 (b) The excavator shall provide such information by  
19 notifying the system through its free-access notification  
20 system ~~calling the statewide toll-free number~~ during business  
21 hours, as determined by the corporation, or by such other  
22 method as authorized by the corporation. Any notification  
23 received by the system at any time other than during business  
24 hours shall be considered to be received at the beginning of  
25 the next business day.

26 (c) Information provided by an excavator shall be  
27 considered valid for a period of 20 calendar days after each  
28 date such information is provided to the system. In computing  
29 the period for which information furnished is considered  
30 valid, the date the notice is provided shall not be counted,  
31 but the last day of such period shall be counted unless it is

1 a Saturday, Sunday, or a legal holiday, in which event, the  
2 period shall run until the end of the next day which is not a  
3 Saturday, Sunday, or a legal holiday.

4 (2) Each notification by means of the system shall be  
5 recorded to document compliance with this act. Such record  
6 may be made by means of electronic, mechanical, or any other  
7 method of all incoming and outgoing wire and oral  
8 communications concerning location requests in compliance with  
9 chapter 934. Such records shall be kept for a period of 5  
10 years and, upon written request, shall be available to the  
11 excavator making the request, the member operator intended to  
12 receive the request, and their agents. However, custody of the  
13 records shall not be transferred from the system except under  
14 subpoena.

15 (3) The system shall provide the person who provided  
16 notification with the names of the member operators who will  
17 be advised of the notification and a notification number which  
18 specifies the date and time of the notification.

19 (4) All member operators within the defined area of a  
20 proposed excavation or demolition shall be promptly notified  
21 through the system, except that member operators with  
22 state-owned underground facilities located within the  
23 right-of-way of a state highway need not be notified of  
24 excavation or demolition activities and are under no  
25 obligation to mark or locate such facilities.

26 (a) When an excavation site cannot be described in  
27 information provided under subparagraph (1)(a)3. with  
28 sufficient particularity to enable the member operator to  
29 ascertain the excavation site, and if the excavator and member  
30 operator have not mutually agreed otherwise, the excavator  
31 shall premark the proposed area of the excavation before a

1 member operator is required to identify the horizontal route  
2 of its underground facilities in the proximity of any  
3 excavation. However, premarking is not required for any  
4 excavation that is over 500 feet in length and is not required  
5 where the premarking could reasonably interfere with traffic  
6 or pedestrian control.

7 (b)(5) If a member operator determines that a proposed  
8 excavation or demolition is in proximity to or in conflict  
9 with an underground facility of the member operator, except a  
10 facility beneath the waters of the state, which is governed by  
11 paragraph (c), the member operator shall identify the  
12 horizontal route by marking to within 24 inches from the outer  
13 edge of either side of the underground facility by the use of  
14 stakes, paint, flags, or other suitable means within 2 full ~~48~~  
15 ~~hours, excluding days other than~~ business days, after the time  
16 the notification is received under subsection (1). If the  
17 member operator is unable to respond within such time, the  
18 member operator shall communicate with the person making the  
19 request and negotiate a new schedule and time that is  
20 agreeable to, and should not unreasonably delay, the  
21 excavator.

22 (c) If a member operator determines that a proposed  
23 excavation is in proximity to or in conflict with an  
24 underground facility of the member operator beneath the waters  
25 of the state, the member operator shall identify the estimated  
26 horizontal route of the underground facility, within 10  
27 business days, using marking buoys or other suitable devices,  
28 unless directed otherwise by an agency having jurisdiction  
29 over the waters of the state under which the member operator's  
30 underground facility is located.

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1           (d) When excavation is to take place within a  
2 tolerance zone, an excavator shall use increased caution to  
3 protect underground facilities. The protection requires hand  
4 digging, pot holing, soft digging, vacuum excavation methods,  
5 or other similar procedures to identify underground  
6 facilities. Any use of mechanized equipment within the  
7 tolerance zone must be supervised by the excavator.

8           (5)(6)(a) An excavator shall avoid excavation in the  
9 area described in the notice given pursuant to subsection (1)  
10 until each member operator underground facility has been  
11 marked and located or until the excavator has been notified  
12 that no member operator has underground facilities in the area  
13 described in the notice, or for the time allowed for markings  
14 set forth in paragraphs (4)(b) and (c)48 hours, excluding  
15 days other than business days, after notification under the  
16 system, whichever occurs first. If a member operator has not  
17 located and marked its underground facilities within the time  
18 allowed for marking set forth in paragraphs (4)(b) and (c)48  
19 hours, excluding days other than business days, after  
20 notification under the system, the excavator may proceed with  
21 the excavation, provided the excavator does so with reasonable  
22 care, and provided, further, that detection equipment or other  
23 acceptable means to locate underground facilities are used.

24           (b) An excavator shall not demolish in the area  
25 described in the notice given pursuant to subsection (1) until  
26 all member operator underground facilities have been marked  
27 and located, or removed.

28           (6)(a)(7) A member operator that states which  
29 certifies that it does not have accurate information  
30 concerning the exact location of its underground facilities is  
31 exempt from the requirements of paragraphs (4)(b) and (c)

1 ~~subsection (5)~~, but shall provide the best available  
2 information to the excavator in order to comply with the  
3 requirements of this section. An excavator is not liable for  
4 any damage to an underground facility under the exemption in  
5 this subsection if the excavation or demolition is performed  
6 with reasonable care and detection equipment or other  
7 acceptable means to locate underground facilities are used.

8 (b) A member operator may not exercise the exemption  
9 provided by this subsection if the member operator has  
10 underground facilities that have not been taken out of service  
11 and that are locatable using available designating  
12 technologies to locate underground facilities.

13 (7)(8)(a) If extraordinary circumstances exist, a  
14 member operator shall notify the system of the member  
15 operator's inability to comply with this section. For the  
16 purposes of this section, "extraordinary circumstances" means  
17 circumstances other than normal operating conditions which  
18 exist and make it impractical for a member operator to comply  
19 with the provisions of this act. After the system has  
20 received notification of a member operator's inability to  
21 comply, the system shall make that information known to  
22 excavators who subsequently notify the system of an intent to  
23 excavate.~~The system shall notify only those prospective~~  
24 ~~excavators who make requests for notification after the member~~  
25 ~~operator reported the member operator's inability to comply.~~  
26 The member operator is relieved of responsibility for  
27 compliance under the law during the period that the  
28 extraordinary circumstances exist and shall promptly notify  
29 the system when the extraordinary circumstances cease to  
30 exist.

31

1           (b) During the period when ~~that~~ extraordinary  
2 circumstances exist, the system shall remain available during  
3 business hours to provide information to governmental  
4 agencies, member operators affected by the extraordinary  
5 circumstances, and member operators who can provide relief to  
6 the affected parties, unless the system itself has been  
7 adversely affected by extraordinary circumstances.

8           ~~(8)(a)(9)~~ If a member operator determines that the  
9 excavation or demolition is not near an existing underground  
10 facility of the member operator, the member operator shall  
11 notify the excavator within 2 full ~~48 hours, excluding days~~  
12 ~~other than~~ business days, from the time of the notification to  
13 the system that no conflict exists and that the excavation or  
14 demolition area is clear. An excavator who has knowledge of  
15 the existence of an underground facility of a member operator  
16 in the area is responsible for contacting the member operator  
17 if a facility is not marked.

18           **(b) The system shall implement procedures for positive**  
19 **response by January 1, 2004.**

20           ~~(9)(10)~~ A member operator shall use the recommended  
21 guidelines for uniform temporary marking of underground  
22 facilities as approved by the Utility Location and  
23 Coordinating Council of the American Public Works Association  
24 when marking the horizontal route of any underground facility  
25 of the operator.

26           ~~(10)(11)~~ Prior to or during excavation or demolition,  
27 if the marking of the horizontal route of any facility is  
28 removed or is no longer visible, the excavator shall stop  
29 excavation or demolition activities in the vicinity of the  
30 facility and shall notify the system to have the route  
31 remarked.

1           (11)~~(12)~~ If any contact with or damage to any pipe,  
2 cable, or its protective covering, or any other underground  
3 facility occurs, the excavator causing the contact or damage  
4 shall immediately notify the member operator. Upon receiving  
5 notice, the member operator shall send personnel to the  
6 location as soon as possible to effect temporary or permanent  
7 repair of the contact or damage. Until such time as the  
8 contact or damage has been repaired, the excavator shall cease  
9 excavation or demolition activities that may cause further  
10 damage to such underground facility.

11           Section 5. Paragraph (a) of subsection (2) of section  
12 556.106, Florida Statutes, is amended, present subsections (4)  
13 and (5) of that section are redesignated as subsections (5)  
14 and (6), respectively, and a new subsection (4) is added to  
15 that section, to read:

16           556.106 Liability of the member operator, excavator,  
17 and system.--

18           (2)(a) In the event any person violates s. 556.105(1)  
19 or(5)~~(6)~~, and subsequently, whether by himself or herself or  
20 through the person's employees, contractors, subcontractors,  
21 or agents, performs an excavation or demolition which damages  
22 an underground facility of a member operator, it shall be  
23 rebuttably presumed that such person was negligent. Such  
24 person, if found liable, shall be liable for the total sum of  
25 the losses to all member operators involved as those costs are  
26 normally computed. Any damage for loss of revenue and loss of  
27 use shall not exceed \$500,000 per affected underground  
28 facility, except that revenues lost by a governmental member  
29 operator, which revenues are used to support payments on  
30 principal and interest on bonds, shall not be limited. Any  
31 liability of the state and its agencies and its subdivisions

1 which arises out of this chapter shall be subject to the  
2 provisions of s. 768.28.

3 (4) If an owner of an underground facility fails to  
4 become a member of the corporation in order to use and  
5 participate in the system, as required by this act, and that  
6 failure is a cause of damage to that underground facility  
7 caused by an excavator who has complied with the provisions of  
8 this act and has exercised reasonable care in the performance  
9 of the excavation that has caused damage to the underground  
10 facility, the owner has no right of recovery against the  
11 excavator for the damage to that underground facility.

12 Section 6. Section 556.107, Florida Statutes, is  
13 amended to read:

14 556.107 Violations.--

15 (1) NONCRIMINAL INFRACTIONS.--

16 (a) Violations of the following provisions are  
17 noncriminal infractions:

18 1. Section 556.105(1), relating to providing required  
19 information.

20 2. Section 556.105(5)~~556.105(6)~~, relating to the  
21 avoidance of excavation.

22 3. Section 556.105(10)~~556.105(11)~~, relating to the  
23 need to stop excavation or demolition.

24 4. Section 556.105(11)~~556.105(12)~~, relating to the  
25 need to cease excavation or demolition activities.

26 5. Section 556.105(4)(b) and (c) relating to  
27 identification of underground facilities, if a member operator  
28 does not mark an underground facility, but not if a member  
29 operator marks an underground facility incorrectly.

30 (b) Any excavator or member operator who commits a  
31 noncriminal infraction under paragraph (a) may be issued a

1 citation by any local or state law enforcement officer or  
2 permitting agency inspector, and the issuer of a citation may  
3 require any excavator to cease work on any excavation or not  
4 start a proposed excavation until there has been compliance  
5 with the provisions of this act. Citations may be issued to  
6 any employee of the excavator or member operator who is  
7 directly involved in the noncriminal infraction.

8 (c) Any excavator or member operator who commits a  
9 noncriminal infraction under paragraph (a) may be required to  
10 appear before the county court. The civil penalty for any  
11 such infraction is \$250, except as otherwise provided in this  
12 section. Any person who fails to appear or otherwise properly  
13 respond to a citation issued pursuant to paragraph (d) shall,  
14 in addition to the citation, be charged with the offense of  
15 failing to respond to such citation and, upon conviction, be  
16 guilty of a misdemeanor of the second degree, punishable as  
17 provided in s. 775.082 or s. 775.083. A written warning to  
18 this effect shall be provided at the time any citation is  
19 issued pursuant to paragraph (b).

20 (d) Any person cited for an infraction under paragraph  
21 (a), unless required to appear before the county court, may:

22 1. Post a bond, which shall be equal in amount to the  
23 applicable civil penalty; or

24 2. Sign and accept a citation indicating a promise to  
25 appear before the county court.

26  
27 The issuing officer may indicate on the citation the time and  
28 location of the scheduled hearing and shall indicate the  
29 applicable civil penalty.

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1 (e) Any person charged with a noncriminal infraction  
2 under paragraph (a), unless required to appear before the  
3 county court, may:

4 1. Pay the civil penalty, in lieu of appearance,  
5 either by mail or in person, within 10 days after the date of  
6 receiving the citation; or

7 2. Forfeit bond, if a bond has been posted, by not  
8 appearing at the designated time and location.

9  
10 If the person cited follows either of the above procedures,  
11 she or he shall be deemed to have admitted to committing the  
12 infraction and to have waived the right to a hearing on the  
13 issue of commission of the infraction. Such admission may be  
14 used as evidence in any other proceeding under this act.

15 (f) Any person electing to appear before the county  
16 court or who is required to appear shall be deemed to have  
17 waived the limitations on the civil penalty specified in  
18 paragraph (c). The court, after a hearing, shall make a  
19 determination as to whether an infraction has been committed.  
20 If the commission of an infraction has been proven, the court  
21 may impose a civil penalty not to exceed \$5,000. In  
22 determining the amount of the civil penalty, the court may  
23 consider previous noncriminal infractions committed.

24 (g) At a hearing under this chapter, the commission of  
25 a charged infraction must be proven by a preponderance of the  
26 evidence.

27 (h) If a person is found by the hearing official to  
28 have committed an infraction, such person may appeal that  
29 finding to the circuit court.

30 (2) MISDEMEANORS.--Any person who knowingly and  
31 willfully removes or otherwise destroys the valid stakes or

1 other valid physical markings described in s. 556.105(4)(b)  
2 and (c)used to mark the horizontal route of an underground  
3 facility commits a misdemeanor of the second degree,  
4 punishable as provided in s. 775.082 or s. 775.083. For  
5 purposes of this subsection, stakes or other nonpermanent  
6 physical markings are considered valid for 20 calendar days  
7 after information is provided to the system under s.  
8 556.105(1)(c).

9 Section 7. Section 556.112, Florida Statutes, is  
10 created to read:

11 556.112 Design services.--

12 (1) Each member operator shall provide to the system  
13 annually, and shall thereafter keep current, the contact names  
14 and telephone numbers of individuals who may be contacted by  
15 design engineers, architects, surveyors, and planners for the  
16 purpose of responding to requests for design services.

17 (2) Each member operator shall provide to the system  
18 annually, and shall thereafter keep current, a list of fees  
19 applicable to each type of design services that each member  
20 operator chooses to offer to design engineers, architects,  
21 surveyors, and planners.

22 (3) Each member operator, within 20 business days  
23 after receipt of the fee provided for in subsection (2), shall  
24 either respond to a request for design services, if the member  
25 operator chooses to provide the services requested, or shall  
26 notify the party requesting services that the services will  
27 not be provided.

28 (4) The system shall study the feasibility of  
29 implementing a procedure for notification to member operators  
30 of requests for design services from design engineers,  
31 architects, surveyors, and planners, including the right to

1 recover reasonable and compensatory costs from the users, and  
2 the system shall report the results of the study to the  
3 Legislature before January 1, 2004.

4 (5) This section shall not apply to any state agency,  
5 municipality, or county, or contractors, consultants, agents,  
6 or persons or firms acting under their authority, in the  
7 planning, preparing, or performance of work in their  
8 rights-of-way. This section shall not limit or expand any  
9 existing law governing the process a state agency,  
10 municipality, or county uses to request design services from  
11 member operators or the responsibility for providing or paying  
12 for such services.

13 Section 8. This act shall take effect October 1, 2002.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   SB 2084  
4           -Adds subsection (5) to s. 556.101, F.S. Provides that it is  
5           not the purpose of the act to amend or void any permit issued  
6           by a state agency for placement or maintenance of facilities  
7           in its right-of-way.  
8           -Deletes the term "detection equipment" and inserts "available  
9           designating technologies" under proposed s. 556.105(6)(b),  
10          F.S.  
11          -Deletes section 7 of the bill pertaining to membership  
12          assessments.  
13          -Deletes proposed language under s. 556.112, F.S., which would  
14          provide that the requirement of a member operator to provide  
15          to the system a list of fees for design services does not  
16          affect any requirement under s. 337.403(1), F.S., for a member  
17          operator to incur the expenses for design services for utility  
18          relocations of the type described in s. 337.403(1), F.S.  
19          -Adds subsection (5) to proposed s. 556.112, F.S. Provides  
20          that the section shall not apply to state agencies,  
21          municipalities or counties, or contractors, consultants,  
22          agents, persons or firms acting under their authority,  
23          regarding work involving rights-of-way. Also provides that  
24          nothing in the subsection affects existing laws governing the  
25          process of state agencies, counties, or municipalities,  
26          regarding requests for design services from member operators  
27          or the responsibility for providing or paying for such  
28          services.  
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