

By Senator Bennett

21-02516A-08

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1 A bill to be entitled

2 An act relating to excavations and demolitions; amending  
3 s. 556.105, F.S.; prohibiting charging the member operator  
4 for the costs associated with premarking certain  
5 excavation sites; prohibiting charging the excavator for  
6 the costs associated with marking an excavation that is in  
7 proximity to or in conflict with a buried or submerged  
8 facility of a member operator; providing an effective  
9 date.

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

12  
13 Section 1. Subsection (5) of section 556.105, Florida  
14 Statutes, is amended to read:

15 556.105 Procedures.--

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

23 (a) When an excavation site cannot be described in  
24 information provided under subparagraph (1)(a)3. with sufficient  
25 particularity to enable the member operator to ascertain the  
26 excavation site, and if the excavator and member operator have  
27 not mutually agreed otherwise, the excavator shall premark the  
28 proposed area of the excavation before a member operator is  
29 required to identify the horizontal route of its underground

21-02516A-08

2008794\_\_

30 facilities in the proximity of any excavation. However,  
31 premarking is not required for any excavation that is over 500  
32 feet in length and is not required where the premarking could  
33 reasonably interfere with traffic or pedestrian control.  
34 Notwithstanding any local law or ordinance to the contrary, the  
35 expenses and administrative costs associated with the premarking  
36 required under this paragraph may not be charged to the member  
37 operator.

38 (b) If a member operator determines that a proposed  
39 excavation or demolition is in proximity to or in conflict with  
40 an underground facility of the member operator, except a facility  
41 beneath the waters of the state, which is governed by paragraph  
42 (c), the member operator shall identify the horizontal route by  
43 marking to within 24 inches from the outer edge of either side of  
44 the underground facility by the use of stakes, paint, flags, or  
45 other suitable means within 2 full business days after the time  
46 the notification is received under subsection (1). If the member  
47 operator is unable to respond within such time, the member  
48 operator shall communicate with the person making the request and  
49 negotiate a new schedule and time that is agreeable to, and  
50 should not unreasonably delay, the excavator. Notwithstanding any  
51 local law or ordinance to the contrary, the expenses and  
52 administrative costs associated with the marking required under  
53 this paragraph may not be charged to the excavator.

54 (c) If a member operator determines that a proposed  
55 excavation is in proximity to or in conflict with an underground  
56 facility of the member operator beneath the waters of the state,  
57 the member operator shall identify the estimated horizontal route  
58 of the underground facility, within 10 business days, using

21-02516A-08

2008794\_\_

59 marking buoys or other suitable devices, unless directed  
60 otherwise by an agency having jurisdiction over the waters of the  
61 state under which the member operator's underground facility is  
62 located. Notwithstanding any local law or ordinance to the  
63 contrary, the expenses and administrative costs associated with  
64 the marking required under this paragraph may not be charged to  
65 the excavator.

66 (d) When excavation is to take place within a tolerance  
67 zone, an excavator shall use increased caution to protect  
68 underground facilities. The protection requires hand digging, pot  
69 holing, soft digging, vacuum excavation methods, or other similar  
70 procedures to identify underground facilities. Any use of  
71 mechanized equipment within the tolerance zone must be supervised  
72 by the excavator.

73 Section 2. This act shall take effect July 1, 2008.