

By Senator Passidomo

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1 A bill to be entitled

2 An act relating to underground facilities; amending s.
3 556.103, F.S.; revising the information that must be
4 submitted to the Legislature annually by the board of
5 directors of Sunshine State One-Call of Florida, Inc.;
6 amending s. 556.105, F.S.; requiring excavators to
7 call the 911 emergency telephone number under certain
8 circumstances; requiring member operators to file a
9 report with the free-access notification system under
10 certain circumstances; providing reporting frequencies
11 and required data to be submitted; amending s.
12 556.107, F.S.; specifying how certain civil penalties
13 issued by state law enforcement officers shall be
14 distributed; deleting a requirement that certain
15 citations be deposited into the fine and forfeiture
16 fund; providing an effective date.

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

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20 Section 1. Subsection (5) of section 556.103, Florida
21 Statutes, is amended to read:

22 556.103 Creation of the corporation; establishment of the
23 board of directors; authority of the board; annual report.—

24 (5) The board of directors shall submit to the President of
25 the Senate, the Speaker of the House of Representatives, and the
26 Governor, not later than 60 days before the convening of each
27 regular session of the Legislature, an annual progress report on
28 the participation by municipalities and counties in the one-call
29 notification system created by this chapter. The report must
30 include a summary of the reports to the system from the clerks
31 of court, a summary of the damage reporting data received by the
32 system under s. 556.105(12) for the preceding year, and any

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33 analysis of the data by the board of directors.

34 Section 2. Subsection (12) of section 556.105, Florida
35 Statutes, is amended to read:

36 556.105 Procedures.—

37 (12) (a) If any contact with or damage to any pipe, cable,
38 or its protective covering, or any other underground facility
39 occurs, the excavator causing the contact or damage shall
40 immediately notify the member operator. If contact with or
41 damage to an underground pipe or any other underground facility
42 results in the escape of any natural gas or other hazardous
43 substance regulated by the Pipeline and Hazardous Materials
44 Safety Administration of the United States Department of
45 Transportation, the excavator must immediately report the
46 contact or damage by calling the 911 emergency telephone number.
47 Upon receiving notice, the member operator shall send personnel
48 to the location as soon as possible to effect temporary or
49 permanent repair of the contact or damage. Until such time as
50 the contact or damage has been repaired, the excavator shall
51 cease excavation or demolition activities that may cause further
52 damage to such underground facility.

53 (b) If an event damages any pipe, cable or its protective
54 covering, or other underground facility, the member operator
55 receiving the notice shall file a report with the system.
56 Reports must be submitted annually to the system, no later than
57 March 31 for the prior calendar year, or more frequently at the
58 option and sole discretion of the member operator. Each report
59 must describe, if known, the cause, nature, and location of the
60 damage. The system shall establish and maintain a process to
61 facilitate submission of reports by member operators.

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62 Section 3. Paragraph (c) of subsection (1) of section
63 556.107, Florida Statutes, is amended to read:

64 556.107 Violations.—

65 (1) NONCRIMINAL INFRACTIONS.—

66 (c) Any excavator or member operator who commits a
67 noncriminal infraction under paragraph (a) may be required to
68 pay a civil penalty for each infraction, which is \$500 plus
69 court costs. If a citation is issued by a state law enforcement
70 officer, a local law enforcement officer, a local government
71 code inspector, or a code enforcement officer, 80 percent of the
72 civil penalty collected by the clerk of the court shall be
73 distributed to the local governmental entity whose employee
74 issued the citation and 20 percent of the penalty shall be
75 retained by the clerk to cover administrative costs, in addition
76 to other court costs. ~~If a citation is issued by a state law~~
77 ~~enforcement officer, the civil penalty collected by the clerk~~
78 ~~shall be retained by the clerk for deposit into the fine and~~
79 ~~forfeiture fund established pursuant to s. 142.01.~~ Any person
80 who fails to properly respond to a citation issued pursuant to
81 paragraph (b) shall, in addition to the citation, be charged
82 with the offense of failing to respond to the citation and, upon
83 conviction, commits a misdemeanor of the second degree,
84 punishable as provided in s. 775.082 or s. 775.083. A written
85 warning to this effect must be provided at the time any citation
86 is issued pursuant to paragraph (b).

87 Section 4. This act shall take effect July 1, 2017.