

By the Committee on Environmental Preservation and Conservation;  
and Senator Passidomo

592-02439-17

2017446c1

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.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
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

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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  
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 or material regulated by the Pipeline and Hazardous  
44 Materials Safety Administration of the United States Department  
45 of 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

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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.

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.