

State Damage Prevention Law Summary

State: Florida

(Link to State law provided in Law & Regulation section below)

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Florida Statutes, s. 556.102 (6) "Excavate" or "excavation" means any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land, or intended to penetrate or disturb the surface of the earth, including land beneath the water of the state, as defined in s. 373.019(20), and the term includes pipe bursting and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenchless technologies.
Excavator: Definition	Florida Statutes, s. 556.102 (7) "Excavator" or "excavating contractor" means any person performing excavation or demolition operations.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	Two (2) days for excavation or demolition not "beneath the waters of the state"; ten (10) days for excavation or demolition "beneath the waters of the state"
Excavator Notice (Specific Language)	Florida Statutes, s. 556.105 (1)(a) Not less than 2 full business days before beginning any excavation or demolition that is not beneath the waters of the state, and not less than 10 full business days before beginning any excavation or demolition that is beneath the waters of the state, an excavator shall provide the following information through the system...
Ticket Life (# of days)	30 (Florida Statutes, s. 556.105 (1)(c))
White-Line Required (Yes / No)	Yes (Only when an excavation site cannot be described sufficiently: Florida Statutes, s. 556.102 (11); s. 556.114 (3) and (4))
Tolerance Zone	24" (Florida Statutes, s. 556.102 (12))
Special Digging Requirements Within Tolerance Zone (Specific Language)	Florida Statutes, s. 556.105 (5)(c) When excavation is to take place within a tolerance zone, an excavator shall use increased caution to protect underground facilities. The protection requires hand digging, pot holing, soft digging, vacuum excavation methods, or other similar procedures to identify underground facilities. Any use of mechanized equipment within the tolerance zone must be supervised by the excavator.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes (Florida Statutes, s. 556.105 (5)(c))
Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (Florida Statutes, s. 556.105 (9)(c). However, also see s. 556.105 (6)(a) that allows excavator to proceed if If a member operator has not located and marked its underground facilities within the time allowed....)
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (Florida Statutes, s. 556.105 (11))
Special Language Regarding Trenchless Technology (Yes / No)	No (See Florida Statutes, s. 556.102 (6) definition of "Excavate" or "excavation")
Separate Locate Request Required for Each Excavator (Yes / No)	Yes
Notify Operator of Damage (Yes / No)	Yes (Florida Statutes, s. 556.105 (12))
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	No (See Miscellaneous Notes, effective 7/1/2017 Florida Senate Bill CS/SB 446 would require excavators to call 911 under certain circumstances.)
Notice Exemptions (Yes / No)	Yes

<p>Notice Exemptions (Specific Language)</p>	<p>Florida Statutes, s. 556.108 The notification requirements provided in s. 556.105(1) do not apply to: (1) Any excavation or demolition performed by the owner of a single-family residential property, not including property that is subdivided or is to be subdivided into more than one single-family residential property; or for such owner by a member operator or an agent of a member operator when such excavation or demolition is made entirely on such land, and only up to a depth of 10 inches; provided due care is used and there is no encroachment on any member operator's right-of-way, easement, or permitted use. (2) Any excavation or demolition associated with normal agricultural or railroad activities, provided such activities are not performed on any operator's marked right-of-way, easement, or permitted use. (3) Any excavation or demolition that occurs as the result of normal industrial activities, provided such activities are confined to the immediate secured property of the facility and the activities are not performed on any operator's marked right-of-way, easement, or permitted use.... (4) Any excavation of 18 inches or less for: (a) Surveying public or private property by surveyors or mappers as defined in chapter 472 and services performed by a pest control licensee under chapter 482, excluding marked rights-of-way, marked easements, or permitted uses where marked, if mechanized equipment is not used in the process of such surveying or pest control services and the surveying or pest control services are performed in accordance with the practice rules established under s. 472.027 or s. 482.051, respectively; (b) Maintenance activities performed by a state agency and its employees when such activities are within the right-of-way of a public road; however, if a member operator has permanently marked facilities on such right-of-way, mechanized equipment may not be used without first providing notification; or (c) Locating, repairing, connecting, adjusting, or routine maintenance of a private or public underground utility facility by an excavator, if the excavator is performing such work for the current owner or future owner of the underground facility and if mechanized equipment is not used. (5)(a) Any excavation with hand tools by a member operator or an agent of a member operator for: 1. Locating, repairing, connecting, or protecting, or routine maintenance of, the member operator's underground facilities; or 2. The extension of a member operator's underground facilities onto the property of a person to be served by such facilities. (b) The exemption provided in this subsection is limited to excavations to a depth of 30 inches if the right-of-way has permanently marked facilities of a company other than the member operator or its agents performing the excavation.</p> <p>s. 556.109 (1) This act does not apply to making an excavation or demolition during an emergency if the system or the member operator was notified at the earliest opportunity and all reasonable precautions had been taken to protect any underground facility.</p>
<p>Operator Response</p>	
<p>Minimum # Days for Operator to Respond After Receiving Notice (Generally)</p>	<p>2</p>
<p>Operator Requirements to Respond to Locate Notification (Specific Language)</p>	<p>Florida Statutes, s. 556.105 (5) All member operators within the defined area of a proposed excavation or demolition shall be promptly notified through the system, except that member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate the facilities. (a) If a member operator determines that a proposed excavation or demolition is in proximity to or in conflict with an underground facility of the member operator, except a facility beneath the waters of the state which is governed by paragraph (b), the member operator shall identify the horizontal route by marking to within 24 inches from the outer edge of either side of the underground facility by the use of stakes, paint, flags, or other suitable means within 2 full business days after the time the notification is received under subsection (1). If the member operator is unable to respond within such time, the member operator shall communicate with the person making the request and negotiate a new schedule and time that is agreeable to, and should not unreasonably delay, the excavator. (b) If a member operator determines that a proposed excavation is in proximity to or in conflict with an underground facility of the member operator beneath the waters of the state, the member operator shall identify the estimated horizontal route of the underground facility, within 10 business days, using marking buoys or other suitable devices, unless directed otherwise by an agency having jurisdiction over the waters of the state under which the member operator's underground facility is located.</p> <p>s. 556.105 (9)(a) After receiving notification from the system, a member operator shall provide a positive response to the system within 2 full business days, or 10 such days for an underwater excavation or demolition, indicating the status of operations to protect the facility.</p> <p>s. 556.116 (c) (2) When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation.</p>
<p>Minimum Standards for Locator Qualifications (Yes / No)</p>	<p>No</p>
<p>Minimum Standards for Locator Qualifications (Specific Language)</p>	<p>Not addressed.</p>
<p>Law Specifies Marking Standards Other Than Color (Yes / No)</p>	<p>No (See Florida Statutes, s. 556.105 (10))</p>

Law Specifies Marking Standards Other Than Color (Specific Language)	Not addressed.
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	No
Operator Must Locate Abandoned Facilities (Specific Language)	Not addressed.
Positive Response Required - Operator Contact Excavator (Yes / No)	Yes
Positive Response Required - Operator Contact Excavator (Specific Language)	<p>Florida Statutes, s. 556.105 (5) (a) ...If the member operator is unable to respond within such time, the member operator shall communicate with the person making the request and negotiate a new schedule and time that is agreeable to, and should not unreasonably delay, the excavator.... (7)(a) A member operator that states that it does not have accurate information concerning the exact location of its underground facilities ... shall provide the best available information to the excavator in order to comply with the requirements of this section.</p> <p>s. 556.116 (2) When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation.</p>
Positive Response Required - Operator Contact One Call Center (Yes / No)	Yes
Positive Response Required - Operator Contact One Call Center (Specific Language)	<p>Florida Statutes, s. 556.105 (8)(a) If extraordinary circumstances exist, a member operator shall notify the system of the member operator's inability to comply with this section.... (9)(a) After receiving notification from the system, a member operator shall provide a positive response to the system within 2 full business days, or 10 such days for an underwater excavation or demolition, indicating the status of operations to protect the facility.</p>
Positive Response - One-Call Automated (Yes / No)	Yes (Florida Statutes, s. 556.105 (9)(b), (c))
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	Not addressed.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not addressed.
New Facilities Must Be Locatable Electronically (Yes / No)	No

New Facilities Must Be Locatable Electronically (Specific Language)	Not addressed.
Design Request (Yes / No)	Yes (Florida Statutes, s. 556.112)
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes (Florida Statutes, s. 556.102 (8); s. 556.104)
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	<p>Florida Statutes, s. 556.102 (8) Member operator means any person who furnishes or transports materials or services by means of an underground facility.... (13) ... For purposes of this act, a liquefied petroleum gas line regulated under chapter 527 is not an underground facility unless such line is subject to the requirements of Title 49 C.F.R. adopted by the Department of Agriculture and Consumer Services, provided there is no encroachment on any member operator's right-of-way, easement, or permitted use. Petroleum storage systems subject to regulation pursuant to chapter 376 are not considered underground facilities for the purposes of this act unless the storage system is located on a member operator's right-of-way or easement. Storm drainage systems are not considered underground facilities.</p> <p>s. 556.104 The corporation shall maintain a free-access notification system. Any person who furnishes or transports materials or services by means of an underground facility in this state shall participate as a member operator of the system....</p>
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not addressed.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not addressed.
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	<p>Florida Statutes, s. 556.107 (1) (a) Violations of the following provisions are noncriminal infractions: ... (c) Any excavator or member operator who commits a noncriminal infraction under paragraph (a) may be required to pay a civil penalty for each infraction, which is \$500 plus court costs. ... (f) Any person may elect to appear before the county court and if so electing is deemed to have waived the limitations on the civil penalty specified in paragraph (c). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the court may impose a civil penalty not to exceed \$5,000 plus court costs. In determining the amount of the civil penalty, the court may consider previous noncriminal infractions committed.</p> <p>§ 556.116 High-priority subsurface installations; special procedures.... (3) (c) The division has jurisdiction in a proceeding under this section to determine the facts and law concerning an alleged incident. The division may impose a fine against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000. (d) A fine imposed by the division is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).</p>
Penalties / Fines Operators (Yes / No)	Yes

Penalties / Fines Operators (Specific Language)	<p>Florida Statutes, s. 556.107 (1) (a) Violations of the following provisions are noncriminal infractions: ... (c) Any excavator or member operator who commits a noncriminal infraction under paragraph (a) may be required to pay a civil penalty for each infraction, which is \$500 plus court costs. ... (f) Any person may elect to appear before the county court and if so electing is deemed to have waived the limitations on the civil penalty specified in paragraph (c). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the court may impose a civil penalty not to exceed \$5,000 plus court costs. In determining the amount of the civil penalty, the court may consider previous noncriminal infractions committed.</p> <p>§ 556.116 High-priority subsurface installations; special procedures.... (3) (c) The division has jurisdiction in a proceeding under this section to determine the facts and law concerning an alleged incident. The division may impose a fine against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000. (d) A fine imposed by the division is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).</p>
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	<p>Florida Statutes, s. 556.107 (3) MISDEMEANORS.—Any person who knowingly and willfully removes or otherwise destroys the valid stakes or other valid physical markings described in s. 556.105(5)(a) and (b) used to mark the horizontal route of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, stakes or other nonpermanent physical markings are considered valid for 30 calendar days after information is provided to the system under s. 556.105(1)(a).</p>
Enforcement Authority Identified	<p>Florida Statutes, s. 556.101 (3) It is the purpose of this chapter to:... (e) Permit any local law enforcement officer, local government code inspector, or code enforcement officer to enforce this chapter without the need to incorporate the provisions of this chapter into any local code or ordinance.</p> <p>s. 556.107 (1) (b) Any excavator or member operator who commits a noncriminal infraction under paragraph (a) may be issued a citation by any local or state law enforcement officer, government code inspector, or code enforcement officer...</p> <p>s. 556.116 High-priority subsurface installations; special procedures. (1) As used in this section, the term: (a) Division means the Division of Administrative Hearings.... (3)(b) Upon receipt of an allegation that an incident has occurred, the system shall transmit an incident report to the division and contract with the division so that the division may conduct a hearing to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident.... (c) The division has jurisdiction in a proceeding under this section to determine the facts and law concerning an alleged incident. The division may impose a fine....</p>
Damage Investigation Required by Enforcement Authority (Yes / No)	No
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	<p>No</p> <p>However, Florida Statutes, s. 556.116 High-priority subsurface installations; special procedures. (3)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident. (b) Upon receipt of an allegation that an incident has occurred, the system shall transmit an incident report to the division and contract with the division so that the division may conduct a hearing to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident.</p>
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	<p>No</p> <p>However, Florida Statutes, s. 556.116 High-priority subsurface installations; special procedures. (3)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident. (b) Upon receipt of an allegation that an incident has occurred, the system shall transmit an incident report to the division and contract with the division so that the division may conduct a hearing to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident.</p>
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	<p>Florida Statutes, Chapter 556 Underground Facility Damage Prevention and Safety, Sections 556.101 - 556.116 (http://www.flsenate.gov/Laws/Statutes/2016/Chapter556)</p> <p>Also see One-Call Center Website for Information on State Law.</p>
Date of Last Revision to Statute / Law	2016

Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	Sunshine 811 (http://www.sunshine811.com/)
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	As of 4/13/2017, Florida Senate Bill CS/SB 446: Underground Facilities had passed through committees (http://www.flsenate.gov/Session/Bill/2017/00446). Effective 7/1/2017, the bill would: revise the information that must be submitted to the Legislature annually by the board of directors of Sunshine State One-Call of Florida, Inc.; require excavators to call the 911 emergency telephone number under certain circumstances; specify how certain civil penalties issued by state law enforcement officers shall be distributed, etc.

