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HB 379, Engrossed 1

2017 Legislature

1  
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  
25 of the Senate, the Speaker of the House of Representatives, and

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

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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.

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

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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.