



Summary of Legislative Changes

Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S.

Changes Effective October 1, 2010

556.101 Short Title; legislative intent. –

s.556.101(3)(d) Prevents local governments from adopting or enforcing ordinances that regulate underground facility markings such as linking the permitting process to underground facility identification, requiring premarking or marking, specifying paint types or other marking devices, or requiring marks removal.

Impact

- Promotes consistency of underground facility marking throughout Florida's 67 counties.
- Eliminates any confusion over marking requirements for utility operators and excavators that operate in numerous counties.

556.105 Procedures. –

s.556.105(11) Requires underwater facilities to be marked and documented.

Because underwater locates are cost- and time-consuming, documentation provided in addition to the underwater locate could serve as a backup form of underwater facility identification in the event the original underwater locates are removed or no longer visible. Note: At this time, adequate documentation parameters have not been defined and are up to the individual member operator's discretion.

556.110 Costs assessed among member operators. –

s. 556.110 Removes the monthly payment exemption for members that receive fewer than 10 notifications in one month.

Impact

SSOCOF no longer bills on a per-notification basis and has changed to an assessment billing method based on the activity (ticket volume) in the territory of each member for the preceding year.

556.107 Violations. –

1. s. 556.107(1)(c) Raises the minimum fine from \$250 to \$500 for all citable violations of Chapter 556, F.S.

Impact

- Potential increase in citations written for violating Chapter 556, F.S. The higher penalty will help local governments recover any costs associated with enforcing the law.
 - The higher amount will hopefully promote greater compliance with the law.
2. s. 556.107(1)(a)6 and s. 556.109(2) Creates a non-criminal violation for requesting emergency locate tickets for non-emergency situations. An emergency situation is defined by s.556.109, F.S. as any

condition constituting a clear and present danger to life or property; a situation caused by the escape of any substance transported by means of an underground facility; any interruption of vital public service or communication caused by any break or defect in a member's underground facility; or any impairment of public roads or utilities that requires immediate repair, as determined by FDOT or another affected political subdivision.

Impact

- The only time an emergency ticket is to be requested is when there is an emergency, as defined above. Not wanting to wait two full business days for marking is not an emergency.
 - During the locate ticket process, a caller is required to answer six questions to verify the emergency. If a caller cannot answer yes to one or all of the questions but still insists on an emergency ticket, the caller could be cited for falsely requesting an emergency ticket.
 - Excavators that damage an underground facility and create an emergency situation, as defined above, should cease excavation and notify the member directly. The member operator is then required to send personnel to the site to effect temporary or permanent repairs of the contact or damage. The member operator may, but is not required to obtain, an emergency ticket before repairing the damage.
 - Reduce costs for members that choose to respond immediately to emergency tickets received after hours and on weekends.
3. s.556.107(1)(a) Creates a non-criminal violation for failure to follow the low impact marking practices outlined in s. 556.114(1), (2), (3) and (4).
4. s.556.107(1)(d) Eliminates the ability of enforcement personnel to require a court appearance for a non-criminal infraction violator.

556.114 Low-impact marking practices. –

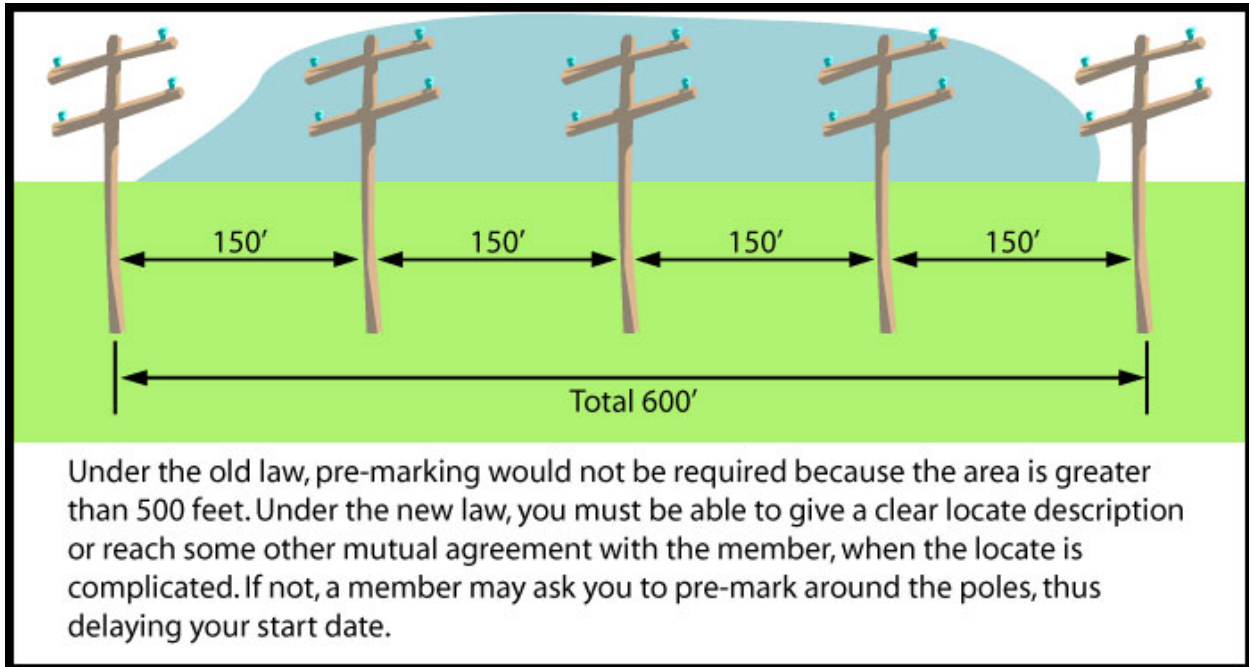
s.556.114(3) and (4) Establishes low impact marking practices for excavators and member operators. The sections replace s. 556.105(5)(a), F.S. related to premarking.

- Excavator Low Impact marking guidelines
 - Locate ticket requests should cover only those portions of a job site where digging will occur within 30 calendar days of the date the ticket is requested.
 - When renewing tickets for jobs lasting longer than 30 calendar days, identify only the areas where excavation will occur (i.e. eliminate any areas where digging is complete).
 - Difficult-to-explain dig sites should be pre-marked if the excavator and member have not mutually agreed otherwise.
 - Acceptable marking products for excavators to pre-mark a job site: flags, stakes,
- Member Low Impact marking guidelines
 - All locate marks must be in the color identified for each utility.
 - Acceptable marking products to identify facilities: flags, stakes, temporary, non-permanent paint, other industry accepted low-impact marking practices.

Impact

- Low impact marking guidelines are designed to reduce the amount of locate marks at dig sites by requiring a more efficient locate ticket.
- Temporary, non-permanent marking paint will shorten the lifespan of marks.

- Excavators will need to plan ahead and determine how much excavation can be done within the 30-day ticket life.
- Simply renewing a locate ticket will not suffice any longer. Excavators who use office staff to renew tickets may need to change procedures. For instance, staff should contact the excavator to confirm whether the ticket should be renewed and clarify what portion of the ticket remains to be excavated.
- Reduced locating time.
- The 500-foot limitation for premarking a job site has been eliminated. See diagram below.



New Section 556.115 Alternative dispute resolution. –

Creates a voluntary alternative dispute resolution process (arbitration) to settle disputes relating to damage to an underground facility and the consequences of that damage. Arbitration is open to anyone involved in the incident.

SSOCOF has developed parameters for an arbitration process that involves the Department of Administrative Hearings. Release of the procedures is pending Board approval at its August 20th meeting.

New Section 556.116 High-priority subsurface installations; special procedures. –

Creates a new process for responding to serious incidents involving underground transmission or distribution pipelines used to transport any refined petroleum product or hazardous/highly volatile liquid such as anhydrous ammonia or carbon dioxide, if the facility is deemed to be critical by the member operators of the pipeline and is identified as a high priority subsurface installation.

SSOCOF has developed a set of procedures and reporting process for incidents involving high-priority subsurface installations. Release of this information is pending Board approval at its August 20th meeting.