

## CHAPTER 97-231

### Committee Substitute for House Bill No. 1263

An act relating to underground facilities damage prevention and safety; amending s. 556.106, F.S.; specifying liability for damage occurring in certain excavations; amending s. 556.108, F.S.; revising certain exemptions from notification requirements; providing an effective date.

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

Section 1. Subsection (5) is added to section 556.106, Florida Statutes, to read:

556.106 Liability of the member operator, excavator, and system.—

(5) An excavator who performs any excavation with hand tools pursuant to s. 556.108(5) is liable for any damage to any operator's underground facilities damaged during such excavation.

Section 2. Subsection (4) of section 556.108, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is added to said section, to read:

556.108 Exemptions.—The notification requirements provided in s. 556.105(1) do not apply to:

(4) Any excavation of 18 inches or less for:

(a) Surveying public or private property by surveyors or mappers as defined in chapter 472, excluding marked rights-of-way, marked easements, or permitted uses where marked, provided mechanized equipment is not used in the process of such surveying and the surveying is performed in accordance with the practice rules established under s. 472.027;

~~(b) Locating or protecting underground facilities, provided no mechanized equipment is used in the process of locating or protecting such underground facilities;~~

~~(c) Extending underground facilities from an easement, right-of-way, or area of permitted use onto the four-family, three-family, two-family, or single-family residential property of the person to be served by such facilities, provided that, in the process of such extension, no mechanized equipment is used on any operator's marked right-of-way, easement, or permitted use; or~~

~~(b)(d)~~ Maintenance activities performed by a state agency and its employees when such activities are within the right-of-way of a public road, provided, if a member operator has permanently marked facilities on such right-of-way, no mechanized equipment may be used without first providing notification.

(5) Any excavation with hand tools by a member operator or an agent of a member operator for:

(a) Locating, repairing, connecting, or protecting, or routine maintenance of, the member operator's underground facilities; or

(b) The extension of a member operator's underground facilities onto the property of a person to be served by such facilities.

(c) The exemption provided in paragraphs (a) and (b) 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.

Section 3. This act shall take effect October 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.