



Underground Facility Damage Prevention Review 2019-20

October 1, 2020

2019-20 Florida Enforcement Report

Sunshine 811 is the not-for-profit corporation created by the State of Florida in 1993 to administer Chapter 556, F.S. This law was enacted to protect Florida's underground facility infrastructure (electric, gas, communications, water and sewer lines). Sunshine 811 provides a toll-free number (811) for anyone to call two full business days before excavating (ten full business days if underwater) so underground facilities in the proposed excavation area can be located and marked with paint, stakes, flags (or buoys).

On June 30, 2020, Governor Ron DeSantis signed House Bill 1095 into law amending the *Underground Facility Damage Prevention and Safety Act*, Chapter 556, Florida Statutes. The revised law, which establishes new noncriminal violations, enhanced penalties, more enforcement entities, and incident reporting requirements, went into effect July 1, 2020. In that act, the following section was added:

556.117 Underground facility damage prevention review. —

Sunshine State One-Call of Florida Inc., shall review the reports submitted by the clerks of court to the State Fire Marshal and any complaints of an alleged violation under this chapter to identify issues or potential issues with damage prevention and enforcement. The corporation shall identify areas in the state where additional education related to damage prevention and enforcement is needed and shall recommend solutions to remedy issues related to damage prevention and enforcement. The corporation shall, by October 1 of each year, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an analysis of its reviews and any recommendations for improving underground facility damage prevention and enforcement.

Attached at the end of this document are damage prevention reports that we used in developing the recommendations on the following page. These documents are as follows:

- **Page 6:** Chapter 556.107 Violations & Report of Infractions for 2019 (March 18, 2020 letter from the Florida Court Clerks and Comptrollers on behalf of the 67 county court clerks forwarding a list of 43 citations issued for Chapter 556 violations in 2019).
- **Page 8:** Sunshine 811 2019 Florida DIRT – Unlocking The Data (Sunshine 811 summary of the Underground Facility Damages reported by Members to the Florida Damage Information Reporting Tool (DIRT) for calendar year 2019).
- **Page 16:** Noncompliance Fiscal Year 2019-20 (Sunshine 811 summary of alleged reports of noncompliance by excavators and members filed with Sunshine 811 during our fiscal year ending May 31, 2020).
- **Page 20:** Understanding 2020 Legislative Changes, Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes (Sunshine 811 educational power point presentation of the July 1, 2020 amendments to the enforcement provisions of Chapter 556, Florida Statutes).

Fiscal Year 2019-20 Stats at a Glance

1,771,920	Incoming Tickets
12,300,607	Outbound Transmissions
21,187	Total Damages
12	Damages Per 1,000 Inbound Tickets
43	Total Citations issued

Actions & Recommendations

Actions

- Developed *Understanding 2020 Legislative Changes* Powerpoint presentation that has been delivered during several webinars and Paradigm Virtual Pipeline Safety Training Sessions established to meet RP1162 requirements and attended by excavators and first responders.
- Established an enforcement webpage: <https://www.sunshine811.com/law>.
- Published a post on the Sunshine 811 blog and pushed out on social media accounts – Facebook, Twitter and LinkedIn.
- Developed a news release and submitted to contractor publications.

Recommendations

- Translate *Understanding 2020 Legislative Changes* into Spanish. Concentrate Spanish educational efforts on Dade, Broward and Palm Beach. Florida DIRT reports show these counties have higher reported damages.
- Develop a Chapter 556, F.S., Enforcement Card that outlines each noncriminal infraction and explains the most common exemptions.
- Publish instructions to pipeline operators and excavators on how to submit incident reports to the State Fire Marshal for incidents involving High Priority Subsurface Installations with a copy provided to Sunshine 811.
- Promote online education to help excavators understand the law and Sunshine 811 procedures.
- Develop a universal Chapter 556, F.S., citation template that can be personalized for each agency's use.
- Place special emphasis on Broward, Dade, Duval, Palm Beach and St. Johns Counties when conducting Sunshine 811's spring damage prevention education and awareness campaign. Florida DIRT reports show that these counties have higher reported damages.

2019 Citation Summary

Enforcement Totals

Total citations issued:	43
Total fines levied:	\$10,194.00
Total fines paid:	\$8,813.68

Citations by County

County	Citations Written
Broward	2
Clay	4
Dade	5
Duval	11
Hardee	1
Lake	1
Lee	5
Marion	2
Nassau	2
Okaloosa	1
Palm Beach	2
Pinellas	2
Santa Rosa	1
Seminole	1
St Johns	1
Volusia	1
Out of State Contractor	1

Violation Types

Violation	Citations Written
Excavation without proper notification	19
Excavation premature without markers or clearance	15
Failure to stop excavating when marks destroyed	4
False emergency	2
Failure to stop excavating when facility hit or damaged	1
Failure to mark underground facilities	2
Total	43

2019 Citations Compared to Damages by County

County	Citations Written	Damages	Rank
Broward	2	2,177	2
Clay	4	367	14
Dade	5	2,822	1
Duval	11	2,120	3
Hardee	1	8	50
Lake	1	160	24
Lee	5	116	29
Marion	2	155	26
Nassau	2	157	25
Okaloosa	1	262	19
Palm Beach	2	1,546	5
Pinellas	2	347	16
Santa Rosa	1	402	13
Seminole	1	821	9
St Johns	1	1,523	6
Volusia	1	836	8
Out of State Contractor	1	-	-
	43	13,819	

NOTE: Rank represents how each county compares to all 67 counties in Florida. A rank of one means the county has the highest number of reported damages whereas a rank of 67 means the county has the least number of reported damages.

NOTE: County represents the address of the citation recipient.

2019 Citations & Noncompliance Equivalents

Sunshine 811 has a noncompliance process where members and excavators can submit reports of alleged Chapter 556, F.S., noncompliance instances.

Sunshine 811 has no statutory authority to investigate reported incidents of non-compliance, to mediate disputes between excavators and members, to determine if violations of Chapter 556, F.S., have occurred, or to issue citations for violations of the law. Rather, it uses the process to provide an educational email and offer onsite education to the person alleged to be in noncompliance.

The table below is a comparison of the citations written to the noncompliance report category that fits the citation description.

Violation Types

	Citations Written	NC Equivalent
Excavation without proper notification	19	51
Excavation premature without markers or clearance	15	48
Failure to stop excavating when marks destroyed	4	0
False emergency	2	0
Failure to stop excavating when facility hit or damaged	1	0
Failure to mark underground facilities	2	956
Total	43	1,055



FCCC | 3544 Maclay Blvd | Tallahassee, Florida 32312 | (850) 921-0808

March 18, 2020

Mr. Mark Sweet
Sunshine State One-Call of Florida
11 Plantation Rd.
DeBary, FL 32713

Dear Mr. Sweet:

As requested in previous years, attached is a listing of the chapter 556 citations Florida's Clerks have on file as being written for calendar year 2019. The report lists the name and address of the member or excavator who committed each infraction and indicates whether or not the civil penalty for the infraction was paid.

For calendar year 2019, the attached record shows that 43 tickets were written for this violation. To attest this number was correct, we asked all 67 Clerks to verify the data, confirming whether or not they had any additional citations written for chapter 556 violations. No citations were found to have been omitted from this report.

Thank you for the opportunity to provide this report on behalf of Florida's Clerks of Court.

Sincerely,

Chris Hart IV
Chief Executive Office
Florida Court Clerks & Comptrollers

Stacy M. Butterfield, CPA
Polk County
President

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Chris Hart IV
Chief Executive Office

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UCN	Offense Date	Statute	Statute Description	Name	Address 1	City/State/Zip	Amount Due	Amount Paid
012019IN000099XXXXX	4/3/2019	556.105(1)	EXCAVATION WITHOUT PROPER LOCATION NOTIFICATION	ROBAINA, JAVIER	2039 KINGFISHER DRIVE	PALM HARBOR, FL 34683	521.00	0.00
012019IN000100XXXXX	4/3/2019	556.105(1)	EXCAVATION WITHOUT PROPER LOCATION NOTIFICATION	R.A. JEFFRIES PLUMBING SERVICE	2039 KINGFISHER DRIVE	PALM HARBOR, FL 34683	531.00	531.00
062019IN004908A88810	1/23/2019	556.105(6)	EXCAVATION PREMATURE WITHOUT MARKERS OR CLEARANCE	DBE Utility Svcs	13387 Bryan Rd	Loxahatchee, FL 33470	510.00	510.00
062019IN025138A88810	9/10/2019	556.105(11)	FAILURE TO STOP DIGGINGWHEN REMARKING REQUIRED	WPM Southern	4391 Colonial Blvd, 105	Ft Myers, FL 33966	510.00	510.00
062019IN025144A88810	9/10/2019	556.105(6)	EXCAVATION PREMATURE WITHOUT MARKERS OR CLEARANCE	Thunder Demolition	7373 NE 3rd Ct	Miami, FL 33138	510.00	0.00
062019IN028344A88810	11/18/2019	556.105(6)	EXCAVATION PREMATURE WITHOUT MARKERS OR CLEARANCE	OY Underground LLC	11433 SW 242 Lane	Homestead, FL 33032	505.00	505.00
062019IN029976A88810	12/2/2019	556.105(6)	EXCAVATION PREMATURE WITHOUT MARKERS OR CLEARANCE	TOMS KRIPPS CONSTRUCTION	2901 Ravenswood RD	Ft. Lauderdale, FL 33312	505.00	505.00
062019IN030743A88810	12/5/2019	556.105(6)	EXCAVATION PREMATURE WITHOUT MARKERS OR CLEARANCE	TRUE BORE DIRECTIONAL DRILLING LLC	100 La Mesa Dr	St. Augustine, FL 32095	505.00	500.00
062019IN030700A88810	12/6/2019	556.105(12)	FAILURE TO STOP DIGGING WHEN FACILITY HIT OR DAMAGED	Southeastern Engineering Contracting	12054 NW 98th Ave	Hialeah Gardens, FL 33018	510.00	510.00
062019IN030742A88810	12/6/2019	556.105(1)	NO PROPER NOTICE OF PROPOSED EXCAVATION	Southeastern Engineering Contracting	12054 NW 98th Ave	Hialeah Gardens, FL 33018	510.00	510.00
062019IN030773A88810	12/7/2019	556.105(1)	NO PROPER NOTICE OF PROPOSED EXCAVATION	General Maintenance and Remodelling Inc	104 Kensington Way	Royal Palm Beach, FL 33414	510.00	510.00
062019IN028318A88810	11/15/2019	556.105(11)	FAILURE TO STOP DIGGINGWHEN REMARKING REQUIRED	Solution Construction Inc	78944 NW 12th St	Doral FL 33126	505.00	505.00
112019IN000256AXXXXX	3/20/2019	556.105(a)	Operator Failure to Mark Underground Facility	Cabana Construction Of Swfl In	7161 Auger Dr	Fort Myers, FL 33916	505.00	505.00
112019IN000256AXXXXX	3/20/2019	556.105(a)	Excavator fail to avoid excavation	Cabana Construction Of Swfl In	7161 Auger Dr	Fort Myers, FL 33916	500.00	500.00
112019IN000339AXXXXX	4/23/2019	556.105(1)	Fail to Notify Before Excavation	Main Gate Enterprises Inc	240 Stenstrom Rd	Wauchula, FL 33873	505.00	0.00
112019IN000883AXXXXX	9/20/2019	556.105(a)	Excavator fail to avoid excavation	Horsepower Electronic Inc	15110 N Longbow Bend	Davie, FL 33331	505.00	0.00
112019IN001064AXXXXX	12/2/2019	556.105(a)	Excavator fail to avoid excavation	Barreto, Alfredo F	11631 Red Hibiscus Dr	Bonita Springs, FL 34135	505.00	505.00
162019IN005602AAXXMA	3/22/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	CUMBY, MARK T	2275 HYDE PARK RD	JACKSONVILLE, FL 32210	500.00	500.00
162019IN0008873AAXXMA	5/15/2019	556.105(6)	EXCAVATION - FAILURE TO USE REASONABLE CARE WHEN PROCEEDING	ALONZO, MARIO F	401 CENTURY 21 DRIVE E53	JACKSONVILLE, FL 32216	500.00	500.00
162019IN008986AAXXMA	5/15/2019	556.105(6)	EXCAVATION - FAILURE TO USE REASONABLE CARE WHEN PROCEEDING	KARAGAWIS, PHIL	45 AMALINA TRAIL	JACKSONVILLE, FL 32256	500.00	500.00
162019IN009283AAXXMA	5/17/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	MILLER, TROY A	12748 FERNBANK LANE	JACKSONVILLE, FL 32216	500.00	500.00
162019IN009615AAXXMA	5/28/2019	556.105(6)	EXCAVATION - FAILURE TO USE REASONABLE CARE WHEN PROCEEDING	J INSTALLATIONS, LLC	11767 MOUNTAIN WOODS AVEN	ATLANTIC BEACH, FL 32233	500.00	500.00
162019IN009618AAXXMA	5/29/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	HANSON, MARSHALL J	43275 PINWOOD COURT	CALLAHAN, FL 32011	500.00	500.00
162019IN010454AAXXMA	6/11/2019	556.105(6)	EXCAVATION - FAILURE TO USE REASONABLE CARE WHEN PROCEEDING	ALMAGUER, JORGE L	6026 BLACK DRIVE W	JACKSONVILLE, FL 32244	500.00	500.00
162019IN011373AAXXMA	6/19/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	CREATIVE SIGN DESIGN	285 NATIONAL PLACE	LONGWOOD, FL 32750	500.00	500.00
162019IN011835AAXXMA	6/25/2019	556.105(a)b	EXCAVATION - FAILURE TO NOTIFY OF PROPOSED EXCAVATION IS IN	ONAS	3353 INTERNATIONAL CT	JACKSONVILLE, FL 32277	500.00	500.00
162019IN012024AAXXMA	6/27/2019	556.105(1)	EXCAVATION - FAILURE TO STOP EXCAVATING WHEN MARKING OF UNDE	TACHETT, JAMES D	711 FIELDSTONE AVE	PORT ORANGE, FL 32129	500.00	500.00
162019IN012925AAXXMA	7/15/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	BLUESTREAK	5131 DOOLITTLE ROAD	JACKSONVILLE, FL 32219	500.00	500.00
162019IN013288AAXXMA	7/16/2019	556.105(1)	EXCAVATION - FAILURE TO STOP EXCAVATING WHEN MARKING OF UNDE	MAER CONSTRUCTION	2753 ROSSELLE STREET	JACKSONVILLE, FL 32205	500.00	500.00
162019IN013294AAXXMA	7/16/2019	556.105(6)	EXCAVATION - FAILURE TO USE REASONABLE CARE WHEN PROCEEDING	MAER CONSTRUCTION	2753 ROSSELLE STREET	JACKSONVILLE, FL 32205	500.00	500.00
162019IN014164AAXXMA	7/31/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	ALI, A'MIR W	12799 SW 39TH AVENUE ROAD	OCALA, FL 34473	500.00	500.00
162019IN014323AAXXMA	8/6/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	STEWART, BENJAMIN C	201 OUTLET TRAIL	SAINT AUGUSTINE, FL 32092	500.00	500.00
162019IN014330AAXXMA	8/7/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	HOUSE, WILLIAM E JR	1005 NEW HUTCHINSON MILL	LAGRANGE, GA 30240	500.00	500.00
162019IN015039AAXXMA	8/15/2019	556.105(6)	EXCAVATION - FAILURE TO USE REASONABLE CARE WHEN PROCEEDING	LUNAR, ISRAEL R	4914 US HIGHWAY 17 S	GREEN COVE SPRINGS, FL 3204	500.00	500.00
162019IN015040AAXXMA	8/15/2019	556.109(2)	EXCAVATION - FALSE NOTIFICATION OF EMERGENCY	LUNAR, ISRAEL R	4914 HIGHWAY 17 S	GREEN COVE SPRINGS, FL 3204	500.00	500.00
162019IN015041AAXXMA	8/15/2019	556.105(6)	EXCAVATION - FAILURE TO USE REASONABLE CARE WHEN PROCEEDING	LUNAR, ISRAEL R	4914 HIGHWAY 17 W	GREEN COVE SPRINGS, FL 3204	500.00	500.00
162019IN016026AAXXMA	8/27/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	BARRETT, WAYN S	319 SUMMER SPRINGS CT	JACKSONVILLE, FL 32225	500.00	500.00
162019IN017496AAXXMA	9/30/2019	556.105(1)A	EXCAVATION - FAILURE TO PROVIDE VALID INFORMATION	HANSON, CARTER O	43275 PINWOOD COURT	CALLAHAN, FL 32011	500.00	500.00
162019IN020332AAXXMA	11/14/2019	556.109(2)	EXCAVATION - FALSE NOTIFICATION OF EMERGENCY	MEDINA, ERNEST A	2847 WOODSTONE DRIVE	MIDDLEBURG, FL 32068	500.00	500.00
352019IN001764AAXXMA	3/19/2019	556.105	FAILURE TO MARK UNDERGROUND CABLE UTILITIES BY OPERATOR	FAMANO, ANDREW A	24 BRENDA AVE	LEESBURG, FL 34748	522.68	522.68
412019IN004567INAXMA	11/5/2019	556.107.3	EXCAVATION PREMATURE WITHOUT MARKERS OR CLEARANCE	GARCIA, DAVID	2800 NELSON RD N	CAPE CORAL, FL 33993	525.00	0.00
462019IN001779XXXXFX	4/17/2019	556.105(1)	FAIL TO PROVIDE INFO BEFORE EXCAVATING	PIGG, JIMMY LEE	84 MEIGS DR	SHALIMAR, FL 32579	505.00	505.00
462019IN0003366XXXXFX	7/26/2019	556.105(1)	FAIL TO PROVIDE INFO BEFORE EXCAVATING	THREE SONS CONSTRUCTION	2012 HERITAGE PARKWAY	NAVARRE, FL 32566	275.00	108.34



Total Damages Reported 2019

1,771,920	Incoming Tickets
12,300,607	Outbound Transmissions
21,187	Total Damages
12	Damages Per 1,000 Inbound Tickets



Summary

The year 2019 marked the second full year of mandatory damage reporting for Sunshine 811 members. We went from total damages reported in 2018 of 16,576 to 21,187 in 2019, an increase of 28%. The top 10 counties with damages echoed those of 2018.

The proportion of unknown data to known continues to be significant. This analysis reflects mostly known data with the unknown numbers also listed unless including it is helpful to the analysis.

- 1.7 damages per 1,000 outbound transmissions
- Twenty-six percent of reported damages with a known cause were the result of excavation issues. Approximately half (54%) resulted from Notification Not Made and another 19% from Locating Issues.

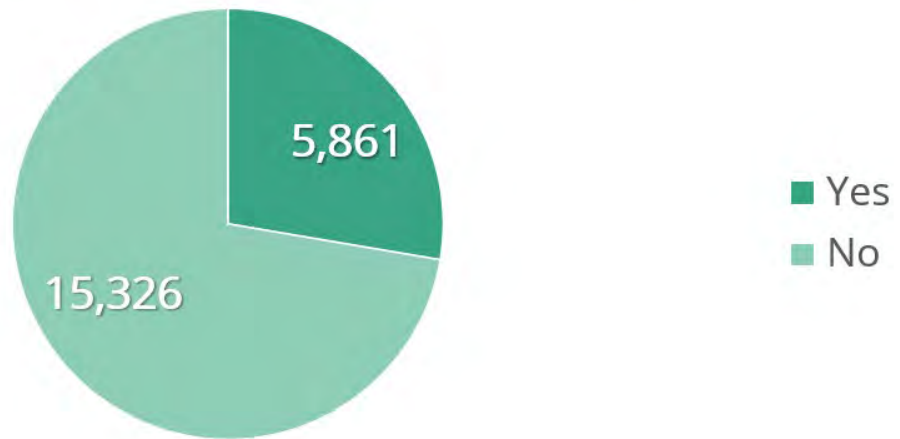


Summary

- Contractor is the leading known type of excavator involved in damages at about 28% of reported damages. This is followed by Municipalities at 5%, while Occupants, Utilities, Counties and the State combined make up about 4%.
- The two leading types of known work performed involved in damages are Sewer/Water and Landscaping/Fence/Irrigation, both at 25%. They are followed by Energy at 15%, and Construction/Development and Telecommunications at 10% and 13% respectively.
- Heavy equipment is the leading excavation type involved in damages coming in at 47% of reported damages. Hand tools represented at 28% and boring/drilling was 23%.



Was There a Locate Ticket?



Reported Damages: Top 10 Counties

Miami-Dade	2,822
Broward	2,177
Duval	2,120
Orange	1,915
Palm Beach	1,546
St. Johns	1,523
Brevard	933
Volusia	836
Seminole	821
Escambia	583

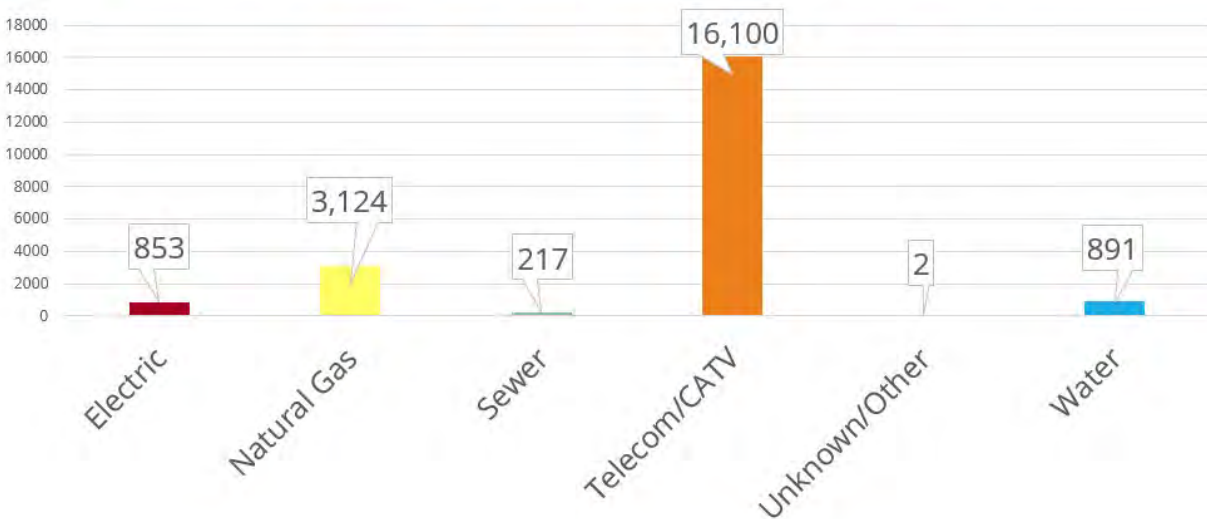


Number of DIRT Reports Submitted by Stakeholder Group

Telecommunications	16,087
Natural Gas	3,112
Public Works	933
Electric	847
Liquid Pipeline	500
Unknown/Other	411
Private Water	12
Excavator	3
Locator	2
Federal/State Regulator	1



Reported Damages by Facility Operation Affected





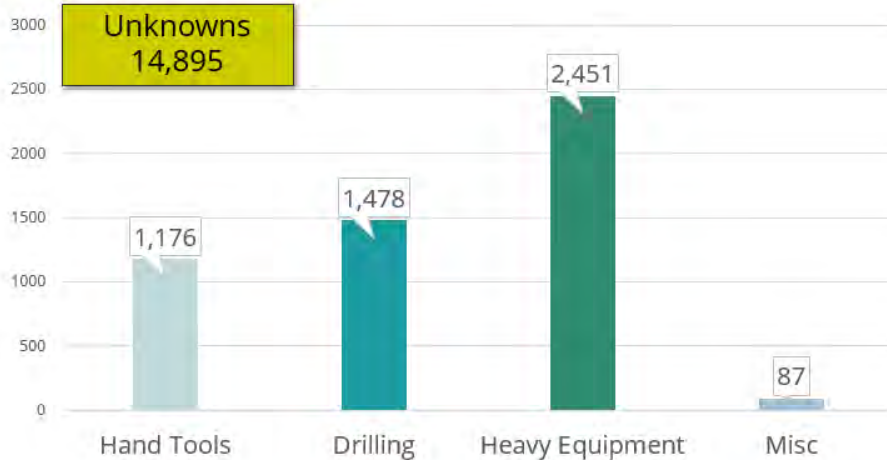
Reported Damages by Excavator Type

Contractor	4,433
Municipality	693
Occupant	370
Utility	147
Developer	33
County	30
State	3

Unknowns: 15,478



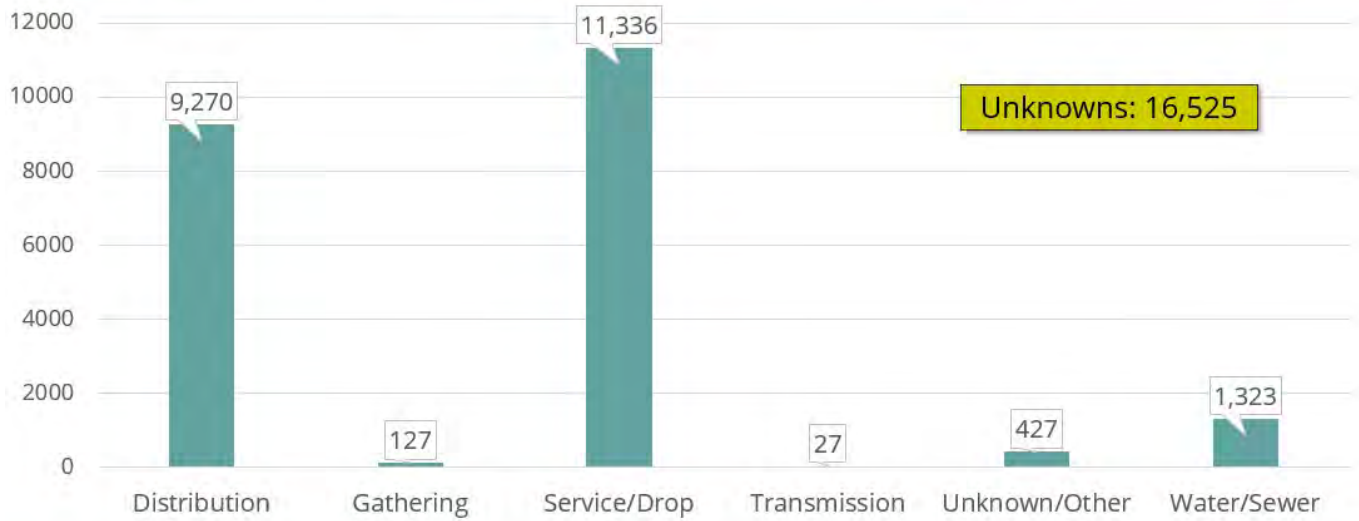
Reported Damages by Equipment Type



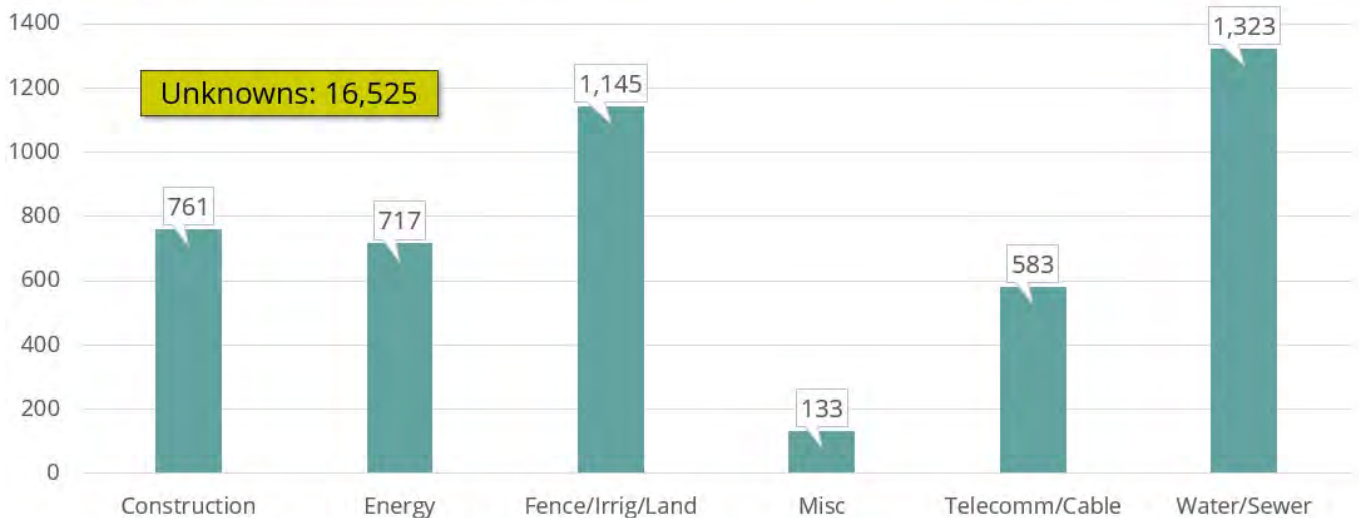
Backhoe/Trackhoe	2543
Bulldozer	55
Grader/Scraper	49
Trencher	304
Hand Tools	1776
Boring	593
Directional Drilling	549
Auger	196
Drilling	140
Probing Device	57
Farm Equipment	24
Explosives	3
Milling Equipment	3



Reported Damages by Facility Affected



Reported Damages by Work Type





Top 10 Root Causes for Reported Damages

No notification	6,682
Improper excavation practice not specified	1,829
Not marked due to Locator error	1,554
Failure to maintain clearance	685
Marked inaccurately due to Locator error	418
Digging prior to pot-holing	235
Digging outside area described on ticket	147
Digging after valid ticket expired	130
Deteriorated facility	126
No response from operator/contract locator	108

Unknowns
8,832



Root Causes for Reported Damages where Excavation Practices were Identified

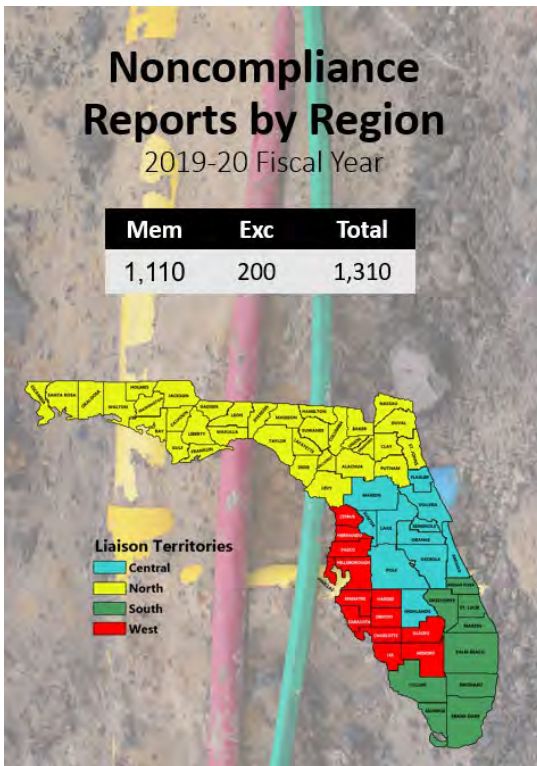
1,829	Improper excavation practice not specified
685	Failure to maintain clearance after verifying marks
235	Digging prior to verifying marks by test-hole
147	Digging outside area described on ticket
130	Digging after valid ticket expired
65	Marks faded/lost/not maintained
41	Digging prior to valid start date/time
23	Excavator provided incorrect notification information
15	Failure to protect/shore/support facilities
1	Improper backfilling





Noncompliance

Fiscal Year 2019-20



Central

County	Mem	Exc
Brevard	23	0
Flagler	34	1
Highlands	0	0
Lake	2	3
Marion	0	2
Orange	154	11
Osceola	10	6
Polk	29	3
Seminole	18	17
Sumter	1	1
Volusia	80	17
Total	351	61

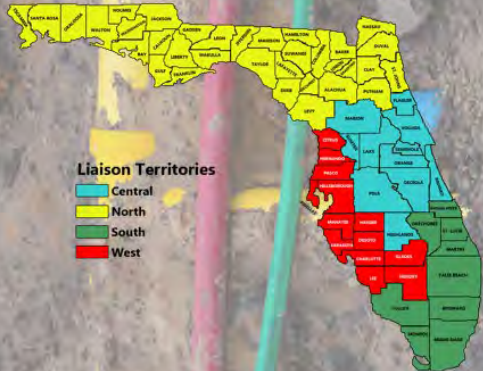
South

County	Mem	Exc
Broward	63	6
Collier	14	0
Dade	43	24
Indian River	1	0
Martin	15	0
Monroe	0	0
Okeechobee	2	0
Palm Beach	128	15
St. Lucie	8	0
Total	274	45

Noncompliance Reports by Region

2019-20 Fiscal Year

Mem	Exc	Total
1,110	200	1,310



North

County	Mem	Exc
Alachua	19	1
Bay	4	1
Columbia	4	0
Duval	12	16
Escambia	14	0
Holmes	1	0
Leon	2	1
Levy	24	0
Okaloosa	0	1
Putnam	0	1
Santa Rosa	1	0
St. Johns	4	7
Union	1	0
Total	86	28

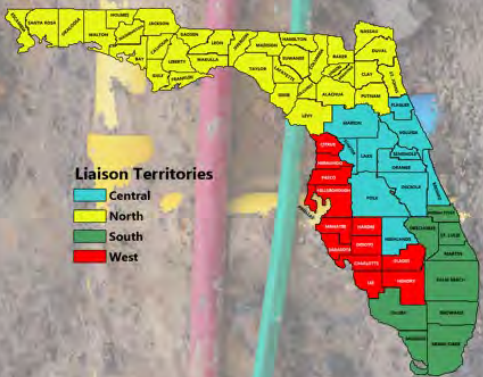
West

County	Mem	Exc
Charlotte	5	1
Citrus	5	0
Desoto	2	0
Glades	4	0
Hardee	0	0
Hendry	3	0
Hernando	36	0
Hillsborough	115	36
Lee	4	3
Manatee	0	7
Pasco	28	2
Pinellas	173	9
Sarasota	24	8
Total	399	66

Noncompliance Reports by Region

2019-20 Fiscal Year

Mem	Exc	Total
1,110	200	1,310



North

County	Mem	Exc
Alachua	19	1
Bay	4	1
Columbia	4	0
Duval	12	16
Escambia	14	0
Holmes	1	0
Leon	2	1
Levy	24	0
Okaloosa	0	1
Putnam	0	1
Santa Rosa	1	0
St. Johns	4	7
Union	1	0
Total	86	28

West

County	Mem	Exc
Charlotte	5	1
Citrus	5	0
Desoto	2	0
Glades	4	0
Hardee	0	0
Hendry	3	0
Hernando	36	0
Hillsborough	115	36
Lee	4	3
Manatee	0	7
Pasco	28	2
Pinellas	173	9
Sarasota	24	8
Total	399	66



Noncompliance Detail

2019-20 Fiscal Year

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Failure to locate the site within two full business days	9	107	59	130	143	32	59	32	152	124	30	79
Failure to follow low-impact marking requirements	0	2	16	11	2	0	2	2	7	1	0	20
Failure to be an SSOCOF member	0	0	1	0	0	0	0	0	0	0	0	0
No positive response from member	0	0	0	4	9	18	1	5	1	5	10	10
Improper positive response code	0	47	41	59	88	6	32	13	74	61	28	58
No ticket	10	3	5	1	6	3	1	0	6	7	0	1
Other	0	0	0	0	0	0	0	0	0	0	0	0
No excavation date & time provided after positive response code 2C	1	2	5	3	2	1	1	1	7	7	0	1

Continued on next page.



Noncompliance Detail

2019-20 Fiscal Year

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Expired ticket	0	0	0	0	1	0	0	0	0	1	0	0
Digging before legal	0	25	7	0	1	1	0	0	5	7	1	1
No white lining	0	0	0	0	1	0	1	0	0	2	0	0
No work within the 30-day ticket life	2	0	1	8	1	5	0	0	0	1	0	1
Excavation outside of ticket scope	1	1	0	0	2	0	0	0	1	1	0	0
False Emergency Ticket	2	0	0	0	1	0	1	0	0	0	0	0
Failure to follow low impact marking practices	0	0	0	0	0	0	0	0	0	2	1	1
Ticket renewed but no work done	3	24	5	8	1	1	0	0	10	3	0	0
Totals	28	211	140	224	258	69	98	51	263	222	70	172



Understanding 2020 Legislative Changes

Underground Facility Damage
Prevention and Safety Act
Chapter 556, Florida Statutes



Who can enforce?

[s.556.107(1)(b), F.S.]

- State Fire Marshal or agents
- Fire chief of the special district, municipality, or county
- Local or state law enforcement officer
- Government code inspector
- Code enforcement officer





NEW!
Violation

[s.556.107(1)(a)1b]

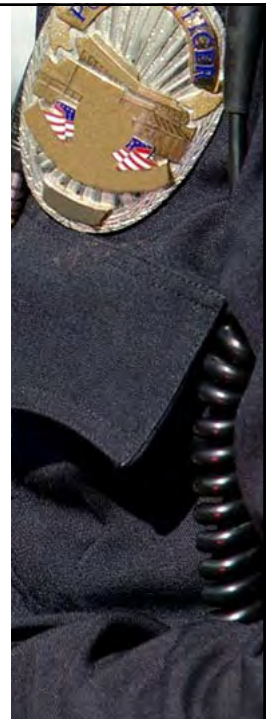
Failure to protect facilities in the tolerance zone

- Requires increased caution when digging in the tolerance zone to protect the facilities. Increased caution can include hand digging, pot holing, soft digging, vacuum excavation or other similar non-destructive methods.
- Requires supervision when using mechanized equipment.

Original 7 violations remain

Each noncriminal infraction carries \$500 civil penalty.

1. Failure to have provide notice. [s.556.105(1)]
2. **NEW** Failure to follow excavation practices in the tolerance zone. [s.556.105(5)(c)]
3. Failure to avoid excavation. [s.556.105(6)]
4. Failure to stop digging if marks are destroyed. [s.556.105(11)]
5. Failure to stop digging when contact/damage occurs. [s.556.105(12)]
6. Failure to mark facilities. [s.556.105(5)(a) and (b)]
7. Falsely notifying system of emergency. [s.556.109(2)]
8. Failure to follow low impact marking practices. [s.556.114(1), (2), (3)]



NEW! \$2,500 civil penalty for noncriminal infractions involving an underground facility transporting hazardous materials regulated by PHMSA* for the following violations: [s.556.107(1)(a)2]

1. Failure to provide notice. [s.556.105(1)]
2. Failure to follow excavation practices in the tolerance zone. [s.556.105(5)(c)]
3. Failure to avoid excavation. [s.556.105(6)]
4. Failure to stop digging if marks are destroyed. [s.556.105(11)]
5. Failure to stop when facility is contacted or damaged. [s.556.105(12)]

* Pipeline and Hazardous Material Safety Administration



NEW! Misdemeanor

It is a misdemeanor of the second degree to remove or damage a permanent marker placed to identify the approximate location of an underground facility.

[s.556.107(3)(b), F.S.]





High-Priority Subsurface Installations

HPSIs are underground transmission or distribution pipelines used to transport refined petroleum products or hazardous/highly volatile liquids such as anhydrous ammonia or carbon dioxide. The pipeline operator identifies or would identify the line as an HPSI if provided a locate ticket.

What is an HPSI Incident? [s.556.102(9)]

An event involving damage to an HPSI identified as such by the operator that results in:

- Death or serious bodily injury requiring inpatient hospitalization; or
- Property damage including service-restoration costs in excess of \$50,000 or an interruption of service to 2,500 or more customers.



How do you know if an HPSI is near your job site?

- Excavator requests locate ticket.
- Member receives locate ticket and determines whether underground facilities are: 1) within 15 feet of an excavator's excavation or demolition; and 2) whether the facility is an HPSI.
- If the facility is both, the member must locate and mark its facility and enter the 2C positive response code BEFORE digging can begin.
- **The excavator MUST notify the member operator by email or phone call with the start date and time of excavation or demolition.**



1

HPSI *Incident* Procedures

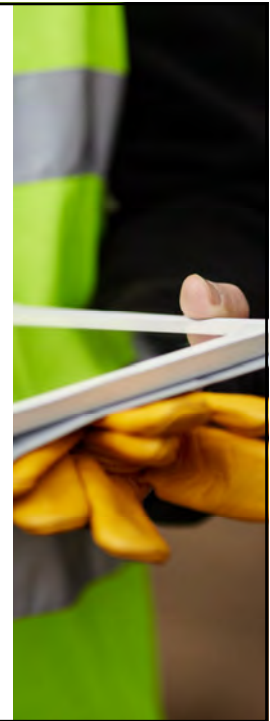
Within 24 hours of learning of an incident, member operators and excavators must report the incident to Sunshine 811 and the State Fire Marshal. *The report mechanism is currently under development.*

[s.556.116(2)(a)]

2 HPSI Incident Procedures

When a member operator or excavator receives an allegation that an incident occurred, he or she must submit an incident report to the State Fire Marshal. *Incident reports are currently under development.*

s.556.116(2)(b)



3a HPSI Incident Procedures

The State Fire Marshal or his or her agents may investigate to determine if an incident occurred and if it was caused by a violation of s.556.107(1)(a).

s.556.116(2)(b)





3b

State Fire Marshal may authorize the following entities to serve as agents to conduct investigations:

Chief of a special district, county or municipal fire service provider, other fire service provider personnel designated by a fire chief, or other enforcement personnel designated by local government with no organized fire service provider.

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4a HPSI Incident Procedures

- Civil penalty not to exceed \$50,000 when incident caused by violation of s.556.107(1)(a) plus court costs.
- Amount reduced to \$10,000 if a state agency or political subdivision caused the incident.
- NOTE: This \$50,000 civil penalty is in addition to any noncriminal citation issued for violation of s.556. 107(1)(a).

s.556.116(2)(c)



Citations: No Response

For all violations and HPSI incidents

- Written warning must be provided when citation is issued stating that willful failure to respond will result in being charged with failing to respond. If convicted, this is a second-degree misdemeanor.
- Misdemeanor is in addition to the citation.

s.556.107(1)(c)3 and s.556.116(2)(f)



ONE CALL LAW

[One Call Law](#)

➔ [Revision Summary](#)

[Violations](#)

[News Release](#)

[Enforcing 556](#)

One Call Law

Gov. Ron DeSantis signed House Bill 1095 into law amending the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

This page will be updated with the full revisions to the law.

Full revisions available at sunshine811.com/law.

Thank You

