

# ***Excavation Guide***

*October 2006*

Sunshine State One Call of Florida, Inc.  
(800) 432-4770  
[www.callsunshine.com](http://www.callsunshine.com)



# COLOR CODE FOR MARKING UNDERGROUND UTILITY LINES



**WHITE** - Proposed excavation



**PINK** - Temporary survey markings



**RED** - Electric power lines, cables, conduit and lighting cables



**YELLOW** - Gas, oil, steam, petroleum or gaseous materials



**ORANGE** - Communication, alarm or signal lines, cables or conduit



**BLUE** - Potable water



**PURPLE** - Reclaimed water, irrigation and slurry lines



**GREEN** - Sewers and drain lines

**CALL BEFORE YOU DIG**  
**(800) 432-4770**  
**[www.callsunshine.com](http://www.callsunshine.com)**

## Preface

This Guide has been prepared for excavators and underground facility owners and operators. It is intended to be a reference tool for interacting with Sunshine State One-Call of Florida, Inc. (SSOCOF). This Guide reflects the policies of the Board of Directors at SSOCOF. It is not a rule and it does not have the force and effect of law; the governing law is the *Underground Facility Damage Prevention and Safety Act*, Chapter 556, Florida Statutes (F.S.). Other laws may also affect excavations, such as the Florida Trench Safety Act, Part VI, Chapter 553, F.S.; Florida Gas Safety Law, Part I, Chapter 368, F.S.; Pipeline Safety Improvement Act of 2002; Federal Pipeline Safety Act; National Electric Safety Code ANSI C-2; and OSHA standard 1926.651.

Every effort has been made to accurately reproduce Chapter 556, F.S., but SSOCOF, its officers, employees and agents make no representations or warranties as to the accuracy of this reproduction. This Guide is not intended to alter the requirements of Chapter 556, F.S., or any local ordinance, and it should not be used as a legal reference document. *Persons seeking interpretations of the law should contact their own attorneys.* While familiarity with the Guide is recommended for all excavators and members, their responsibilities are as provided by law.

This Guide does not have a copyright. You may make copies of the entire Guide or have additional copies sent to you by ordering at [www.callsunshine.com](http://www.callsunshine.com).

This Guide has been updated for use on and after October 1, 2006. Its contents are subject to change without notice.

## Mission Statement

The mission of Sunshine State One-Call of Florida, Inc. is to assist in the prevention of damage to our members' underground facilities by providing a dependable, cost-effective and efficient one-call center.

## Vision Statement

The vision of Sunshine State One Call of Florida, Inc. is to be a superior, technologically advanced one-call center that delivers high quality damage prevention service of significant value to our members and the public.

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# Contacting SSOCOF

## Corporate Offices

Local Phone .....(386) 575-2000  
Toll Free Phone .....(800) 638-4097  
Fax.....(386) 575-2030  
Email .....info@callsunshine.com  
Web .....www.callsunshine.com

## Locate Tickets

Local Phone .....(386) 575-2025  
Toll Free Phone .....(800) 432-4770

## Accounting

Local Phone .....(386) 575-2010  
Fax.....(386) 575-2037  
Email .....accounting@callsunshine.com

## Member Services – Member technical issues, records research, claims and non-compliance.

Local Phone .....(386) 575-2009  
Toll Free Phone .....(800) 651-6720  
Toll Free Fax.....(800) 651-8601  
Records and Research Fax .....(386) 575-2117  
Email .....memberservices@mail.callsunshine.com

## Educational Presentations – Schedule safety training or education presentations.

Toll Free Phone .....(800) CAREFUL (227-3385)  
Fax.....(386) 575-2045  
Email .....damageprevention@mail.callsunshine.com

## Enforcement – For law enforcement use to verify locate tickets. Report hot spot areas and field enforcement issues.

Toll Free Phone .....(800) CAREFUL (227-3385)

## Positive Response

Toll Free Phone .....(800) 852-8057

## **Employment Opportunities**

See [www.callsunshine.com](http://www.callsunshine.com) or email [jobs@callsunshine.com](mailto:jobs@callsunshine.com)

### **Mailing Address:**

Sunshine State One-Call of Florida, Inc.

11 Plantation Road

DeBary, FL 32713

**[www.callsunshine.com](http://www.callsunshine.com)**

# Holiday Schedule and Hours of Operation

SSOCOF takes calls for locate tickets from 7 a.m. to 5 p.m. Monday through Friday.

Internet Ticket Entry (ITE) is available 24 hours a day seven days a week to submit locate tickets.

## Holidays

These holidays are established in s. 556.102(1), Florida Statutes.

New Year's Day

Martin Luther King, Jr. Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Friday after Thanksgiving Day

Christmas Eve Day

Christmas Day

Note: If a holiday falls on a Saturday, SSOCOF observes the holiday on the Friday immediately before the holiday.

Note: If a holiday falls on a Sunday, SSOCOF observes the holiday on the following Monday.

# Sunshine State One Call Responsibilities

## Who We Are

SSOCOF is a not-for-profit corporation formed by the Florida Legislature with the 1993 adoption of the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes (F.S.). Its main purpose is to help prevent damages to underground facilities by administering a statewide notification system that notifies SSOCOF members where digging is scheduled. Members are persons or companies who furnish or transport materials (gas, water, sewage) or services (electricity, telephone, cable television, Internet access) using an underground facility. Membership in SSOCOF is mandatory for any entity that owns or operates underground facilities in Florida. Membership applications are available at [www.callsunshine.com](http://www.callsunshine.com).

## What We Do

It is the responsibility of SSOCOF to:

- Administer the provisions of Chapter 556, F.S.
- Educate members and excavators about Chapter 556, F.S., call center practices and technical procedures.

- Take information from excavators who intend to dig and provide that information in a locate ticket to SSOCOF members.
- Maintain a database of member design services contact and fee information.

It is not the responsibility of SSOCOF to:

- Physically locate and mark any underground facilities.
- Settle disputes between excavators and members.
- Keep a database of the exact location of underground facilities of its members.

## How the System Works

The notification process is a free service to all excavators. The process begins when an excavator notifies SSOCOF by Internet or phone of a job where digging is scheduled. SSOCOF uses that information to generate a locate ticket. The ticket is sent to SSOCOF members with underground facilities near the scheduled job. The member has two full business days (10 full business days when the site is underwater) to update the positive response system with a code that represents one of the following:

1. Underground facilities at the proposed job site are located and marked; or

2. The job site is clear of the member's underground facilities; or
3. The excavator has been directly contacted and a new, mutually agreeable, due date and time were scheduled.

## Two Ways to Request a Locate Ticket

SSOCOF offers excavators two convenient services for requesting locate tickets.

- **Internet Ticket Entry**

Internet Ticket Entry (ITE) lets you request locate tickets anywhere there is Internet access. Its onscreen dialogue boxes walk you through the process. ITE is available 24-hours a day, seven days a week.

- **Telephone**

Call (800) 432-4770 to request a locate ticket over the phone. Before calling, make sure you have all information ready. A list of required information appears in *Information Requested on a Locate Ticket* on pages 31-35.

## Educational Opportunities

- **Caution: Utilities Below**

*Caution: Utilities Below* is a safety training course available online or on CD. It teaches viewers how to comply with Chapter 556 and avoid costly fines. The program tracks your progress and prints a completion certificate when you are finished.

- **Continuing Education Safety Class**

### ***Online***

When taken on the Internet, *Caution: Utilities Below*, course #0009235, offers one workplace safety credit as approved by the Construction Industry Licensing Board (CILB) toward your contractor's license. Your one hour credit can apply to licensing requirements of another board such as the electrical board **IF** you are also licensed under the CILB (i.e. Electrical license only - no credit; Electrical license and contractor's license - credit toward both licenses.)

### ***In Person***

This class is certified by the Construction Industry Licensing Board and offers one continuing education credit, course #0002053, providership #004-0001110. It reviews Chapter 556, F.S., details excavator compliance with the law, reviews the notification system process and offers tips for submitting locate tickets and premarking.

- **Tailored Classes and Presentations**

Classes or presentations can be tailored to meet the specific educational needs of your company or group.

- **Schedule Today**

To have someone from our damage prevention team contact you regarding specialized education or training, visit [www.callsunshine.com](http://www.callsunshine.com) or email [damageprevention@mail.callsunshine.com](mailto:damageprevention@mail.callsunshine.com).

# Excavator Responsibilities

Excavators throughout Florida must notify SSOCOF before they dig so that SSOCOF can notify its members with underground facilities near the job site. Common excavations requiring notification can include but are not limited to complex jobs involving demolition, grading, directional drilling and other trenchless technologies, to jobs such as pot holing, landscaping, fence installation and stump grinding.

## Prepare Before Requesting a Locate Ticket

1. Before contacting SSOCOF, be prepared to give detailed information.
  - a. Give detailed directions to the excavation site—driving directions are best.
  - b. Give detailed marking instructions for the specific area where locate marks are needed. Pre-marking (white lining) is required when you cannot accurately describe the area to be marked and you do not have a meeting scheduled with the member to show where the actual digging will take place. White lining is not required if this area is more than 500 feet in length or the marking would interfere with traffic or pedestrian control. Note: It is recommended that white lining be done with a non-permanent white paint.

- c. Provide an email address or fax number so SSOCOF's positive response system can automatically let you know whether a member has located your site. The positive response notice is sent when two full business days expire or earlier if all members have updated the positive response system. **If you do not provide an email address or fax, you *must* contact the positive response system by calling (800) 852-8057 or visit [www.callsunshine.com](http://www.callsunshine.com).**

For a complete list of information requested, see *Information Requested on a Locate Ticket* on page 31.

## Call Before You Dig

Contact SSOCOF a minimum of two full business days before digging to complete a locate ticket. If your job site is underwater, notify SSOCOF 10 full business days prior to digging. Business days exclude weekends and holidays. **Review *Locate Ticket Due Dates* on page 25-27 to plan your work properly and avoid unknowingly violating the law.**

When your locate ticket is complete, you will get a ticket number and list of members with underground facilities near your job site. This ticket is valid for 30 calendar days. Internet Ticket Entry (ITE) users can print out the ticket for easy reference. You can also access this information on the positive response

system. Keep your ticket number available at all times in case an enforcement officer visits your job site to determine whether you are in compliance with the law.

Occasionally, members declare extraordinary circumstances due to unusual operating conditions, such as a hurricane, that make them unable to respond to locate tickets within the normal two full business day timeframe. It is still important that you wait two full business days before digging because some members continue to locate while declaring extraordinary circumstances. A list of members declaring extraordinary circumstances is listed on tickets created using ITE and online at [www.callsunshine.com](http://www.callsunshine.com). Callers are read a list of members declaring extraordinary circumstances.

## Wait for Locate Marks

Wait two full business days (10 full business days for underwater job sites) for SSOCOF members to do one of three things:

- a. **Clear:** Let you know that no conflict exists, meaning the site is clear of that facility. (When a member clears the site, it is only for that member's underground facility. You still need to wait for the other members to respond.)
- b. **Located:** Physically locate and mark the horizontal location of underground facilities

within your job site. **Note:** This does not include the vertical depth of the underground facility.

- c. **Not Located:** Directly contact you to reschedule the locate to a new, mutually agreeable, date and time that does not unreasonably delay your work.

The member is then required to enter a code into the positive response system that indicates which one of the three requirements was completed.

If, after the required time, the member did not do any of the requirements and did not update the positive response system, you may proceed with digging using reasonable care and detection equipment or other acceptable means to locate underground facilities. You may also complete a *Noncompliance Form* available at [www.callsunshine.com](http://www.callsunshine.com) or contact a local law enforcement officer to have a citation issued to the member.

Enforcement officers throughout the state can fine excavators from \$250 to \$5,000 for digging before the two full business days expire.

Note: With SSOCOF's positive response system, it is possible to begin digging before two full business days expire. This happens when the positive response system sends you an update **before** two full business days expire, showing that all members have either located or cleared the job site. Remember, to receive

automatic positive response updates, you must provide an email address or fax number on your ticket.

## **Protect the Marks**

Locate marks must remain visible during your job. If the marks are destroyed, you must stop digging and contact SSOCOF to request a new locate ticket. Reference the old ticket number so information can easily be accessed.

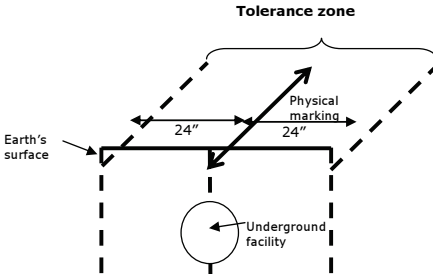
## **Safe Digging**

Digging should be done carefully, following accepted construction practices, and using increased caution within the tolerance zone. The tolerance zone is an area that gives extra protection to underground facilities. It extends 24 inches out on either side of the locate marks. Any digging with mechanized equipment in the tolerance zone requires supervision.

Note: If you dig into an unmarked line that is outside the tolerance zone, do not assume that the line was marked incorrectly and therefore you can dig freely inside the tolerance zone.

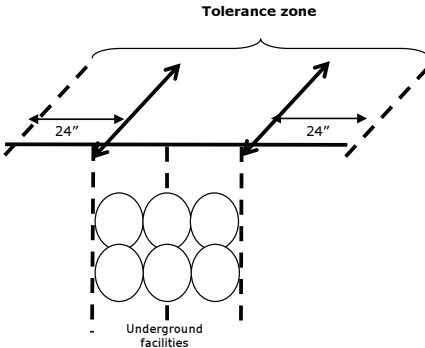
## Example 1: Facility is six inches wide or less

When the facility is six inches wide or less, one locate mark is used (see figure below). The facility follows the path of the locate mark.



## Example 2: Facility is more than 6 inches wide

When a facility is more than six inches wide, two lines are used to mark the width. The facility is located between the two marks and the tolerance zone extends 24 inches out from each line.



## Emergency Excavations

An emergency is defined by § 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. When you are performing an emergency excavation, follow the steps listed below:

1. If you damage or contact a line that transports dangerous liquids or gases, protect life first, then property and establish a safe zone. If no fire is present, be aware of wind direction and prevent introduction of any ignition sources. Do not move equipment into or out of the area. Do not attempt to put out a fire. Never attempt to operate the pipeline valves. Note: Even if there is no visible damage, contact the owner of the gas line. Tugging or contacting a gas line can result in a break somewhere else. Let the owner determine any dangers.
2. If you contact an underground facility during excavation, even if there is no noticeable damage, use all reasonable precautions to protect the

affected underground facilities, including the use of detection equipment and hand tools.

3. Contact the owner of the affected underground facilities. Online emergency contact information is available to members and ITE users. You may also call to request that information at (800) 638-4097.
4. At your earliest convenience, request an emergency ticket at (800) 432-4770. If you use the emergency ticket to inform all members within the damage area, indicate when the emergency work will be done (i.e. work crew on site or work done in morning). **Note:** There is no legal requirement for a member to have an emergency ticket located and marked any sooner than two full business days.

## Digging Near Gas Lines

Be extra cautious when a gas line is damaged. The following items can ignite gas: Cigarettes, lighters, electrical switches, vehicle ignition, cell phones, pagers, cameras, metal tools, nylon jacket static and lightning.

## How to Recognize a Natural Gas Leak

- Vegetation over or near a pipeline appears to be dead or dying for no apparent reason. Call the owner or 911.

- Water bubbling at any wet area over or near a pipeline.
- Dirt being blown or appearing to be thrown into the air over or near a pipeline.
- Fire or explosion near or involving a pipeline.
- You hear a hissing, whistling or roaring sound along or near a pipeline.
- You smell a rotten egg odor.

## **Excavator Violations**

Enforcement officers throughout Florida are routinely patrolling construction sites to ensure compliance with Chapter 556. They can cite excavators for the following violations:

- Not having a valid locate ticket number (includes failing to call, digging with an expired ticket, or using a ticket for a different area within the same job site). You are required to have a locate ticket number available at the job site.
- Digging before two full business days expires and all members have not responded to positive response.
- Failure to stop digging when locate marks are removed or no longer visible.

- Failure to notify the member and stop digging after an underground facility is contacted or damaged.

Fines for these violations range from \$250 to \$5,000.

## **Correcting Errors**

Notify SSOCOF at (800) 432-4770 immediately if you discover any incorrect information on your locate ticket. Customer service representatives will assist you in making the corrections.

# Member Responsibilities

## Responding to Locate Tickets

1. After receiving a **normal locate ticket**, members have two full business days (excluding weekends and holidays) to provide a response to the positive response system indicating whether the job site is located and marked or cleared of the facility. If the locate cannot be done within the two full business day timeframe, the member or its locator is required to directly contact the excavator and schedule a new, mutually agreeable, locate date and time.
2. After receiving an **underwater locate ticket**, members have 10 full business days (excluding weekends and holidays) to provide a response to the positive response system indicating whether the job site is located and marked or cleared of the facility. Underwater sites should be marked using appropriately colored marking buoys or other suitable markers unless instructed otherwise by an agency that has control over those waters. A guide for marking underwater facilities appears on our website, [www.callsunshine.com](http://www.callsunshine.com).
3. After receiving an **emergency locate ticket**, members may choose to respond immediately. There are no statutory requirements to respond within any timeframe less than two full business

days. However, the excavator is required to notify members directly when an emergency occurs so every precaution can be taken to protect or restore the underground facility. (SSOCOF assigns emergency ticket due dates based on when the excavator states he will do the work. If the excavator states, "crew on site," the due date is 11:59 p.m. of that day. If the excavator states he will complete emergency work tomorrow, the ticket due date will be 11:59 p.m. the next day. Members that do not update the positive response system by the emergency ticket due date will receive a late ticket.)

4. Members that do not have accurate information on the location of their underground facilities must provide the excavator with the best information possible when the underground facilities cannot be located using locate technologies.
5. Members may receive a new ticket for an area that has already been located (same location, different ticket number). The remarks section may contain an explanation such as "marks destroyed," or "a different area within the job site needs locating." In these cases, members have two full business days to re-locate and mark the site.
6. Members that receive a late ticket probably did not provide a positive response code to the

system. Members can be cited from \$250 to \$5,000 for failing to mark the dig site.

## **Guidelines for Marking Underground Facilities**

Chapter 556 requires SSOCOF members to mark the horizontal route of an underground facility using the “Uniform Color Codes for Utilities” developed by the American Public Works Association. These marks should be 18 to 24 inches in length and two inches wide. The color codes are as follows:

Red	Electric power lines, cables, conduit and lighting cables
Yellow	Gas, oil, steam, petroleum or gaseous materials
Orange	Communication, cable TV, alarm or signal lines, cables or conduit
Blue	Potable water
Purple	Reclaimed water, irrigation and slurry lines
Green	Sewer and drain lines
White	Proposed excavation
Pink	Temporary survey markings

## 1. Facility Identifier

Identify the facility owner with initials or by name in letters six inches high at the beginning and end of the locate. On long locates, this should be done every 100 feet. Abbreviated markings are as follows:

CH	Chemical
E	Electric power
FA	Fire alarm
FOC	Fiber optics
G	Gas
PP	Petroleum products
RW	Reclaimed water
S	Sewer
SS	Storm sewer
ST	Steam
TC	Traffic control
TE	Telephone
TV	Cable TV
W	Water

**Note:** Storm drainage systems are not considered underground facilities under Chapter 556, F.S.



Utility identified by initials

## 2. Mark Types

- a. **When known, the total number of lines within the ground will be identified.** The number of lines identified should be based on the physical lines **that you can place your hands on.** Multiple cables twisted together to form a single facility, as in the case of electric lines, would be considered one cable for locate purposes.
- b. If a facility is known to be present but the total number of lines cannot be determined, a corridor marker may be used. The corridor marker indicates the approximate width of the facility.



- c. When known, the size of the line being located will be identified representing the outside diameter of the pipe or structure. The oversized utility marking should indicate the approximate size of pipe or structure.



d. Duct structures, single or multiple, will be identified by the duct symbol representing the approximate width of the duct structure.



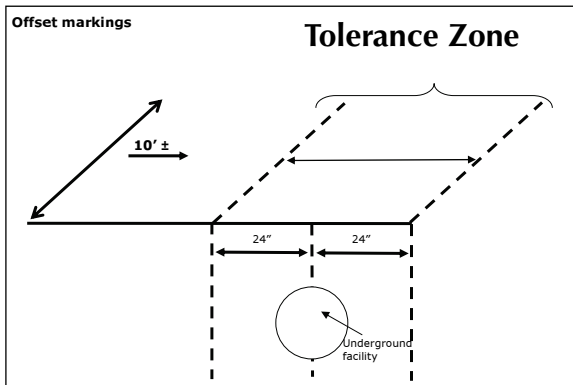
e. When known, the pressure of a gas facility will be indicated. Gas pressure will be indicated as either low pressure, intermediate high pressure or high pressure.



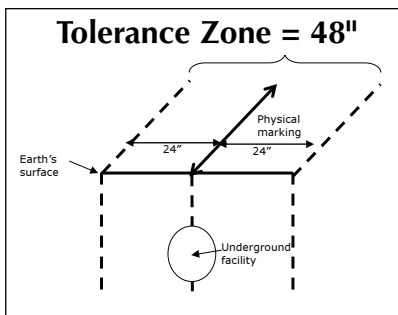
f. When known, termination points, dead ends and stub outs should be identified.



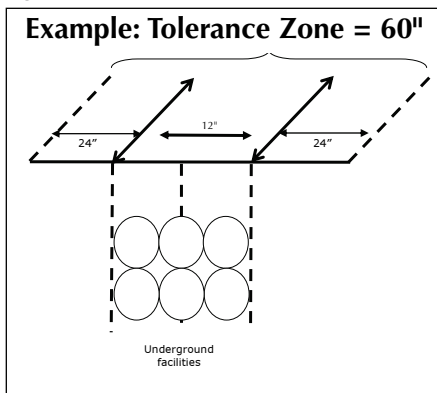
- g. When marks may be destroyed offset marks should be used.** Offsets are indicated on a permanent surface and are placed parallel to the running line of the facility. The offset should identify the distance from the offset to the facility and should identify the facility owner and if necessary the size of the facility.



- h. Marking facilities that are 6" or less in width**



- i. Marking facilities over 6" in width



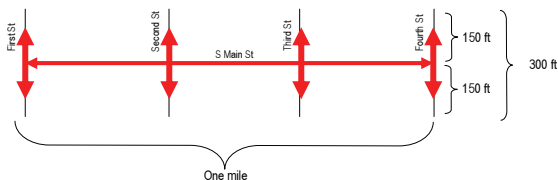
Determine the tolerance zone by adding the width of the facility to the minimum 48 inch tolerance zone.

# Locate Tickets

## Locate Ticket Parameters

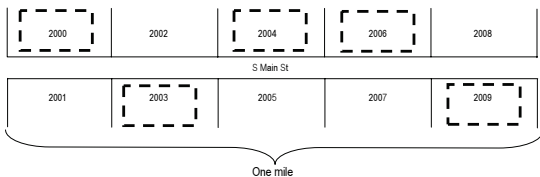
1. A locate ticket is valid for 30 calendar days. Day one begins the day after the ticket is requested. When a job lasts longer than 30 days, a new ticket is necessary. Avoid working on an expired ticket by requesting the new ticket two full business days before the current ticket expires. Remember, the business day after you request the ticket is day one. When requesting the new ticket, reference the previous ticket number so the information can easily be accessed.
2. One locate ticket may cover a total linear distance of up to one mile on any single street including the right-of-way and contiguous parallel easements, and up to 150 feet in either direction along crossing streets *identified* in the ticket.

**Example: This locate ticket covers digging on S Main Street in the right-of-way and easements plus 150 feet in either direction on First, Second, Third and Fourth Streets.**



3. One locate ticket may cover up to five individual addresses when work is done on **individual properties** rather than in the easement or right-of-way.

**Example 2: This locate ticket covers digging done at addresses 2000, 2003, 2004, 2006 and 2009 on S Main St.**



## Locate Ticket Due Dates

Locate tickets must be requested a minimum of **two full business days before digging**. Because the center accepts locate tickets 24 hours a day via Internet Ticket Entry (ITE), a business day is defined as 12 a.m. to 11:59 p.m. The following chart illustrates the two full business day waiting time for normal excavations and gives the deadline for members to locate or contact the excavator. **Note:** Digging can begin earlier if all members have marked or cleared your excavation site before the waiting period of two full business days expires.

**The ticket lists a *Due Date* and a *Work Date*. If the excavator does not provide a work date, it will**

automatically be assigned the Due Date, which is 11:59 p.m. on the second business day. It is imperative that excavators **NOT** begin digging the morning of the Due Date because of the 11:59 p.m. time. If you begin digging before 11:59 p.m. on the Due Date, you will be in violation of Chapter 556.

Day Ticket Requested	Day 1	Day 2	Earliest Morning Digging Can Begin
Monday	Tuesday	Wednesday Marks due by 11:59 p.m.	Thursday
Tuesday	Wednesday	Thursday Marks due by 11:59 p.m.	Friday
Wednesday	Thursday	Friday Marks due by 11:59 p.m.	Saturday
Thursday	Friday	Monday Marks due by 11:59 p.m.	Tuesday
Friday	Monday	Tuesday Marks due by 11:59 p.m.	Wednesday
Saturday	Monday	Tuesday Marks due by 11:59 p.m.	Wednesday
Sunday	Monday	Tuesday Marks due by 11:59 p.m.	Wednesday

Monday	Tuesday	Wednesday	Thursday	Friday
1	2	3	4	5
Request Ticket	Day 1	Day 2	Morning you can begin digging	

## Determining the Due Date During Holidays

If a holiday falls within the two full business day waiting period, add one business day per holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
1	2	3	4 Request Ticket	5 Holiday
8 Day 1	9 Day 2	10 Morning to begin digging	11	12

## Determining the Due Date for Underwater Locate Tickets

Monday	Tuesday	Wednesday	Thursday	Friday
1 Request Ticket	2 Day 1	3 Day 2	4 Day 3	5 Day 4
8 Day 5	9 Day 6	10 Day 7	11 Day 8	12 Day 9
15 Day 10 Locate marks due by 11:59 p.m.	16 Morning to begin digging	17	18	19
8	9	10	11	12
8	9	10	11	12

## Types of Tickets

### Normal Ticket

A normal ticket is used when the entire dig site is on dry land. It can be requested using Internet Ticket Entry (ITE) or by phone. It must be requested a minimum of two full business days before digging. Normal excavation tickets are good for 30 calendar days and must be renewed two full business days before the current ticket expires.

### Underwater Ticket

For the purposes of this Guide, an underwater ticket is used when facilities cannot be located using conventional locate methods and cannot be marked with paint, stakes or flags. Underwater tickets can be requested by phone only. Underwater tickets are good for 30 calendar days and must be renewed to allow 10 full business days before expiring. Two locate tickets are used when part of the excavation site is on dry land and part is underwater. A guide for marking underwater facilities appears on our website, [www.callsunshine.com](http://www.callsunshine.com).

### Emergency Ticket

Emergency tickets are produced when an excavator contacts or damages a facility or when a member is going to repair a damaged facility. Members and

approved excavators can request emergency tickets using Internet Ticket Entry. Excavators not approved for ITE emergency ticket entry must request emergency tickets by phone. When requested by phone, SSOCCOF customer service representatives will ask five questions to help the caller determine whether a true emergency exists; however, the representatives cannot make the final determination whether the situation is truly an emergency.

1. Is this excavation necessary to protect life or property?
2. Is there a material or substance escaping from an underground facility?
3. Is there a vital public service that has been interrupted?
4. Was/is there a break in an underground facility?
5. Has a roadway been impaired?

If your answers to these questions are no, then how does this “Emergency Excavation” meet the criteria of Florida State Law?

**Important: Do not request an emergency ticket because a job is behind schedule or someone forgot to request a locate ticket.**

## Design Ticket

Design tickets are issued when someone is planning a job involving future digging and wants to coordinate with SSOCOF members. Design tickets can be requested by phone only.

The design ticket requestor will be emailed or faxed a copy of the ticket with member contact information, the design services they offer and pricing for those services. You must contact each member to make arrangements for design services because many members do not receive design tickets.

Information requested on design tickets is noted with a <sup>D</sup> on pages 32-35 underneath, "Information requested on a locate ticket."

The design service levels incorporated into Chapter 556, F.S., are from the January 1999 Florida Department of Transportation's *Utility Accommodation Manual* (UAM), Document Number 710-020-001-d and are as follows:

- **Review of utility records (Level "D" in UAM, Level "1" on design ticket)**

This is information obtained solely from a review of individual utility records. This information does not show all underground facilities or structures for a given area.

- **Topographic surveying of aboveground utility features (Level “C” in UAM, Level “2” on design ticket)**

This information supplements the review of utility records and involves the topographic surveying of visible, above ground utility features such as poles, hydrants, valve boxes, circuit breakers, etc.

- **Designating technologies to obtain the horizontal underground facility location (Level “B” in UAM, Level “3” on design ticket)**

This is an application where the ground is scanned with locate equipment or by radar tomography to produce a horizontal layout of any underground facilities and other underground structures.

- **Physical exposure of the underground facility (Level “A” in UAM, Level “4” on design ticket)**

This provides the highest level of accuracy for facility locations in three dimensions. It involves physically exposing the underground facilities using manual, mechanical and nondestructive (e.g. vacuum excavation) methods.

## **Information Requested on Locate and Design Tickets**

Below are brief explanations of the information you will be required to provide when requesting a locate

ticket. The information is listed in the order it will be requested. The <sup>D</sup> indicates information requested on design tickets.

## Excavation Information

- <sup>D</sup> **Phone Number and Extension** – Method to contact excavators and retrieve SSOCOF data.
- <sup>D</sup> **Company Name/Address/City/State/Zip** – Method to contact excavators.
- <sup>D</sup> **Caller's Name** – Validates who placed the call for the notice. It is also helpful in the event additional information is necessary.
- <sup>D</sup> **Email Address** – Allows the excavator to receive an automatic update from the positive response system and gives members another way to contact the excavator. Excavators can also elect to have copies of your tickets sent to this address for easy record retrieval at a later date.
- <sup>D</sup> **Fax** – Method to contact excavators.

**Call Back** – Establishes times when an excavator is available.

**Mobile** – Method to contact excavators.

**Field Contact/phone/fax/pager/mobile/email** – Method to contact excavator in the field.

**Working For** – The person or company for whom the work is being done.

- **Work Type** – The type of work to be done at the job site.

## Work Information

**Depth** – Approximate depth of the excavation.

**Using Machinery** – A yes or no answer indicates whether machinery will be used during the job.

**White Lining** – A yes, no or unknown answer indicates whether the area to be marked is outlined with white marks.

**Directional Drilling** – A yes, no or unknown answer indicates whether directional drilling will be done.

**Permit Needed** – This is not a requirement on all excavations, but is asked as a courtesy to SSOCOF members.

**Underwater Excavation** – A yes or no answer indicates whether all or part of the job site is underwater.

## Date Field

**Start Date** – Validates when the job will begin.

## Excavation Site Properties

- **Dig Site Type** – Clarifies whether the excavation will take place at one physical address, multiple addresses, an intersection or between intersections.
- **County/Place** – Identifies where the job site is located. *Street names may be duplicated from county to county so it is imperative that the correct county is used.* Work outside Florida should be referred directly to facility owners or the one-call system responsible for that state.
- **Address** – Physical address if excavation is taking place on a property. Please ensure you have the proper street name before contacting SSOCOF. Also use caution in identifying whether the address includes a street, avenue, boulevard, etc. If no physical address exists, provide detailed directions.
- **Street** – Identifies where job site is located.
- **Near Street/Intersecting Street** – The name of the street or intersecting street nearest the job site and if the near street is within a quarter mile of the job site.

- **Name of Subdivision/Lot Number** – Identifies where job site is located.
- **Location Description** – Identifies the specific portion of the job site that needs to be marked.
- **Remarks** – Any additional information, comments or instructions to help members respond to the ticket including: 1) information that could prevent a locator from accessing the excavation site {i.e. locked gate or guard dog on property}; 2) an excavator's request to meet with a member; 3) township-section-range coordinates to further describe excavation site; 4) driving directions; 5) safety precautions; and 6) GPS coordinates.

## **Preparing Marking Instructions (Excavation Site Description)**

After identifying the location (address and corresponding driving directions) of your job, further define the specific area inside the job site where digging will occur. The following descriptions may help you complete your ticket. This information is used for the *Location Description*.

1. Use north, south, east and west rather than left or right.

2. If the excavation is in the roadway, marking instructions could include:
  - a. Mark from curb to curb.
  - b. Mark from the right-of-way to the right-of-way and/or to corresponding easements.
  - c. Mark from the centerline of the road to the (north, south, east or west) (lot line, curb or right-of-way) and designate footage to the ending point.
  
3. The following are some terms that can be used to describe the area to be marked.

Center Lane	Frontage road	Rear lot line
Cul-de-sac	Front lot line	Right-of-way
Culvert	Intersection	Road
Curb lane	Interchange	Roadway
Curb to curb	Lot line	Shoulder
Curb to property line	Lot line to lot line	Side lot line
Curb line	Median	Street
Easement	Property line	

If the excavation site information does not adequately describe where locates are needed, members may need additional information before locating their underground facilities. If so, the start date may be delayed until the required information is provided or white lining (pre-marking) has been done.

# Violations

Officers throughout Florida as well as local government code inspectors and code enforcement officers can issue citations to any employee of an excavator or SSOCOF member who is involved in one of the violations listed below (s. 556.107(1)(a), F.S.). Fines begin at \$250 and can be as high as \$5,000 as determined by a court of law. Violations are as follows:

- Failure to have a valid locate ticket. (s.556.105[1])
- Failure to wait the required time prior to digging. (s.556.105[6])
- Failure to stop digging if marks are destroyed or become illegible during the job. (s.556.105[11])
- Failure to stop digging if there is contact with—even when there is no noticeable damage—or damage to an underground facility. (s.556.105[12])
- Failure to locate underground facilities for an excavator as requested on a locate ticket. (s.556.105(5)[b] and [c])

## Removing Locate marks

Locate marks used to identify the horizontal route of underground facilities are valid for 30 calendar days after a locate ticket is requested. Day one begins the next calendar day after the ticket is requested. Willful removal or destruction of valid marks is a second degree misdemeanor.

## Compliance

SSOCOF's compliance program provides education and promotes open communication between excavators and members. If you feel that an excavator or member has not properly followed the provisions of Chapter 556, F.S., you may complete a non-compliance form available at [www.callsunshine.com](http://www.callsunshine.com). Instructions for completing and returning the form are on the form.

# Frequently Asked Questions

## **Who is required to notify Sunshine State One Call when they are going to dig?**

Anyone who intends to excavate (disturb the surface of the earth) in Florida, unless a specific exemption listed in s. 556.108, F.S., applies.

## **If I'm a sub-contractor on a job, do I have to get a separate locate ticket or will the general contractor's locate ticket protect me?**

SSOCOF recommends that all excavators request locate tickets. Subcontractors can be listed in the *Remarks* section of the locate ticket, but their protection has not been challenged or ruled on in the court system. Obtain legal advice from your own attorney before relying on the actions of any other party.

## **How do I know if all members have marked or cleared my excavation site?**

The positive response system automatically notifies excavators by email or fax with a positive response code indicating whether the job site has been located and marked. This notification is sent when two-full-business-days expires (10 full business days for underwater tickets) or when all members have provided a response to the system.

Excavators who do not provide an email address or fax number will not be automatically notified and are

required to manually access the positive response system by visiting [www.callsunshine.com](http://www.callsunshine.com) or calling (800) 852-8057. Both require the ticket number and phone number. Homeowners need only the ticket number.

### **Why won't the members tell us the depth of an underground facility?**

Chapter 556, F.S. only requires members to mark the horizontal location of underground facilities because facility depths can vary due to installation practices, changes in the grade, soil erosion and other variables that occur over time.

### **I've waited the required time and there are still no locates. What do I do?**

Within two full business days (10 full business days for underwater job sites), a member is required by law to respond to the excavator's locate ticket by updating the positive response system with a code indicating one of three situations: 1) The site has been marked; 2) The site is cleared of the underground facility; or 3) The site is unmarked and the member has contacted you to reschedule the locate to a new date and time.

If a member fails to provide any response, digging may begin as long as reasonable care and detection equipment or other acceptable means are used to locate underground facilities. You may contact an officer to issue a citation against the member

company and file a noncompliance form available at [www.callsunshine.com](http://www.callsunshine.com).

**I've received my positive response update and all members indicate the site is located. When I went to the site, there were no locate marks. What do I do?**

It is not safe to dig without first checking into why the marks are not there. Perhaps the wrong area within the job site was marked, maybe a different job site was marked, the rain and wind could have removed the marks or, perhaps, the site was vandalized. At any rate, contact the member directly responsible for those locate marks and get clarification. Contact information is available online for Internet Ticket Entry (ITE) users and members or by calling (800) 638-4097.

**Who is liable if I damage an underground facility after choosing to excavate after the required time, but before all locates were done?**

SSOCOF cannot advise on liability issues and recommends that excavators obtain legal advice from their attorneys.

**How can a dispute with an excavator or member be handled?**

If physical proof is needed in a dispute, SSOCOF can provide voice copies of locate ticket calls and electronic copies of locate tickets. SSOCOF is required to keep these records for five years. To obtain records, submit a written request via:

1. Email to [memberservices@mail.callsunshine.com](mailto:memberservices@mail.callsunshine.com).
2. Mail to SSOCOF, ATTN: Member Services, 11 Plantation Road, DeBary, FL 32713.
3. Fax to (386) 651-8601.

**Note:** SSOCOF does not resolve or mediate such disputes and has no authority to enforce the law. *SSOCOF reserves the right to charge a fee for this service.*

### **There are underground facilities on my property, but they were not located. Why?**

There are numerous reasons why a facility may not be marked. SSOCOF's positive response system can help clarify this and let you know if more information is needed before the marks can be placed. If your locate description is for a small area within the job site, the facilities may not run through that small area and, therefore, a "clear" code would be entered into the positive response system.

Also, members typically locate only those underground facilities they own. Water and sewer companies locate main water lines in easements and rights-of-way and lines to a water meter, but may not locate the water facilities from a meter to a home or sewer laterals. Electric companies usually locate their lines to homes and businesses, but not those running to swimming pool pumps and heaters, irrigation systems or another building on the property. Private underground facilities can be located by hiring a

contract locator or keeping a detailed drawing of where you placed the private lines.

**When completing my ticket, I requested to meet with members at my excavation site, but no one showed up at the designated time. Why?**

Requests to meet are just that—requests. Chapter 556, F.S. does not require members to attend meetings that an excavator has requested. You may request a meet in the Remarks section of a locate ticket; but to schedule the meeting and confirm attendance, you will need to contact the member directly.

**When can I remove the flags or other physical markings on my property?**

Flags or other physical markings are valid for 30 calendar days and may be removed after such time. Willful removal or destruction of valid flags and physical markings is a second degree misdemeanor.

**I do not think the locate marks for underground facilities at my excavation site are correct. What should I do?**

Contact the member whose underground facilities may be incorrectly marked. Contact information is available online for Internet Ticket Entry (ITE) users and members or by calling (800) 638-4097.

**How do I know if I'm digging in a right-of-way, easement or permitted use area?**

Unfortunately, there is no definitive answer to this question because these areas can be located anywhere. Generic definitions appear below. If you do not know where the easement, right-of-way or permitted use area is located at your jobsite, it's best to play it safe and request a locate ticket. That way you will know where the underground facilities are located, making them easier to avoid.

### **Easement**

An easement gives one party the right to go onto another party's property. Utilities often get easements that allow them to run their facilities beneath private property.

### **Right-of-way**

The right-of-way is the right belonging to a specific party to pass over the land of another or a path/route that may be lawfully used. If you have not established a known right-of-way, contact the local governing body for that area (i.e. FDOT, county, city, municipality).

### **Permitted Use**

A written license or warranty issued by an authority (persons who have ownership or control over an area) that allows you to work in an area where you normally could not.

SSOCOF will periodically add new frequently asked questions as they are submitted. For more frequently asked questions or to submit a question, visit [www.callsunshine.com](http://www.callsunshine.com).

# Chapter 556

## UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY

- 556.101 Short title; legislative intent.
- 556.102 Definitions.
- 556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.
- 556.104 Free-access notification system.
- 556.105 Procedures.
- 556.106 Liability of the member operator, excavator, and system.
- 556.107 Violations.
- 556.108 Exemptions.
- 556.109 Emergency excavations or demolitions attempted; exception.
- 556.110 Costs assessed among member operators.
- 556.111 Applicability to existing law.
- 556.112 Design services.
- 556.101 Short title; legislative intent.—

(1) This chapter may be cited as the “Underground Facility Damage Prevention and Safety Act.”

(2) It is the intent of the Legislature to provide access for excavating contractors and the public to provide notification to the system of their intent to engage in excavation or demolition. This notification system shall provide the member operators an opportunity to identify and locate their underground facilities. Under this notification system, Sunshine State One-Call of Florida, Inc., is not required or permitted to locate or mark underground facilities.

(3) It is the purpose of this chapter to:

(a) Aid the public by preventing injury to persons or property and the interruption of services resulting from damage to an underground facility caused by excavation or demolition operations.

(b) Create a not-for-profit corporation comprised of operators of underground facilities in this state to administer this chapter.

(c) Fund the cost of administration through contributions from the member operators for services provided to the member operators and from charges made to others for services requested and provided, such as record searches, education or training, and damage prevention activities.

(d) Reserve to the state the power to regulate any subject matter specifically addressed in this chapter.

(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.

(f) Foster the awareness of federal laws and regulations that promote safety with respect to underground facilities, including, but not limited to, the Federal Pipeline Safety Act of 1968, as amended, the Pipeline Safety Improvement Act of 2002, OSHA Standard 1926.651, and the National Electric Safety Code, ANSI C-2, by requiring and facilitating the advance notice of activities by those who engage in excavation or demolition operations.

(4) It is not the purpose of this chapter to amend or void any permit issued by a state agency for placement or maintenance of facilities in its right-of-way.

History.—s. 1, ch. 93-240; s. 1, ch. 97-306; s. 1, ch. 2002-234; s. 1, ch. 2006-138.

556.102 Definitions.—As used in this act:

(1) “Business days” means Monday through Friday, excluding the following holidays: New Year’s Day, Birthday of Dr. Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the following Friday, Christmas Eve, and Christmas Day. Any such holiday that falls on a Saturday shall be observed on the preceding Friday.

Any such holiday that falls on a Sunday shall be observed on the following Monday.

(2) “Business hours” means the hours of a day during which the system is open for business.

(3) “Damage” means any impact upon or contact with, including, without limitation, penetrating, striking, scraping, displacing, or denting, however slight, the protective coating, housing, or other protective devices of any underground facility, or the removal or weakening of any lateral or vertical support from any underground facility, or the severance, partial or complete, of any underground facility.

(4) “Demolish” or “demolition” means any operation by which a structure or mass of material is wrecked, razed, rended, moved, or removed by means of any tool, equipment, or discharge of explosives, or any disturbance of the earth in any manner on public or private lands which could damage any underground facility.

(5) “Design services” means services that may be provided by a member operator to a design engineer, architect, surveyor, or planner, if the presence of underground facilities is known to a member operator, upon payment of a fee to the member operator, which services may be based on:

(a) Information obtained solely from a review of utility records.

(b) Information to augment utility records, such as topographic surveying of above-ground utility features.

(c) Information obtained through the use of designating technologies to obtain horizontal underground facility locations.

(d) Information obtained from physically exposing underground facilities.

(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 waters 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.

(7) “Excavator” or “excavating contractor” means any person performing excavation or demolition operations.

(8) “Member operator” means any person who furnishes or transports materials or services by means of an underground facility.

(9) “Person” means any individual, firm, joint venture, partnership, corporation, association, municipality, or other political subdivision,

governmental unit, department, or agency, and includes any trustee, receiver, assignee, or personal representative of a person.

(10) “Positive response” means the communications among member operators, excavators, and the system concerning the status of locating an underground facility.

(11) “Premark” means to delineate the general scope of the excavation on the surface of the ground using white paint, white stakes, or other similar white markings.

(12) “Tolerance zone” means 24 inches from the outer edge of either side of the exterior surface of a marked underground facility.

(13) “Underground facility” means any public or private personal property which is buried, placed below ground, or submerged on any member operator’s right-of-way, easement, or permitted use which is being used or will be used in connection with the storage or conveyance of water; sewage; electronic, telephonic, or telegraphic communication; electric energy; oil; petroleum products; natural gas; optical signals; or other substances, and includes, but is not limited to, pipelines, pipes, sewers, conduits, cables, valves, and lines. 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.

(14) "System" means a free-access notification system established by the corporation as provided in this act.

History.—s. 2, ch. 93-240; s. 2, ch. 94-132; s. 5, ch. 95-317; s. 2, ch. 97-306; s. 2, ch. 2002-234; s. 67, ch. 2006-1; s. 2, ch. 2006-138.

556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.—

(1) The "Sunshine State One-Call of Florida, Inc.," is created as a not-for-profit corporation. Each operator of an underground facility in this state shall be a member of the corporation and shall use and participate in the system. The corporation shall administer the provisions of this chapter. The corporation shall exercise its powers through a board of directors established pursuant to this section.

(2) The membership of the corporation shall elect a board of directors to administer the system.

(3) The corporation, through the board of directors, shall have the authority to assess the member operators to fund the system.

(4) Beginning in 1994, the board of directors shall file with the Governor, not later than 60 days before the convening of each regular session of the Legislature, an annual progress report on the operation of the system.

(5) Beginning in 1998, the board of directors shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Governor, not later than 60 days before the convening of each regular session of the Legislature, an annual progress report on the participation by municipalities and counties in the one-call notification system created by this chapter.

History.—s. 3, ch. 93-240; s. 3, ch. 97-306; s. 3, ch. 2006-138.

556.104 Free-access notification system.—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. The purpose of the system is to receive notification of planned excavation or demolition activities and to notify member operators

of the planned excavation or demolition activities. The system shall provide a single toll-free telephone number within this state which excavators can use to notify member operators of planned excavation or demolition activities, and the system may also provide additional modes of access at no cost to the user.

History.—s. 4, ch. 93-240; s. 4, ch. 97-306; s. 3, ch. 2002-234; s. 4, ch. 2006-138.

#### 556.105 Procedures.—

(1)(a) Not less than 2 full business days before beginning any excavation or demolition, except an excavation beneath the waters of the state, an excavator shall provide the following information through the system:

1. The name of the individual who provided notification and the name, address, including the street address, city, state, zip code, and telephone number of her or his employer.
2. The name and telephone number of the representative for the excavator, and a valid electronic address to facilitate a positive response by the system should be provided, if available.
3. The county, the city or closest city, and the street address or the closest street, road, or intersection to the location where the excavation or demolition is to be performed, and the construction limits of the excavation or demolition.

4. The commencement date and anticipated duration of the excavation or demolition.
5. Whether machinery will be used for the excavation or demolition.
6. The person or entity for whom the work is to be done.
7. The type of work to be done.
8. The approximate depth of the excavation.

(b) The excavator shall provide the information by notifying the system through its free-access notification system during business hours, as determined by the corporation, or by such other method as authorized by the corporation. Any notification received by the system at any time other than during business hours shall be considered to be received at the beginning of the next business day.

(c) Information provided by an excavator is valid for 30 calendar days after the date such information is provided to the system. In computing the period for which information furnished is valid, the date the notice is provided is not counted, but the last day of the period shall be counted unless it is a Saturday, Sunday, or a legal holiday, in which event, the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

(d)1. The system shall study the feasibility of the establishment or recognition of zones for the

purpose of allowing excavation within such zones to be undertaken without notice to the system as now required by this chapter when such zones are:

a. In areas within which no underground facilities are located.

b. Where permanent markings, permit and mapping systems, and structural protection for underwater crossings are required or in place.

c. For previously marked utilities on construction of one- or two-family dwellings where the contractor remains in custody and control of the building site for the duration of the building permit.

2. The system shall report the results of the study to the Legislature on or before February 1, 2007, along with recommendations for further legislative action.

(2) Each notification by means of the system shall be recorded to document compliance with this chapter. Such record may be made by means of electronic, mechanical, or any other method of all incoming and outgoing wire and oral communications concerning location requests in compliance with chapter 934. The records shall be kept for 5 years and, upon written request, shall be available to the excavator making the request, the member operator intended to receive the request, and their agents. However, custody of the records may not be transferred from the system except under subpoena.

(3) The system shall provide the person who provided notification with the names of the member operators who shall be advised of the notification and a notification number that specifies the date and time of the notification.

(4) The notification number provided to the excavator under this section shall be provided to any law enforcement officer, government code inspector, or code enforcement officer upon request.

(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) When an excavation site cannot be described in information provided under subparagraph (1)(a)3. with sufficient particularity to enable the member operator to ascertain the excavation site, and if the excavator and member operator have not mutually agreed otherwise, the excavator shall premark the proposed area of the excavation before a member operator is required to identify the horizontal route of its underground facilities in the proximity of any excavation. However, premarking is not required for any excavation that is over 500 feet in length and is not required where the premarking could

reasonably interfere with traffic or pedestrian control.

(b) 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 (c), 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.

(c) 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.

(d) 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.

(6)(a) An excavator shall avoid excavation in the area described in the notice given under subsection (1) until each member operator underground facility has been marked and located or until the excavator has been notified that no member operator has underground facilities in the area described in the notice, or for the time allowed for markings set forth in paragraphs (5)(b) and (c), whichever occurs first. If a member operator has not located and marked its underground facilities within the time allowed for marking set forth in paragraphs (5)(b) and (c), the excavator may proceed with the excavation, if the excavator does so with reasonable care and if detection equipment or other acceptable means to locate underground facilities are used.

(b) An excavator may not demolish in the area described in the notice given under subsection (1) until all member operator underground facilities have been marked and located or removed.

(7)(a) A member operator that states that it does not have accurate information concerning the exact

location of its underground facilities is exempt from the requirements of paragraphs (5)(b) and (c), but shall provide the best available information to the excavator in order to comply with the requirements of this section. An excavator is not liable for any damage to an underground facility under the exemption in this subsection if the excavation or demolition is performed with reasonable care and detection equipment or other acceptable means to locate underground facilities are used.

(b) A member operator may not exercise the exemption provided by this subsection if the member operator has underground facilities that have not been taken out of service and that are locatable using available designating technologies to locate underground facilities.

(8)(a) If extraordinary circumstances exist, a member operator shall notify the system of the member operator's inability to comply with this section. For the purposes of this section, the term "extraordinary circumstances" means circumstances other than normal operating conditions that exist and make it impractical for a member operator to comply with this chapter. After the system has received notification of a member operator's inability to comply, the system shall make that information known to excavators who subsequently notify the system of an intent to excavate. The member operator is relieved of responsibility for compliance under the law during the period that the

extraordinary circumstances exist and shall promptly notify the system when the extraordinary circumstances cease to exist.

(b) During the period when extraordinary circumstances exist, the system shall remain available during business hours to provide information to governmental agencies, member operators affected by the extraordinary circumstances, and member operators who can provide relief to the affected parties, unless the system itself has been adversely affected by extraordinary circumstances.

(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, indicating the status of operations to protect the facility.

(b) The system shall establish and maintain a process to facilitate a positive-response communication between member operators and excavators. The system is exempt from any requirement to initiate a positive response to an excavator when an excavator does not provide a valid electronic address to facilitate a positive response by the system.

(c) An excavator shall verify the system's positive responses before beginning excavation. If an excavator knows that an existing underground facility of a member operator is in the area, the

excavator must contact the member operator if the facility is not marked and a positive response has not been received by the system.

(10) A member operator shall use the “Uniform Color Code for Utilities” of the American Public Works Association when marking the horizontal route of any underground facility of the operator.

(11) Before or during excavation or demolition, if the marking of the horizontal route of any facility is removed or is no longer visible, the excavator shall stop excavation or demolition activities in the vicinity of the facility and shall notify the system to have the route remarked.

(12) If any contact with or damage to any pipe, cable, or its protective covering, or any other underground facility occurs, the excavator causing the contact or damage shall immediately notify the member operator. Upon receiving notice, the member operator shall send personnel to the location as soon as possible to effect temporary or permanent repair of the contact or damage. Until such time as the contact or damage has been repaired, the excavator shall cease excavation or demolition activities that may cause further damage to such underground facility.

History.—s. 5, ch. 93-240; s. 1, ch. 96-172; s. 1176, ch. 97-103; s. 5, ch. 97-306; s. 4, ch. 2002-234; s. 5, ch. 2006-138.

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

(1) There is no liability on the part of, and no cause of action of any nature shall arise against, the board members of the corporation in their capacity as administrators of the system.

(2)(a) If a person violates s. 556.105(1) or (6), and subsequently, whether by himself or herself or through the person's employees, contractors, subcontractors, or agents, performs an excavation or demolition that damages an underground facility of a member operator, it is rebuttably presumed that the person was negligent. The person, if found liable, is liable for the total sum of the losses to all member operators involved as those costs are normally computed. Any damage for loss of revenue and loss of use may not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator whose revenues are used to support payments on principal and interest on bonds may not be limited. Any liability of the state and its agencies and its subdivisions which arises out of this chapter is subject to the provisions of s. 768.28.

(b) If any excavator fails to discharge a duty imposed by the provisions of this chapter, the excavator, if found liable, is liable for the total sum of the losses to all parties involved as those costs are normally computed. Any damage for loss of revenue

and loss of use may not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator whose revenues are used to support payments on principal and interest on bonds may not be limited.

(c) Any liability of the state, its agencies, or its subdivisions which arises out of this chapter is subject to the provisions of s. 768.28.

(d) Obtaining information as to the location of an underground facility from the member operator as required by this chapter does not excuse any excavator from performing an excavation or demolition in a careful and prudent manner, based on accepted engineering and construction practices, and it does not excuse the excavator from liability for any damage or injury resulting from any excavation or demolition.

(3) If, after receiving proper notice, a member operator fails to discharge a duty imposed by the provisions of this act and an underground facility of such member operator is damaged by an excavator who has complied with the provisions of this act, as a proximate result of the member operator's failure to discharge such duty, such excavator shall not be liable for such damage and the member operator, if found liable, shall be liable to such person for the total cost of any loss or injury to any person or damage to equipment resulting from the member operator's failure to comply with this act. Any

damage for loss of revenue and loss of use shall not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator, which revenues are used to support payments on principal and interest on bonds, shall not be limited. The liability of governmental member operators shall be subject to limitations provided in chapter 768.

(4) If an owner of an underground facility fails to become a member of the corporation in order to use and participate in the system, as required by this act, and that failure is a cause of damage to that underground facility caused by an excavator who has complied with the provisions of this act and has exercised reasonable care in the performance of the excavation that has caused damage to the underground facility, the owner has no right of recovery against the excavator for the damage to that underground facility.

(5) If, after receiving proper notification, the system fails to discharge its duties, resulting in damage to an underground facility, the system, if found liable, shall be liable to all parties, as defined in this act. Any damage for loss of revenue and loss of use shall not exceed \$500,000 per affected underground facility, except that revenues lost by a governmental member operator, which revenues are used to support payments on principal and interest on bonds, shall not be limited.

(6) The system does not have a duty to mark or locate underground facilities and may not do so, and a right of recovery does not exist against the system for failing to mark or locate underground facilities. The system is not liable for the failure of a member operator to comply with the requirements of this chapter.

(7) An excavator who performs any excavation with hand tools under s. 556.108(4)(c) or (5) is liable for any damage to any operator's underground facilities damaged during such excavation.

History.—s. 6, ch. 93-240; s. 810, ch. 97-103; s. 1, ch. 97-231; s. 6, ch. 97-306; s. 5, ch. 2002-234; s. 6, ch. 2006-138.

556.107 Violations.—

(1) NONCRIMINAL INFRACTIONS.—

(a) Violations of the following provisions are noncriminal infractions:

1. Section 556.105(1), relating to providing required information.
2. Section 556.105(6), relating to the avoidance of excavation.
3. Section 556.105(11), relating to the need to stop excavation or demolition.
4. Section 556.105(12), relating to the need to cease excavation or demolition activities.

5. Section 556.105(5)(b) and (c) relating to identification of underground facilities, if a member operator does not mark an underground facility, but not if a member operator marks an underground facility incorrectly.

(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, and the issuer of a citation may require an excavator to cease work on any excavation or not start a proposed excavation until there has been compliance with the provisions of this chapter. Citations shall be hand delivered to any employee of the excavator or member operator who is involved in the noncriminal infraction. The citation shall be issued in the name of the excavator or member operator, whichever is applicable.

(c) Any excavator or member operator who commits a noncriminal infraction under paragraph (a) may be required to appear before the county court. The civil penalty for any such infraction is \$250 plus court costs, except as otherwise provided in this section. If a citation is issued by a local law enforcement officer, a local government code inspector, or a code enforcement officer, 80 percent of the civil penalty collected by the clerk of the court shall be distributed to the local governmental entity whose employee issued the citation and 20 percent of the penalty shall be retained by the clerk

to cover administrative costs, in addition to other court costs. If a citation is issued by a state law enforcement officer, the civil penalty collected by the clerk shall be retained by the clerk for deposit into the fine and forfeiture fund established pursuant to s. 142.01. Any person who fails to appear or otherwise properly respond to a citation issued pursuant to paragraph (d) shall, in addition to the citation, be charged with the offense of failing to respond to such citation and, upon conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time any citation is issued pursuant to paragraph (b).

(d) Any person cited for an infraction under paragraph (a), unless required to appear before the county court, may:

1. Post a bond, which shall be equal in amount to the applicable civil penalty plus court costs; or
2. Sign and accept a citation indicating a promise to appear before the county court.

The person issuing the citation may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(e) Any person charged with a noncriminal infraction under paragraph (a), unless required to appear before the county court, may:

1. Pay the civil penalty plus court costs, in lieu of appearance, either by mail or in person, within 30 days after the date of receiving the citation; or
2. Forfeit bond, if a bond has been posted, by not appearing at the designated time and location.

If the person cited follows either of the above procedures, she or he is deemed to have admitted to committing the infraction and to have waived the right to a hearing on the issue of commission of the infraction. The admission may be used as evidence in any other proceeding under this chapter.

(f) Any person electing to appear before the county court or who is required to appear shall be 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.

(g) At a hearing under this chapter, the commission of a charged infraction must be proven by a preponderance of the evidence.

(h) If a person is found by the hearing official to have committed an infraction, the person may appeal that finding to the circuit court.

(i) Sunshine State One-Call of Florida, Inc., may, at its own cost, retain an attorney to assist in the presentation of relevant facts and law in the county court proceeding pertaining to the citation issued under this section. The corporation may also appear in any case appealed to the circuit court if a county court finds that an infraction of the chapter was committed. An appellant in the circuit court proceeding shall timely notify the corporation of any appeal under this section.

(2) 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)(b) and (c) 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)(c).

History.—s. 7, ch. 93-240; s. 2, ch. 96-172; s. 1177, ch. 97-103; s. 6, ch. 2002-234; s. 7, ch. 2006-138.

556.108 Exemptions.—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. For the purposes of this act, the industrial activities are limited to the following list of Standard Industrial Classifications: Industry Group Numbers 141, 206, 242, 243, and 491, and Major Group Numbers 13, 26, 28, and

29, as published by the United States Office of Management and Budget in 1987.

(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.

History.—s. 8, ch. 93-240; s. 3, ch. 94-132; s. 3, ch. 96-172; s. 2, ch. 97-231; s. 39, ch. 2000-164; s. 8, ch. 2006-138.

556.109 Emergency excavations or demolitions attempted; exception.—The provisions of this act do not apply to making an excavation or demolition during an emergency, provided the system or the member operator was notified at the earliest opportunity and all reasonable precautions had been taken to protect any underground facility. For the purposes of this act, “emergency” means 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 operator's underground facility; or, in the case of the State Highway System or streets or roads maintained by a political subdivision or underground facilities owned, operated, or maintained by a political subdivision, if the use of such highways, streets, roads, or underground facilities is, in the sole judgment of the Department of Highway Safety and Motor Vehicles, the Department of Transportation, or such political subdivision, impaired by an unforeseen occurrence which necessitates repair beginning immediately after such occurrence.

History.—s. 9, ch. 93-240; s. 4, ch. 96-172.

556.110 Costs assessed among member operators.—Member operators shall proportionately share in the cost of operating the system through monthly assessments made upon each member operator. However, any member that receives fewer than 10 notifications in any month shall not be assessed for such month.

History.—s. 10, ch. 93-240; s. 7, ch. 97-306.

556.111 Applicability to existing law.—Nothing in this act shall be construed to:

(1) Constitute the establishment or enlargement of any rights to the use of real property or create an

interest therein for the placement, construction, repair, maintenance, relocation, or excavation or demolition of any underground facility;

(2) Waive any right of a party having an interest in real property to charge any fee for the use regarding such property; or

(3) Preempt a governmental member operator from reasonable regulation of its right-of-way. This subsection does not exempt a municipality, county, district, or other local governmental member operator from the provisions of this chapter that apply to the member operator.

History.—s. 11, ch. 93-240; s. 9, ch. 2006-138.

556.112 Design services.—

(1) Each member operator shall provide to the system annually, and shall thereafter keep current, the contact names and telephone numbers of individuals who may be contacted by design engineers, architects, surveyors, and planners for the purpose of responding to requests for design services.

(2) Each member operator shall provide to the system annually, and shall thereafter keep current, a list of fees applicable to each type of design service that each member operator chooses to offer to design engineers, architects, surveyors, and planners.

(3) Each member operator, within 20 business days after receipt of the fee provided for in subsection (2), shall either respond to a request for design services, if the member operator chooses to provide the services requested, or shall notify the party requesting services that the services will not be provided.

(4) This section shall not apply to any state agency, municipality, or county, or contractors, consultants, agents, or persons or firms acting under their authority, in the planning, preparing, or performance of work in their right-of-way. This section shall not limit or expand any existing law governing the process a state agency, municipality, or county uses to request design services from member operators or the responsibility for providing or paying for such services.

History.—s. 7, ch. 2002-234; s. 108, ch. 2005-2.

