

MIAMI BEACH

Neighborhood/Community Affairs Committee Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

October 23, 2019 - 10:00 AM

Commissioner Micky Steinberg, Chair

Commissioner Michael Góngora, Vice-Chair

Commissioner Joy Malakoff, Member

Commissioner John Elizabeth Alemán, Alternate

Eric Carpenter, Liaison

Christina Baguer, Support Staff

Visit us at www.miamibeachfl.gov for agendas and video streaming of City Commission Committee Meetings.

OLD BUSINESS

1. **DISCUSSION REGARDING CLEANLINESS IN MIAMI BEACH.**

January 16, 2019 - C4 S

Commissioner Góngora

Public Works/ Organizational Development

2. **DISCUSSION REGARDING FINES LEVIED AGAINST PROPERTIES AND A POLICY DECISION AS TO WHEN THE CITY SHOULD MOVE FORWARD WITH FORECLOSURE PROCEEDINGS.**

March 13, 2019 - C4 E

Commissioner Alemán

Code Compliance

NEW BUSINESS

3. **DISCUSSION REGARDING SPRAY PAINTED MARKINGS LEFT ON SIDEWALKS BY CONTRACTORS FOR PROLONGED PERIODS OF TIME.**

September 11, 2019 - C4 L

Commissioner Mickey Steinberg

Public Works

4. **DISCUSSION REGARDING THE CONFIGURATION OF THE INTERSECTION OF WEST 26 STREET AND PINE TREE DRIVE IN FRONT OF THE SCOTT RAKOW YOUTH CENTER.**

September 11, 2019 - C4 J

Commissioner Michael Gongora

Transportation and Mobility

5. **DISCUSSION REGARDING THE CITY'S POLICIES AND PROCEDURES RELATING TO EVICTIONS OF SENIOR CITIZENS AND EVICTIONS DURING A STORM EMERGENCY AND DIRECTING THE ADMINISTRATION TO REVIEW OUR PROCESSES AND PROTOCOLS AND POTENTIALLY DEVELOP COORDINATED PROCEDURES WITH THE COUNTY TO HELP, IF NEEDED, SENIOR CITIZENS WHO ARE EVICTED, IN ORDER TO ENSURE THAT THEY HAVE TEMPORARY SHELTER.**

September 11, 2019 - R9 AB
Commissioner John Elizabeth Aleman
Office of Housing & Community Services

6. **DISCUSSION REGARDING CITIZEN, THE SMARTPHONE POLICE BLOTTER.**

September 11, 2019 - C4 K
Commissioner Góngora
Police

7. **DISCUSSION REGARDING BEACHWALK MEDALLIONS.**

September 11, 2019 - C7 J
Commissioner Aleman
Office of Capital Improvement Projects

8. **DISCUSSION REGARDING THE BETTER BUS PROJECT.**

Transportation and Mobility

DEFERRED ITEMS

9. **DISCUSSION REGARDING THE 23 STREET AND 63 STREET COMPLETE STREETS FEASIBILITY STUDIES.**

December 13, 2017 - C4 A
Commissioner Góngora
Transportation

Status: Deferred pending community meeting.

10. **DISCUSSION REGARDING CRIME IN MIAMI BEACH.**

February 14, 2018 - R9 X
Commissioner Góngora
Police

Status: Deferred to the December 18, 2019 NCAC meeting.

11. **DISCUSSION REGARDING THE POSSIBILITY OF INSTALLING A TURNING LANE WHEN YOU ARE DRIVING EAST ON I-195 HEADING ONTO 41ST STREET AND TURNING SOUTH ON ALTON ROAD.**

May 16, 2018 - C4 AO
Commissioner Góngora
Transportation

Status: Deferred pending petition results from St. Patrick Catholic school.

12. **DISCUSSION REGARDING THE REVIEW AND ANALYSIS OF EXTRANEIOUS AND POTENTIALLY OUTDATED LEGISLATION IN MIAMI BEACH.**

July 25, 2018 - C4 E

Commissioner Góngora
Office of the City Attorney

Status: Deferred pending recommendations from each department. City attorney to bring back comprehensive multi-department recommendation to NCAC meeting when ready.

13. **DISCUSSION REGARDING THE INTEREST OF THE COMMISSION IN OPERATING ELECTRIC SCOOTERS AT ALL AND THE POSSIBILITY OF A FUTURE PILOT PROGRAM.**

July 25, 2018 - R9 V

Commissioner Góngora

Transportation/Legal

Status: Deferred to the December 18, 2019 NCAC Meeting to allow City of Miami pilot program to terminate and inform our discussion at Committee.

14. **DISCUSSION TO CONSIDER CONCEPTS FOR THE NORTH BEACH NEIGHBORHOOD GREENWAY.**

December 12, 2018 - C4 Q

Transportation

Status: Deferred pending completion of traffic study.

15. **DISCUSSION REGARDING THE LONG WAIT TIMES FOR THE SOUTH BEACH TROLLEYS.**

February 13, 2019 - C4 M

Commissioner Góngora

Transportation

Status: Deferred to the December 18, 2019 NCAC meeting, pending discussion at the Transportation, Parking and Bicycle-Pedestrian Facilities Committee.

16. **DISCUSSION REGARDING THE INTERSECTION AT 44 STREET AND CHASE AVE AND PRAIRIE AVE AS IT RELATES TO SAFETY AND THE POSSIBILITY OF ADDITIONAL STOP SIGNS.**

May 8, 2019 - C4 D

Commissioner Steinberg

Transportation

Status: Deferred to the December 18, 2019 NCAC meeting, pending data analysis.

17. **DISCUSSION REGARDING PEDESTRIAN SAFETY CONCERNS ON ALTON ROAD FROM 10TH STREET TO 16TH STREET.**

May 8, 2019 - C4 A

Commissioner Aleman

Transportation

Status: Deferred to the December 18, 2019 NCAC meeting, pending completion of FDOT traffic study.

18. **DISCUSSION REGARDING THE NAMING OF THE NORTH SHORE BANDSHELL.**

September 11, 2019 - C4 G

Tourism and Culture

Status: Deferred to the December 18, 2019 NCAC meeting, pending information from FIU.

19. **DISCUSSION REGARDING THE ANIMAL WELFARE COMMITTEE MOTIONS CONCERNING FUMIGATION.**

September 11, 2019 - C4 H
Commissioner Samuelian

Public Works

Status: Deferred to the December 18, 2019 NCAC meeting, pending a draft ordinance.

ADDENDUM

20. DISCUSSION REGARDING RENAMING OF COLLINS CANAL PARK.

October 16, 2019 - C4 G

Commissioner Arriola

Tourism and Culture

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING CLEANLINESS IN MIAMI BEACH.**

ANALYSIS

Verbal report regarding seaweed will be provided at Committee.

Applicable Area

Citywide

**Is this a Resident Right to
Know item?**

No

**Does this item utilize G.O.
Bond Funds?**

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING FINES LEVIED AGAINST PROPERTIES AND A
POLICY DECISION AS TO WHEN THE CITY SHOULD MOVE FORWARD
WITH FORECLOSURE PROCEEDINGS.**

ANALYSIS

Verbal report will be provided at Committee.

**Is this a Resident Right to
Know item?**

Yes

**Does this item utilize G.O.
Bond Funds?**

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING SPRAY PAINTED MARKINGS LEFT ON
SIDEWALKS BY CONTRACTORS FOR PROLONGED PERIODS OF TIME.**

HISTORY:

Commissioner Steinberg has been in receipt of emails from residents inquiring about spray paint markings left on the sidewalks by contractors and/or utility companies.

ANALYSIS

Pursuant to the Underground Facility Damage and Prevention and Safety Act, Chapter 556 of the Florida Statutes, underground utility owners and operators are required to become members and follow policies of Sunshine 811 (guide attached), a not for profit corporation founded in 1993 to help prevent damages to its member's underground facilities. It does this by running a statewide system that notifies member companies when and where excavation or demolition is scheduled.

It is the responsibility of Sunshine 811 to administer Chapter 556, F.S., which includes:

- Operate and maintain a ticket management system;
- Maintain a database of its member's service areas, contact information, design services and design service fees;
- Receive and process an excavator's dig site and contact information;
- Send the excavator's information to utility member operator companies;
- Operate the Positive Response System, an effective communications method for members and excavators; and
- Educate stakeholders on the 811 process.
- Locate markings used to identify the horizontal route of underground facilities which are valid for 30 calendar days after a ticket is created and marked.

Uniform Color Codes for Marking Underground Utility Lines:

RED: Electric power lines, cables, conduit and lighting cables

BLUE: Potable water

YELLOW: Gas, oil, steam, petroleum, gaseous materials

GREEN: Sewers and drain lines

PURPLE: Reclaimed water, irrigation, slurry lines

PINK: Temporary survey marks

ORANGE: Communications, alarm or signal lines, cables

WHITE: Proposed excavation site Positive Response

The following types of paint are used for such markings:

Water Base Marking Paint (Industry Standard)

Water base paint is specifically made for striping lines on several types of surfaces. Made from quality materials, these paints are non-toxic, halogen-free, environmentally friendly. This water-based marking paint can be used inverted spray can dispensers. Water Base paint is widely used for utility marking locations and available in all approved color codes. Some other benefits of this type of paint is that it will not harm grass, is bright, and long lasting depending on weather conditions etc.

Chalk Based Marking Paint

Temporary and completely removable aerosol marking chalk for marking underground utility locations, survey markings, constructions zones, digging signs, ore mining sites, instructions, excavation zones, measurements, arrows, and identifications. It is available in all approved color codes for utility locations. Additionally, the painted lines will wash away with weather or can be easily cleaned off or washed away with soap and water whenever needed.

Oil Based Marking Paint

The most durable of all utility marking paint, however it is not readily used due its petroleum base. These spray paints are designed for use in an inverted position for marking construction, excavation sites, underground utilities. This type of paint works on several types of surface such as concrete, blacktop, gravel, soil and grass. It dries to the touch in 15 minutes and provides long-term resistance against elements and is formulated to go further and cover a greater area.

However, Chapter 556.101 (d), reserves to the State the power to regulate any subject matter specifically addressed in this chapter. Municipalities, counties, districts, or other local governments may **not** adopt or enforce ordinances or rules that conflict with this chapter or that prescribe any of the following:

1. Require operators of undergrounding facilities to obtain permits from local governments in order to identify undergrounding facilities.
2. Require premarking or marking.
3. Specify the types of paint or other marking devices that are used to identify underground facilities.

4. Require removal of marks.

CONCLUSION:

Since the City cannot prescribe either the type of paint that can be utilized by the various utilities which would ensure that these are not of a more permanent nature or the removal of the markings, there is not much that can be done to address the residents' concerns.

Applicable Area

Citywide

Is this a Resident Right to Know item?

Yes

Does this item utilize G.O. Bond Funds?

No

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Sunshine 811 Damage prevention guide	Other
<input type="checkbox"/>	Chapter 556	Other

Damage Prevention Guide



Your resource for safe digging



Preface

This guide is written as a reference tool for excavators and underground facility owners/member operators. It reflects the policies of Sunshine 811. It is not a rule and 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.). Please note the following:

- Other laws may affect excavations in Florida such as the Federal Pipeline Safety Act; Florida Gas Safety Law, Part I, Chapter 368, F.S.; Florida Trench Safety Act, Part VI, Chapter 553, F.S.; National Electric Safety Code ANSI C-2; OSHA standard 1926.651; and the Pipeline Inspection, Protection, Enforcement and Safety (PIPES) Act of 2006.
- This is an educational document and reference tool for interacting with Sunshine 811. **It should not be used as a legal reference document. Consult your attorney for legal advice.**
- Every effort has been made to accurately reproduce Chapter 556, F.S., but Sunshine 811, its officers, employees and agents make no representations or warranties as to its accuracy.
- This guide is produced for use after July 1, 2017. Its contents are subject to change without notice.
- Sunshine 811 does not:
 - Enforce Chapter 556, F.S.
 - Locate and mark underground facilities.
 - Settle disputes between excavators and members.
 - Keep a database of the exact location of underground facilities.
- Sunshine811.com has more information for your reference.

Hours of Operation

The Sunshine 811 Call Center is open from 7 a.m. to 5 p.m., Monday through Friday. Internet Ticket Entry (ITE) and Single Address Ticket (SAT) are available 24 hours a day, 365 days a year to request tickets. Sunshine 811 is closed the following holidays as provided by law:

New Year's Day	Thanksgiving Day
Martin Luther King, Jr. Day	Friday after Thanksgiving Day
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day

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CONTACTING SUNSHINE 811

Sunshine811.com can answer many of your questions. You can access excavator-specific or member-specific sections in the navigation bar. A Learning Center is also available under Resources and in the Sunshine 811 app for Android and iOS phones or tablets.

Corporate Office

Sunshine 811, 11 Plantation Rd., DeBary, FL 32713

386-575-2000

800-638-4097

info@sunshine811.com

Tickets

811

386-575-2025

800-432-4770

ITE Support

811, select option 8

Positive Response

Sunshine 811 App

sunshine811.com

800-852-8057

Damage Reporting: Florida DIRT

sunshine811.com

Accounting

accounting@sunshine811.com

386-575-2010

386-575-2037 (Fax)

Enforcement

For law enforcement use to verify tickets. Members can use to report field enforcement issues.

800-CAREFUL (227-3385)

Member Services

memberservices@sunshine811.com

Member technical issues, contact updates, service area questions, records research, claims, noncompliance and damage reporting

386-575-2009

800-651-6720

800-651-8601 (Records and Research Fax)

Training & Education

Sunshine 811 damage prevention liaisons fulfill many roles in Florida including educating, networking and collaborating with utility owners and operators, excavators, contract locate companies and industry organizations.

Visit sunshine811.com/liaisons to contact the liaison for your county.

Mission Statement

The mission of Sunshine 811 is to promote and facilitate excavation safety and underground facility damage prevention.

Vision Statement

Florida, the safest place to dig.

ONLINE TOOLS

MOBILE APP

Sunshine 811 offers a free Android and iOS app for phones and tablets. The app gives you access to information and systems you need most in the field. Some of the features include positive response for easy, on-site verification of locate marks; full law text; a Learning Center for subject-specific information; a news feed to catch up on the latest 811 news and technical updates; and safety education. Visit the Apple App Store or Google Play to download the Sunshine 811 app.

INTERNET TICKET ENTRY (ITE)

ITE is our online ticket entry system for professional excavators who frequently create tickets for excavation jobs or jobs that occur at multiple addresses. With ITE you can manage tickets easily, view maps and check the Positive Response System on any device, and it works with multiple browsers.

- ITE tickets created on Saturday or Sunday have the same due date as tickets created on Friday (Tuesday at 11:59 p.m.).
- ITE users can create emergency tickets – approval required.
- Renewing tickets is less time consuming.

Get started with ITE today. Complete the application at sunshine811.com. After you are approved, you will get an invitation to the online training course. If you need help, call our **ITE Support Line** 8 a.m. to 5 p.m. Monday through Friday at 811 and select option 8.

IRTHNET

irthNet is the free ticket management system for Sunshine 811 member operators that lets you:

- Receive system alerts
- Customize work spaces
- Access current and archived databases
- Create tickets from map screen
- Pre-screen/sort tickets and respond based on keywords or geographic information
- Respond based on comparison of dig site data and shape files
- Assign non-cleared tickets
- Identify multiple ticket versions
- Produce standard online reports
- Record offline processing

Get started with irthNet today by contacting memberservices@sunshine811.com or (800) 651-6720.

SINGLE ADDRESS TICKET (SAT)

SAT is our online ticket entry system used by homeowners and excavators to create tickets for dig projects at a single address. A valid email address is needed to use SAT. No training is necessary. Access SAT at sunshine811.com or from the Sunshine 811 app.

SUNSHINE 811 RESPONSIBILITIES

The Florida Legislature formed Sunshine State One-Call of Florida (doing business as Sunshine 811) as a not-for-profit corporation in 1993 under the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

In the Act, membership is mandatory for persons or companies that furnish or transport materials or services using an underground facility.

Sunshine 811's main purpose is to help prevent damages to its member's underground facilities. It does this by running a statewide system that notifies member companies when and where excavation or demolition is scheduled.

It is the responsibility of Sunshine 811 to administer Chapter 556, F.S., which includes:

- Operate and maintain a ticket management system;
- Maintain a database of its member's service areas, contact information, design services and design service fees;
- Receive and process an excavator's dig site and contact information;
- Send the excavator's information to utility member operator companies;
- Operate the Positive Response System, an effective communications method for members and excavators; and
- Educate stakeholders on the 811 process.

Sunshine 811 does not:

1. Enforce Chapter 556, F.S.
2. Locate and mark underground facilities.
3. Settle disputes between excavators and members.
4. Keep a database of the exact location of underground facilities.

ENFORCEMENT

Florida officers (state law enforcement, local police and local sheriff) as well as local government code inspectors and code enforcement officers can issue citations for any of the violations below [s. 556.107(1)(a), F.S.].

Violations – s.556.107

- Failure to have a valid 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, in the case of underwater facilities, are inadequately documented. [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 while digging. [s.556.105(12)]
- Failure to locate underground facilities for an excavator as requested on a ticket after determining the underground facility is close to or in conflict with the dig site. [s.556.105(5)(a), (b)]
- Requesting an emergency ticket for a non-emergency situation. [s.556.109(2)]
- Failure to follow low-impact marking practices. [s.556.114(1), (2), (3), (4)]

Fines for civil violations begin at \$500 and can be as high as \$5,000. Fines of up to \$50,000 may be imposed if a High-Priority Subsurface Installation (HPSI) is involved. Use this guide, always check the Positive Response System (PRS), and be diligent when you get the PRS code for an HPSI.

Removing Locate Markings

Locate markings used to identify the horizontal route of underground facilities are valid for 30 calendar days after a ticket is created. Knowing and willful removal or destruction of valid stakes or paint marks before the 30 calendar days have passed is a misdemeanor of the second degree.

High-Priority Subsurface Installation (HPSI) Damage Incident

The Florida Division of Administrative Hearings adjudicates alleged violations of Chapter 556, F.S., and may impose fines when incidents involving High-Priority Subsurface Installations (HPSI) are caused by a violation of s.556.107 and result in one or more of the following:

- Death; or,
- Serious bodily injury requiring inpatient hospitalization; or,
- Property damage in excess of \$50,000; or,
- Service interruption to a minimum of 2,500 people.

HPSIs are underground transmission or distribution pipelines used to transport any refined petroleum products or hazardous/highly volatile liquids such as anhydrous ammonia or carbon dioxide.

Violations can result in fines up to \$50,000 for non-governmental entities or up to \$10,000 for state agencies or political subdivisions.

For more information on the HPSI process, see the HPSI Procedures and s.556.116(4)&(5) in this Guide.

Federal Fines

As of April 2017, the Pipeline and Hazardous Materials Safety Administration (PHMSA) also has jurisdiction to levy civil penalties several times over what is provided for in Chapter 556, F.S., to excavators who damage PHMSA regulated pipelines. For more information on these fines and federal law, visit <https://phmsa.dot.gov>.

Alternative Dispute Resolution

Sunshine 811 offers an Alternative Dispute Resolution (ADR) process for disputes involving: loss of services, downtime, delays, other economic disruptions, etc. Any party involved in the dispute is eligible to use this process.

The ADR proceeding is handled through the Division of Administrative Hearings. For more information on the ADR process, see s.556.115 in this Guide.

Noncompliance Program

Sunshine 811's Noncompliance Program provides education to anyone who allegedly did not properly follow the provisions for Chapter 556, F.S. It also promotes open communication between excavators and members. To begin the process, complete an online noncompliance form at sunshine811.com.

MEMBER OPERATORS

Sunshine 811's Member Services Department is here to help you with technical issues, contact updates, service area questions, records research, claims, non-compliance and extraordinary circumstances.

(800) 651-6720

memberservices@sunshine811.com

Organizations that own or operate underground utilities/facilities are required to become members of Sunshine 811. Under Chapter 556, F.S., members have many responsibilities:

1. Respond to all tickets through the Positive Response System (PRS)
 - a. If you have buried facilities near the dig site, locate and mark them, and enter the proper PRS code. The code must be entered within two full business days of receiving a normal ticket and 10 full business days for underwater tickets.
 - b. All other response codes indicating clear or unmarked must be entered within the same timeframe as stated above.
 - c. If you cannot locate within the legal timeframe, contact the excavator directly to arrange a new time that is **mutually** agreeable. Then, enter the appropriate PRS code. You will automatically receive a late notice if no code is provided to PRS within the legal timeframe. **Note: Leaving a voice mail or email with the excavator does not constitute a mutual agreement.**
2. Mark underground facilities using colors corresponding to the American Public Works Association Color Codes. (See back cover.)

3. Use industry-accepted low-impact marking products such as flags, stakes and temporary/non-permanent paint.* Biodegradable materials could advance the goals of low-impact marking but are not required.
4. Provide the best information possible when you don't have accurate information for the exact location of your underground facilities.
5. Update contact information at least annually and when there are employment or role changes for your company contact.
6. Effective July 1, 2017, members are required to report excavation incidents that damage any pipe, cable or protective coverings, or any other underground facilities per s.556.105(12)(b) to the Florida Damage Information Reporting Tool (more commonly called Florida DIRT) annually, no later than March 31st for the prior calendar year. Florida DIRT can be accessed at sunshine811.com

* Low impact marking provision

EXCAVATORS

Excavators have many responsibilities under Chapter 556, F.S. Getting a ticket is just the first step, and sometimes it takes more than one call.

Note: You will see members referred to throughout this Guide. These are persons or companies that furnish or transport materials or services through an underground facility.

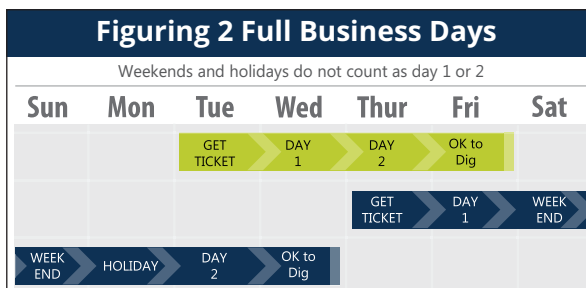
Effective July 1, 2017, excavators who damage an underground facility that results in the escape of any natural gas or other hazardous substance or material regulated by the Pipeline and Hazardous Materials Safety Administration must immediately call **911**.

Excavator responsibilities

1. Premark the dig site with white flags, stakes, temporary paint or other industry accepted low-impact marking materials if possible. You're required to premark when you cannot accurately describe the dig site or when a member has responded to the Positive Response System with a 3N code. Premarking is not required when:
 - a. The white marks could interfere with traffic or pedestrian control; or,
 - b. You and the members have made other arrangements.
2. Enter tickets online using Internet Ticket Entry (ITE) or call 811. Non-ITE users can use Single Address Ticket (SAT) for dig sites at one address. Remember, the Field Contact Number should not be an office contact. This number will be used to get clarifications, arrange meetings, schedule new due dates, etc. It should have a working voice mail that is regularly checked so a locator can leave a message.
 - a. A ticket should only cover areas where excavation or demolition will occur within 30 calendar days.*
 - b. When renewing a ticket, DELETE areas where digging is COMPLETE.*

* Low-impact marking requirement

- c. To expand the dig site (or go beyond the white line boundary), request a new ticket.**
3. When all information is entered, you will be given the following:
 - a. Ticket number
 - b. Legal date and time to begin excavation or demolition
 - c. Ticket expiration date
 - d. List of members that will be notified
4. If you find that a mistake has been made on your ticket, call 811 to make a correction. Corrections cannot be made online.
5. Members have up to two full business days for normal tickets and 10 full business days for underwater tickets to mark your site and respond to the Positive Response System (PRS) with a code that tells you if your dig site is clear, marked or unmarked. Day one begins the next business day after you request the ticket. A business day is calculated by the Sunshine 811 system as beginning at 12 a.m. and ending at 11:59 p.m. All tickets are valid for 30 calendar days as long as the marks are visible and in place.



** Positive response code 2E

6. Check PRS throughout the required timeframe to follow each member's progress. This will also give you time to take care of any instructions the member may have left for you. Access PRS at sunshine811.com or with Sunshine 811's free app available in the Apple App Store and Google Play. Three codes of note:
 - a. Code 3F: If you did not mutually agree to a delay, go to PRS and check the box next to the 3F code.
 - b. Code 2C: You are within 15 feet of a high-priority subsurface installation. Florida law requires you to notify the member of the excavation or demolition start date and time. Do not take this lightly. Damaging pipelines regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) carries stiff penalties. For your convenience, PRS offers a place to leave your start date and time for the member to access. Get more information about PHMSA fines and penalties at <https://phmsa.dot.gov>.
 - c. Code 3N: Site description is not clear. White lining is required.
7. You can dig before the required time has expired if all members listed on your ticket have responded to PRS and you have taken care of any special instructions left by any members. Marked codes with exceptions may have an additional step. See the individual code for instructions.
 At the end of two or 10 full business days, directly contact any members that have not responded [s.556.105(9)(c)]. PRS automatically sends late notices to the members that have not responded.
8. View the PRS summary on the Sunshine 811 app at your job site before you begin digging or demolishing. Compare the codes to what you see at the site. If what you see doesn't match the code a member used, contact that member for clarification.

- a. This is also a good time to get familiar with the marks. Take photos or video of the marks for documentation purposes and make sure you include surrounding areas to identify the marks' locations.
9. Once you're sure everything is ok, you may begin digging. However, if at this point, a member has still failed to respond to your ticket, s.556.105(6)(a) allows you to proceed, but requires you to use reasonable care and detection equipment or other acceptable means to locate unmarked underground facilities.
10. Maintain locate marks throughout your project. If the marks are destroyed, stop digging, contact 811 to request a new ticket and wait the required time. Reference the old ticket number so information can be easily accessed. You can move to another area of the dig site where you have a valid ticket and marks are clearly present.

A note about private facilities

Sunshine 811 members' locating and marking practices vary. Most cities, counties and utility companies do not locate private facilities. These may include water and sewer lines from the meter to the house, and lines such as electric to a shed, irrigation systems, landscape lighting, etc.

There has not been a law change requiring you to hire a private locating company, but you are responsible for not damaging those lines when you dig.

If you wish to hire a private locating company, there are many throughout the state. We have a Locating category on our Associate Membership page at sunshine811.com. Sunshine 811 does not endorse any associate members listed on its page.

Anyone wishing to have their private locating company listed should become an Associate Member. Complete an Associate Member Application on our website.

TOLERANCE ZONE

Chapter 556, F.S., sets a tolerance zone that extends 24 inches from the **outer edge of each side of an underground facility**. Locate marks show the approximate location of an underground facility. To be sure where that facility is located, you must expose it using a method below:

- Hand digging at an angle toward the facility
- Pot holing
- Soft digging
- Vacuum excavation methods
- Other similar procedures

Exposing the facility lets you see the facility size and the clearance you need to maintain during excavation. Digging within the tolerance zone requires special precaution and using mechanized equipment requires a spotter.

Special note about depth

Chapter 556, F.S., does not require members to provide the depth of their underground facilities. That's because the lines, pipes and cables often shift underground from erosion, grading and construction projects. This leaves some facilities only inches from the surface. Never assume that a facility is the same depth throughout its route.

TOLERANCE ZONE

The tolerance zone is based on the facility NOT the locate markers.



TOLERANCE ZONE

DAMAGES & FACILITY CONTACTS

When a Facility is Contacted or Damaged

1. If you contact or damage an underground facility **STOP DIGGING**. [s.556.105(12)(a), F.S.]
2. Notify the member that owns the underground facility. Emergency contact information is on the Sunshine 811 app and at sunshine811.com. Remember, you must notify the member anytime a facility is contacted, **even when there is no visible damage**. [s.556.105(12)(a), F.S.]
3. The member will determine whether immediate repair is necessary. [s.556.105(12)(a), F.S.]
4. The member may begin immediate repair without a ticket, exercising the emergency exemption; or, request an emergency ticket to get the area marked by other utilities.

IMPORTANT: Chapter 556, F.S., does not define a response time for emergencies. You can include "crew on site" in the remarks section, but it is not a guarantee that a member will show up quickly. In real emergency situations, you may not be able to wait to fix the issue.

When a Hazardous Material Pipeline is Contacted or Damaged

1. If you contact or damage a facility/pipeline that results in the escape of any natural gas or other hazardous substance or material, **STOP DIGGING** and move a safe distance from the area. [s.556.105(12)(a), F.S.]
2. **CALL 911** to report the damage or contact immediately. [s.556.105(12)(a), F.S.]
3. Contact the facility owner. [s.556.105(12)(a), F.S.]
Emergency contact information is on the Sunshine 811 app and at sunshine811.com.

Pipeline Leak Recognition and What to Do

The remainder of this section was retrieved from Pipeline Leak Recognition and What to Do (May 25, 2017), <https://www.phmsa.dot.gov/safety-awareness/pipeline/pipeline-leak-recognition-and-what-to-do>.

How to Recognize Where a Pipeline Is

Many buried pipelines used in the transportation of petroleum products and natural gas are identified by above ground pipeline markers. Some pipelines transport other hazardous products such as chemicals, highly volatile liquids, and anhydrous ammonia, or carbon dioxide. Pipeline markers are located along certain pipeline routes that identify the approximate location of the pipeline.

Every pipeline marker provides critical information to the general public and emergency responders such as the company that operates the pipeline, product transported, and a phone number that should be called in the event of an emergency. Markers may be seen where a pipeline intersects a street, highway, or railway.

How to Recognize a Pipeline Leak or Release

Knowing how to recognize and respond to a possible leak or release is a key factor in pipeline safety. A leak or release can be recognized by:

- **SIGHT:** Liquid pools, discolored or abnormally dry soil/vegetation, continuous bubbling in wet or flooded areas, an oily sheen on water surfaces, vaporous fogs, blowing dirt around a pipeline area, or fire coming from the ground or appearing to burn aboveground can all indicate a pipeline leak. Dead or discolored plants in an otherwise healthy area of vegetation or frozen ground in warm weather are other possible signs including exposed pipeline, possibly caused by a natural disaster such as flood or earthquake.
- **SOUND:** Volume can range from a quiet hissing to a loud roar depending on the size of the leak.
- **SMELL:** An unusual smell, petroleum odor, or gaseous odor will sometimes accompany pipeline

leaks. Some companies provide odorant sample cards to be sent to businesses or residences upon request; and, some offer additional information about natural gas.

- o Gas transmission/gas gathering pipelines are odorless, but may contain a hydrocarbon smell.
- o Gas distribution systems are odorized with the chemical mercaptan or other similar chemicals. Mercaptan is a harmless non-toxic chemical that is added to make it easier to detect a gas leak due to its rotten egg like odor.
- o Highly Volatile Liquids (HVL's) can be odorless and colorless in their natural state and most are considered irritants to eyes and nose. Commercial odorants are added to many HVL's to assist in detection of a leak.
- o Landfill gas, which is becoming a popular source of natural gas, has a more pungent and unpleasant odor similar to the smell of rotting garbage.

What to DO in the event of a suspected or detected leak

To ensure your safety and the safety of those in the vicinity of a pipeline, the following guidelines should be followed if a pipeline leak is suspected or detected:

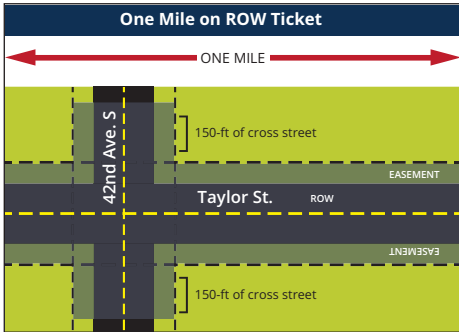
- **DO** turn off gas appliances.
- **DO** leave the area by foot immediately. Do not try to locate the source of the odor or leak. Try to direct other individuals to leave the area. Attempt to stay upwind.
- **DO** call 911 from a safe location; then, notify the pipeline company and your local emergency response number if known. Provide the emergency operator your name, phone number, a brief summary of the incident, and the location.

What NOT TO DO in the Event a Leak Were to Occur

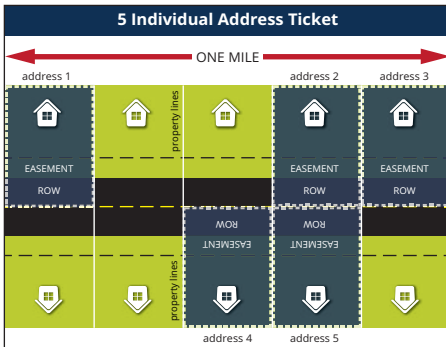
- **DO NOT** come into direct contact with any escaping liquids or gas.
- **DO NOT** attempt to operate any pipeline valves yourself. You may inadvertently route more product to the leak or cause a secondary incident.
- **DO NOT** cause any open flame or other potential source of ignition such as an electrical switch, vehicle ignition, light a match, etc. Do not start motor vehicles or electrical equipment.
- **DO NOT** use telephone or cell phone. If inside a home or business, do not pull plugs from electrical outlet or use a garage door opener if the vehicle is parked inside.
- **DO NOT** ring doorbells to notify others of the leak. Knock with your hand to avoid a potential spark from metal knockers.
- **DO NOT** drive into a leak or vapor cloud while leaving the area.
- **DO NOT** attempt to extinguish a natural gas fire. Wait for local firemen and other emergency professionals trained to deal with such emergencies.

TICKET SIZE

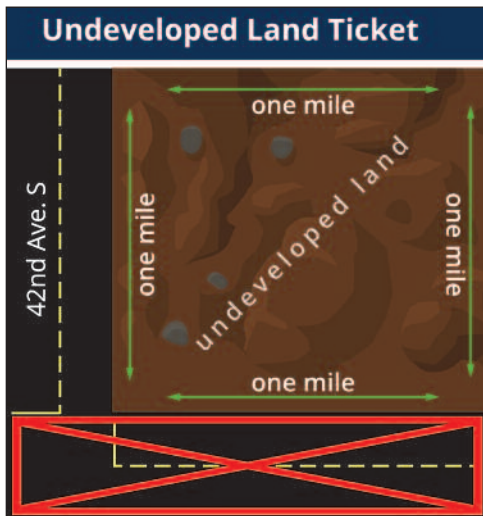
1. One ticket may cover a total linear distance of up to one mile on any single street including the right-of-way and contiguous parallel easements and up to 150 feet in either direction along crossing streets identified in the ticket.



2. One ticket may cover up to five individual addresses for work that is being done on properties including the easement or right-of-way. The distance from address one to five cannot be more than one mile.



3. One ticket may cover an area of undeveloped land of no more than one square mile, provided that the boundaries of the undeveloped land area where the work is to be performed are described on the ticket. This ticket may also include work to be performed on any single street or right-of-way bordering the area of undeveloped land. Work to be performed on any additional bordering street or right-of-way will require a separate ticket.



TICKET TYPES

1. Normal Ticket

- a. Dig site is entirely on dry land.
- b. Valid for 30 calendar days.
- c. Request two full business days before digging using Internet Ticket Entry (ITE), Single Address Ticket (SAT) or by calling 811.

2. Underwater Ticket

- a. Dig site is entirely underwater.
- b. Valid for 30 calendar days.
- c. Request 10 full business days before digging using ITE or by calling 811.

3. Emergency Ticket

Chapter 556, F.S., does not define a response time for emergencies. You can include "crew on site" in the remarks section, but it is not a guarantee that a member will show up quickly. In real emergency situations, you may not be able to wait to fix the issue.

- a. For situations where life or property is in danger. They are not for work-scheduling issues.
- b. Usually requested by members or their agents. Approved users can request using ITE.
- c. Must meet one of the criteria below. You could be cited \$500 for requesting a false emergency ticket. [s.556.109(2)]
 - i. Necessary to protect life or property.
 - ii. A material or substance is escaping from an underground facility.
 - iii. A vital public service has been interrupted.
 - iv. There is a break in an underground facility.
 - v. A roadway has been impaired.

- d. Forgetting to request a ticket two full business days ago does not constitute an emergency.

4. Design Ticket

- a. Used when planning jobs involving future digging. Members and associate members may request them by calling 811 or using ITE.
- b. Some members don't receive design tickets. Therefore, you must be proactive and contact each member listed on the design ticket to make arrangements for design services.
- c. There may be a fee for design services. All payment arrangements must be made with the member.
- d. Design service levels incorporated into Chapter 556, F.S., are from the Florida Department of Transportation's Utility Accommodation Manual (UAM), Document Number 710-020-001-f and are as follows:
 - i. Level 1: Review of utility records (UAM D)
 - ii. Level 2: Topographic surveying of aboveground utility features (UAM C)
 - iii. Level 3: Designating technologies to obtain the horizontal underground facility location (UAM B)
 - iv. Level 4: Physical exposure of the underground facility (UAM A)

TICKET INFORMATION

Have the following information ready before calling:

- Area code and phone number
- Company name and address
- Caller's first, last name; mobile and fax numbers
- Email address
- Call back time
- Field contact number (Do not use an office phone number. This number will be used to get clarifications, arrange meetings, schedule new due dates, etc.). It should have a working voice mail that is regularly checked so a locator can leave a message.
- Person or company for whom the work is being done
- Type of work to be done at the dig site
- Depth of dig
- Indicate whether you will
 - o Use machinery
 - o White line (pre-mark)
 - o Directional drill
- Indicate if:
 - o Permit is needed (this is not a requirement in the ticket process)
 - o Dig site is underwater
 - o Digging to repair a damaged facility
- Date digging or demolition will begin

Dig Site Properties

- Name of the city and county where the work will take place. Street names may be duplicated from county to county; make sure you have the correct county.

NOTE: Tickets cannot cross county lines.

- Name of the street and physical address where the work will take place. If there is no physical address, provide detailed directions to the dig site.
- Name of the nearest intersecting street to the dig site. You will be asked if the near street is within a quarter mile of the dig site.
- Name of subdivision and lot number.
- Detailed location description that explains the specific area where you will dig.
- Remarks for special conditions like gate codes, requests to meet, GPS coordinates, driving directions, safety precautions, etc. For emergency tickets, leave comments on crew status such as, "crew on site," "work completed," etc.

POSITIVE RESPONSE PROCESS

Check the Positive Response System (PRS) on the Sunshine 811 app or at sunshine811.com

All excavators are required by law to check PRS before digging or demolishing. PRS is available 24 hours, every day. PRS codes entered by a member help clarify, to the excavator, a dig site's status: clear, marked or unmarked. [s.556.105(9)(c), F.S.]

Process: From the Beginning

1. Create a ticket and provide a field contact who knows the dig site well, can answer questions about it, and can meet a member or locator there.
2. The ticket is sent to members who then enter the appropriate PRS codes.
3. Check PRS throughout the required timeframe (usually two full business days) to follow each member's progress. This gives you time to take care of any instructions the members may have left. Communicate back to the member or locator as necessary.
4. At the dig site, compare PRS codes to the marks. If the PRS codes and marks match, the excavator can begin digging. When the PRS codes and marks or lack of marks don't match, contact member directly.

IMPORTANT PRS Points

- If you list subcontractors on your ticket, you are responsible for communicating the positive response information to them. Failing to do so puts their safety at risk.
- Make sure the general/master contractor or office staff gives you access to the positive response summary.
- Non-field staff who receive PRS summaries take responsibility for ensuring their excavators have the necessary information to check PRS.
- You are not required to have a physical copy of the ticket, but it is helpful. At minimum, provide the ticket number.

- Members must contact the excavator to negotiate and reach a new, **mutually agreeable** deadline before using PRS code 3F (Delay Requested). Leaving an email or phone message does not constitute a mutual agreement. Excavators that do not mutually agree to a new deadline, but receive a 3F PRS code, can enter disagreement by checking the box next to the code.
- Members are required to enter a PRS code within two full business days for normal tickets and 10 full business days for underwater tickets.

Member	PRS Code	What you see that indicates a problem
Electric	1 Marked	No red marks within dig site.
Cable	4 Clear	Pedestal, handhole, upright within 5 feet of dig site.
Gas	3R Unmarked	Member says the excavation was complete, but you haven't started. The member may have been to the wrong site.
Not listed	Not listed	Electric wasn't listed on ticket but you see a transformer. This could indicate there are underground electric facilities nearby. Contact 811 to see if expanding your dig site description may help. Check the transformer for contact information. If they're not a member, let 811 know. A little investigative work will make it safer for you and others who will be working there in the future.

MARKED PRS CODES

- 1 Marked: A locate technician has been to your excavation site and marked the approximate horizontal location of underground facilities within the boundaries described on the ticket.
- 2A Marked with Exceptions: High profile utility in conflict; utility owner will attempt to contact you to schedule site surveillance.
- 2B Marked with Exceptions: Privately-owned facilities on property; contact private facility owner directly.
- 2C Marked with Exceptions: High-priority subsurface installation in conflict. Excavator **MUST** notify the member of the excavation or demolition start date and time.
- 2D Marked with Exceptions: High-profile utility in conflict. Contact the utility if you want more information.
- 2E Marked with Exceptions: Marked within the confines of the white-lined area. Excavation outside the white-lined area requires a separate ticket.

UNMARKED PRS CODES

- 3A Unmarked: Locate technician could not gain access to property; call utility to schedule access.
- 3B Unmarked: Incorrect address information. Call Sunshine 811 to verify information on the ticket.
- 3C Unmarked: Locate technician and contractor (excavator) have agreed to meet on site on a specified date.
- 3D Unmarked: High profile utility in conflict; utility owner will attempt to contact you to schedule site surveillance.
- 3F Unmarked: Marking delay requested by locate technician and agreed to by excavator per agreement.
- 3H Unmarked: Privately-owned facilities on property; contact private facility owner directly.
- 3M Unmarked: Marking instructions are unclear; call the utility to clarify the marking instructions.
- 3N Unmarked: Locate description is insufficient – white lining is required per s. 556.114(3), F.S. Please contact the utility when white lining is completed.

- 3P Unmarked: Utility does not have accurate information to perform the requested locate. Please contact the utility for further details per s.556.105 (7)(a), F.S.
- 3R Unmarked: The excavator has performed the excavation prior to the locator's arrival.
- 3T Unmarked: Extraordinary circumstances per s.556.105(8)(a), F.S., exist; call utility owner/operator provider for this location.
- 3U Unmarked: Not service provider for this location.
- 3W Unmarked: Work is being performed by the utility and the excavator will mark the underground lines per agreement.

OTHER PRS CODES

- 4 Clear, no facilities: The utility has no facilities at the specified excavation site.
- 5 No conflict: Utility is outside of the requested work site.
- 6A Active facilities are present: The member has active facilities within the area described by the noticed demolition. Do not demolish until the member notifies you the site is clear.
- 8 Ongoing job: Locate technician and excavator have established an agreement on scheduled marking.

LOW IMPACT MARKING PRACTICES

Low Impact Marking Practices for Excavators

1. Locate ticket requests should cover only those portions of a job site where excavation or demolition will occur within 30 calendar days of the date the ticket is requested.
2. When renewing tickets for jobs lasting longer than 30 calendar days, identify only the areas where excavation or demolition will occur (i.e. eliminate any areas where excavation or demolition is complete).
3. Work sites that are difficult to describe should be premarked unless the excavator and member have mutually agreed otherwise.
4. Acceptable marking products for excavators to premark (white line) a job site: white flags; white stakes; white temporary, nonpermanent paint; other industry accepted low impact marking practices.

Low Impact Marking Practices for Members

1. All locate marks must be in the color identified for each facility (see back cover).
2. Acceptable marking products to identify facilities: flags; stakes; temporary, nonpermanent paint; other industry accepted low impact marking practices.

Note: Flags, stakes or other temporary markers made of biodegradable material could further goals of low impact marking but are not required by s.556.114(4), F.S.

HPSI PROCEDURES

High-Priority Subsurface Installations (HPSI) are underground transmission or distribution pipelines used to transport any refined petroleum product or hazardous/highly volatile liquid such as anhydrous ammonia or carbon dioxide that have been deemed critical and identified as an HPSI by the operator of the pipeline.

Procedures

1. The member receives the locate ticket and determines whether the line is critical (HPSI) and within 15 feet of an excavator's excavation or demolition site.
2. If the excavation is within 15 feet of an HPSI, the member must locate and mark its line.
3. The member then responds to the Positive Response System with code "2C Marked with Exceptions – High-priority subsurface installation in conflict. Excavator MUST notify the member of the excavation or demolition start date and time."
4. Excavator receives positive response code 2C, and contacts the member directly with the excavation start date and time. See s.556.116(1) and (2), F.S.
5. If the member does not provide timely notice, the excavator may proceed, after waiting the legal prescribed time period set forth in s.556.105(9)(a), F.S., to excavate without notifying the member of the excavation start date and time.

High-Priority Subsurface Installation Damage Incident

1. If an HPSI is damaged and the violation of s.556.107(1)(a), F.S., appears to have been a cause, and the damage results in death or serious bodily injury requiring inpatient hospitalization, property damage in excess of \$50,000, or service interruption to a minimum of 2,500 customers, the member must complete and submit a High-Priority Subsurface Installation Incident Report and Commitment to Sunshine 811 within 24 hours after learning of the alleged occurrence of the incident.

2. Sunshine 811 must transmit the incident report to the Division of Administrative Hearings (DOAH) and contract with DOAH to conduct a hearing. The purpose of the hearing is to determine whether a violation has occurred and whether a violation of s.556.107(1)(a), F.S., was a proximate cause of the incident.
3. Within five days of receiving the petition, DOAH will assign the case to an administrative law judge. The hearing will be held in the county where the infraction occurred. The hearing process moves quickly. Details are set forth in s.556.116(4) and (5), F.S.
4. The administrative law judge will issue his final order within 30 days of the final hearing or filing of the transcript, whichever is later, and impose fines, if applicable, up to \$50,000, but not more than \$10,000 if a state agency or political subdivision caused the incident. For more information, on your rights and responsibilities during the above-mentioned proceedings, visit sunshine811.com.

EXTRAORDINARY CIRCUMSTANCES

Members can declare extraordinary circumstances when operating conditions make it impractical to comply with Chapter 556, F.S., provisions. This relieves them of the legal responsibility to locate and mark within the legal timeframe.

PRS will automatically respond to tickets with: **"3T Extraordinary circumstances exist. Call utility owner/operator provider for this location."**

Excavators should continue to follow normal procedures by waiting and checking positive response. Members may continue to update their responses while extraordinary circumstances exist.

Members can declare and cancel extraordinary circumstances using the online form at sunshine811.com or emailing memberservices@sunshine811.com. Include member name, member code(s) and the request to either declare or cancel extraordinary circumstances.

If any receiving equipment stops working during extraordinary circumstances, tickets are queued for delivery as soon as the equipment begins working again.

For easy reference, a listing of utilities that have declared extraordinary circumstances can be found at sunshine811.com.

THE LAW

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

Effective July 1, 2017

- 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.
- 556.113 Sunshine State One-Call of Florida, Inc.; public records exemption.
- 556.114 Low-impact marking practices.
- 556.115 Alternative dispute resolution.
- 556.116 High-Priority Subsurface Installations; special procedures.

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. Municipalities, counties, districts, or other local governments may not adopt or enforce ordinances or rules that conflict with this chapter or that prescribe any of the following:
 1. Require operators of underground facilities to obtain permits from local governments in order to identify underground facilities.
 2. Require premarking or marking.
 3. Specify the types of paint or other marking devices that are used to identify underground facilities.

4. Require removal of marks.
- (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; s. 1, ch. 2010-100.

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) 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, which must include a summary of the reports to the system from the clerks of court.

(5) 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. The report must include a summary of the reports to the system from the clerks of court, a summary of the damage reporting data received by the system under s. 556.105(12) for the preceding year, and any analysis of the data by the board of directors.

History.—s. 3, ch. 93-240; s. 3, ch. 97-306; s. 3, ch. 2006-138; s. 2, ch. 2010-100; s. 1, ch. 2017-102.

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 that is not beneath the waters of the state, and not less than 10 full business days before beginning any excavation or demolition that is 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) Member operators shall use the information provided to the system by other member operators only for the purposes stated in this chapter and not for sales or marketing purposes.
- (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) 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 (b), 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.

(b) 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.

(c) 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)(a) and (b), 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)(a) and (b), 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)(a) and (b), 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 or demolition, 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, or, in the case of an underwater facility, is inadequately documented, the excavator shall stop excavation or demolition activities in the vicinity of the facility and shall notify the system to have the route remarked or adequately

documented by a member operator or in a manner approved by the member operator.

(12)(a) 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. If contact with or damage to an underground pipe or any other underground facility results in the escape of any natural gas or other hazardous substance or material regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation, the excavator must immediately report the contact or damage by calling the 911 emergency telephone number. 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.

(b) If an event damages any pipe, cable or its protective covering, or other underground facility, the member operator receiving the notice shall file a report with the system. Reports must be submitted annually to the system, no later than March 31 for the prior calendar year, or more frequently at the option and sole discretion of the member operator. Each report must describe, if known, the cause, nature, and location of the damage. The system shall establish and maintain a process to facilitate submission of reports by member operators.

(13) Any costs or expenses associated with compliance by an excavator with the requirements in this section applicable to excavators shall not be charged to any member operator. Any costs or expenses associated with compliance by a member operator with the requirements in this section applicable to member operators shall not be charged to any excavator. No person shall charge the costs or expenses prohibited by this subsection after the effective date of this act. This subsection shall not excuse a member operator or excavator from liability for any damage or injury for which it would be responsible under applicable law.

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; s. 1, ch. 2008-230; s. 115, ch. 2010-5; s. 3, ch. 2010-100; s. 2, ch. 2017-102.

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.

(b) If any excavator fails to discharge a duty imposed by 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) 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 this act and an underground facility of a member operator is damaged by an excavator who has complied with this act, as a proximate result of the member operator's failure to discharge such duty, the excavator is not liable for such damage and the member operator, if found liable, is 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.

(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 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 or a member operator 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.

(8) 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.

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; s. 4, ch. 2010-100.

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 because marks are no longer visible, or, in the case of underwater facilities, are inadequately documented.
4. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.
5. Section 556.105(5)(a) and (b), 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.
6. Section 556.109(2), relating to falsely notifying the system of an emergency situation or condition.
7. Section 556.114(1), (2), (3), and (4), relating to a failure to follow low-impact marking practices, as defined therein.

(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 pay a civil penalty for each infraction, which is \$500 plus court costs. If a citation is issued by a state law enforcement officer, 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 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. Any person who fails to properly respond to a citation issued pursuant to paragraph (b) shall, in addition to the citation, be charged with the offense of failing to respond to the 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 must be provided at the time any citation is issued pursuant to paragraph (b).

(d) Any person cited for an infraction under paragraph (a) may post a bond, which shall be equal in amount to the applicable civil penalty plus court costs.

(e) A person charged with a noncriminal infraction under paragraph (a) may pay the civil penalty plus court costs, by mail or in person, within 30 days after the date of receiving the citation.

If the person cited pays the civil penalty, 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 may elect to appear before the county court and if so electing is 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 court 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 a judge or 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 judge 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) **REPORT OF INFRACTIONS.**— By March 31 of each year, each clerk of court shall submit a report to Sunshine State One-Call of Florida, Inc., listing each violation notice written under paragraph (1)(a) which has been filed in that county during the preceding calendar year. The report must state the name and address of the member or excavator who committed each infraction and indicate whether or not the civil penalty for the infraction was paid.

(3) **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)(a) and (b) 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)(a).

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; s. 5, ch. 2010-100; s. 3, ch. 2017-102.

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. —

(1) This act does not apply to making an excavation or demolition during an emergency if 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 that necessitates repair beginning immediately after such occurrence.

(2) An excavator shall not notify the system that there is an emergency unless the excavator reasonably believes that the intended excavation or demolition is due to a situation or condition as defined in subsection (1).

History.—s. 9, ch. 93-240; s. 4, ch. 96-172; s. 6, ch. 2010-100.

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.

History.—s. 10, ch. 93-240; s. 7, ch. 97-306; s. 7, ch. 2010-100.

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.

556.113 Sunshine State One-Call of Florida, Inc.; public records exemption. –

(1) As used in this section, the term “proprietary confidential business information” means information provided by:

(a) A member operator which is a map, plan, facility location diagram, internal damage investigation report or analysis, dispatch methodology, or trade secret as defined in s. 688.002, or which describes the exact location of a utility underground facility or the protection, repair, or restoration thereof, and:

1. Is intended to be and is treated by the member operator as confidential;
2. The disclosure of which would likely be used by a competitor to harm the business interests of the member operator or could be used for the purpose of inflicting damage on underground facilities; and
3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(b) An excavator in an internal damage investigation report or analysis relating to damage to underground utility facilities, and:

1. Is intended to be and is treated by the excavator as confidential;
2. The disclosure of which would be reasonably likely to be used by a competitor to harm the business interests of the excavator or could be used for the purpose of inflicting damage on underground facilities; and
3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(2) Proprietary confidential business information held by Sunshine State One-Call of Florida, Inc., for the purpose of describing the extent and root cause of damage to an underground facility or using the member ticket management

software system is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

History.—s. 1, ch. 2007-101.

556.114 Low-impact marking practices. —

(1) An excavator providing notice under s. 556.105(1)(a) shall identify in its notice only the area that will be excavated during the period that the information in such notice is considered valid under s. 556.105(1)(c).

(2) When an excavator has not completed an excavation noticed under s. 556.105(1)(a) within the period that the information in the notice is considered valid under s. 556.105(1)(c), the excavator must provide a subsequent notice to the system under s. 556.105(1)(a) to continue with the excavation, and such subsequent notice shall identify only the remaining area to be excavated.

(3) When an excavation site cannot be described in information provided under s. 556.105(1)(a) 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 when the premarking could reasonably interfere with traffic or pedestrian control.

(4) A member operator shall identify the horizontal route of its underground facilities as set forth in s. 556.105(5)(a) and (b), and excavators shall premark an excavation site as set forth in subsection (3) using flags or stakes or temporary, nonpermanent paint or other industry-accepted low-impact marking practices.

(5) Any horizontal route-identification marker must be in a color identified in the Uniform Color Code for Utilities.

(6) Sunshine State One-Call of Florida, Inc., shall establish an educational program for the purpose of informing excavators and member operators about low-impact marking practices.

History.—s. 8, ch. 2010-100.

556.115 Alternative dispute resolution. —

(1) Sunshine State One-Call of Florida, Inc., shall create a voluntary alternative dispute resolution program. The program shall be available to all member operators, excavators, and other stakeholders, such as locators, utility service users, and governmental or quasi-governmental entities, for purposes of resolving disputes arising from excavation activities, including, but not limited to, loss of services, down time, delays, loss of use of facilities during restoration or replacement, and similar economic disruptions, exclusive of penalties imposed under other provisions of this act.

(2) The alternative dispute resolution program created by Sunshine State One-Call of Florida, Inc., shall include mediation, arbitration, or other appropriate processes, including the use of the services of the Division of Administrative Hearings.

(3) The costs of using the program shall be borne by the voluntary users, and the voluntary users shall choose the form of alternative dispute resolution to be used. If arbitration is used, the users shall decide whether the arbitration will be binding.

(4) Unless binding arbitration is the chosen method of alternative dispute resolution, the users or any one of such users may end the process at any time and exercise the right to proceed in a court of competent jurisdiction or before the Division of Administrative Hearings.

(5) This section does not change the basis for civil liability for damages.

History.—s. 9, ch. 2010-100.

556.116 High-priority subsurface installations; special procedures. –

- (1) As used in this section, the term:
- (a) “Division” means the Division of Administrative Hearings.
- (b) “High-priority subsurface installation” means an underground gas transmission or gas distribution pipeline, an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid, such as anhydrous ammonia or carbon dioxide, if the pipeline is deemed to be critical by the operator of the pipeline and is identified as a high-priority subsurface installation to an excavator who has provided a notice of intent to excavate pursuant to s. 556.105(1), or would have been identified as a high-priority subsurface installation except for the excavator’s failure to give proper notice of intent to excavate.
- (c) “Incident” means an event that involves damage to a high-priority subsurface installation that has been identified as such by the operator according to the notification procedures set forth in subsection (2) and that:
1. Results in death or serious bodily injury requiring inpatient hospitalization.
 2. Results in property damage, including service-restoration costs, in an amount in excess of \$50,000 or interruption of service to 2,500 or more customers.
- (2) When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation. If the member operator provides such timely notice of the existence of a high-priority subsurface installation, an excavator shall notify the operator of the planned excavation start date and time before beginning excavation. If the member operator does not

provide timely notice, the excavator may proceed, after waiting the prescribed time period set forth in s. 556.105(9)(a), to excavate without notifying the member operator of the excavation start date and time. The exemptions stated in s. 556.108 apply to the notification requirements in this subsection.

(3)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident.

(b) Upon receipt of an allegation that an incident has occurred, the system shall transmit an incident report to the division and contract with the division so that the division may conduct a hearing to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident. The contract for services to be performed by the division must include provisions for the system to reimburse the division for any costs incurred by the division for court reporters, transcript preparation, travel, facility rental, and other customary hearing costs, in the manner set forth in s. 120.65(11).

(c) The division has jurisdiction in a proceeding under this section to determine the facts and law concerning an alleged incident. The division may impose a fine against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000.

(d) A fine imposed by the division is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).

(e) A fine against an excavator or a member operator imposed under this subsection shall be paid to the system, which shall use the collected fines to satisfy the costs incurred by the system for any proceedings under this section. To the extent there are any funds remaining, the system may use the funds exclusively for damage-prevention education.

(f) This section does not change the basis for civil liability. The findings and results of a hearing under this section may not be used as evidence of liability in any civil action.

(4)(a) The division shall issue and serve on all original parties an initial order that assigns the case to a specific administrative law judge and requests information regarding scheduling the final hearing within 5 business days after the division receives a petition or request for hearing. The original parties in the proceeding include all excavators and member operators identified by the system as being involved in the alleged incident. The final hearing must be conducted within 60 days after the date the petition or the request for a hearing is filed with the division.

(b) Unless the parties otherwise agree, venue for the hearing shall be in the county in which the underground facility is located.

(c) An intervenor in the proceeding must file a petition to intervene no later than 15 days before the final hearing. A person who has a substantial interest in the proceeding may intervene.

(5) The following procedures apply:

(a) Motions shall be limited to the following:

1. A motion in opposition to the petition.

2. A motion requesting discovery beyond the informal exchange of documents and witness lists described in paragraph (c). Upon a showing of necessity, additional discovery may be permitted in the discretion of the administrative law judge, but only if the discovery can be completed no later than 5 days before the final hearing.

3. A motion for continuance of the final hearing date.

(b) All parties shall attend a prehearing conference for the purpose of identifying the legal and factual issues to be considered at the final hearing, the names and addresses of witnesses who may be called to testify at the final hearing, documentary evidence that will be offered at the final hearing, the range of penalties that may be imposed, and any other matter that would expedite resolution of the proceeding. The

prehearing conference may be held by telephone conference call.

(c) Not later than 5 days before the final hearing, the parties shall furnish to each other copies of documentary evidence and lists of witnesses who may testify at the final hearing.

(d) All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel or other qualified representative.

(e) The record shall consist only of:

1. All notices, pleadings, motions, and intermediate rulings.
2. Evidence received during the final hearing.
3. A statement of matters officially recognized.
4. Proffers of proof and objections and rulings thereon.

5. Matters placed on the record after an ex parte communication.

6. The written final order of the administrative law judge presiding at the final hearing.

7. The official transcript of the final hearing.

(f) The division shall accurately and completely preserve all testimony in the proceeding and, upon request by any party, shall make a full or partial transcript available at no more than actual cost.

(g) The administrative law judge shall issue a final order within 30 days after the final hearing or the filing of the transcript thereof, whichever is later. The final order of the administrative law judge must include:

1. Findings of fact based exclusively on the evidence of record and matters officially recognized.
2. Conclusions of law. In determining whether a party has committed an infraction of s. 556.107(1)(a), and whether the infraction was a proximate cause of an incident, the commission of an infraction must be proven by a preponderance of the evidence.

3. Imposition of a fine, if applicable.
4. Any other information required by law or rule to be contained in a final order.

The final order of the administrative law judge constitutes final agency action subject to judicial review pursuant to s. 120.68.

History.—s. 10, ch. 2010-100.

IMPORTANT NUMBERS

Write down important numbers you may need to access while in the field. This is a good place to keep emergency contacts and locators you can contact when working on a large project.

Name/Company

Phone

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IMPORTANT NUMBERS

-Notes-

APWA Uniform Color Codes

For marking underground utility lines



RED: Electric power lines, cables, conduit and lighting cables



BLUE: Potable water



YELLOW: Gas, oil, steam, petroleum, gaseous materials



GREEN: Sewers and drain lines



ORANGE: Communications, alarm or signal lines, cables or conduit, traffic loops



WHITE: Proposed excavation site



PURPLE: Reclaimed water, irrigation, slurry lines



PINK: Temporary survey marks

The marks are approximate. Dig carefully near them.

Positive Response System (PRS)

s.556.105(9)(c) Requires excavators to verify positive responses

3 Ways to Access PRS

1. Sunshine 811 App



Download in
Apple and Google
Play Stores

2. sunshine811.com

3. (800) 852-8057



Check the Positive Response System (PRS) early and often. Watch for follow-up directions. (Note: Excavators that receive PRS code 2C are required by law to notify members of an excavation or demolition start date and time.)

Check PRS before going to the job site to confirm all members responded.

Compare PRS codes to the marks, or lack of them, at your job site. If they don't match, contact the member directly.

Select Year:

The 2019 Florida Statutes

<u>Title XXXIII</u>	<u>Chapter 556</u>	<u>View Entire Chapter</u>
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY	

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.
- 556.113 Sunshine State One-Call of Florida, Inc.; public records exemption.
- 556.114 Low-impact marking practices.
- 556.115 Alternative dispute resolution.
- 556.116 High-priority subsurface installations; special procedures.

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. Municipalities, counties, districts, or other local governments may not adopt or enforce ordinances or rules that conflict with this chapter or that prescribe any of the following:

1. Require operators of underground facilities to obtain permits from local governments in order to identify underground facilities.
2. Require premarking or marking.
3. Specify the types of paint or other marking devices that are used to identify underground facilities.
4. Require removal of marks.

(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; s. 1, ch. 2010-100.

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(22), 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; s. 7, ch. 2012-150.

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) 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, which must include a summary of the reports to the system from the clerks of court.

(5) 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. The report must include a summary of the reports to the system from the clerks of court, a summary of the damage reporting data received by the system under s. 556.105(12) for the preceding year, and any analysis of the data by the board of directors.

History.—s. 3, ch. 93-240; s. 3, ch. 97-306; s. 3, ch. 2006-138; s. 2, ch. 2010-100; s. 1, ch. 2017-102.

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 that is not beneath the waters of the state, and not less than 10 full business days before beginning any excavation or demolition that is 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) Member operators shall use the information provided to the system by other member operators only for the purposes stated in this chapter and not for sales or marketing purposes.

(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) 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 (b), 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.

(b) 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.

(c) 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)(a) and (b), 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)(a) and (b), 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)(a) and (b), 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 or demolition, 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, or, in the case of an underwater facility, is inadequately documented, the excavator shall stop excavation or demolition activities in the vicinity of the facility and shall notify the system to have the route remarked or adequately documented by a member operator or in a manner approved by the member operator.

(12)(a) 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. If contact with or damage to an underground pipe or any other underground facility

results in the escape of any natural gas or other hazardous substance or material regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation, the excavator must immediately report the contact or damage by calling the 911 emergency telephone number. 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.

(b) If an event damages any pipe, cable or its protective covering, or other underground facility, the member operator receiving the notice shall file a report with the system. Reports must be submitted annually to the system, no later than March 31 for the prior calendar year, or more frequently at the option and sole discretion of the member operator. Each report must describe, if known, the cause, nature, and location of the damage. The system shall establish and maintain a process to facilitate submission of reports by member operators.

(13) Any costs or expenses associated with compliance by an excavator with the requirements in this section applicable to excavators shall not be charged to any member operator. Any costs or expenses associated with compliance by a member operator with the requirements in this section applicable to member operators shall not be charged to any excavator. No person shall charge the costs or expenses prohibited by this subsection after the effective date of this act. This subsection shall not excuse a member operator or excavator from liability for any damage or injury for which it would be responsible under applicable law.

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; s. 1, ch. 2008-230; s. 115, ch. 2010-5; s. 3, ch. 2010-100; s. 2, ch. 2017-102.

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.

(b) If any excavator fails to discharge a duty imposed by 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) 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 this act and an underground facility of a member operator is damaged by an excavator who has complied with

this act, as a proximate result of the member operator's failure to discharge such duty, the excavator is not liable for such damage and the member operator, if found liable, is 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.

(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 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 or a member operator 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.

(8) 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.

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; s. 4, ch. 2010-100.

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 because marks are no longer visible, or, in the case of underwater facilities, are inadequately documented.
4. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.
5. Section 556.105(5)(a) and (b), 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.
6. Section 556.109(2), relating to falsely notifying the system of an emergency situation or condition.
7. Section 556.114(1), (2), (3), and (4), relating to a failure to follow low-impact marking practices, as defined therein.

(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 pay a civil penalty for each infraction, which is \$500 plus court costs. If a citation is issued by a state law enforcement officer, 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 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. Any person who fails to properly respond to a citation issued pursuant to paragraph (b) shall, in addition to the citation, be charged with the offense of failing to respond to the 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 must be provided at the time any citation is issued pursuant to paragraph (b).

(d) Any person cited for an infraction under paragraph (a) may post a bond, which shall be equal in amount to the applicable civil penalty plus court costs.

(e) A person charged with a noncriminal infraction under paragraph (a) may pay the civil penalty plus court costs, by mail or in person, within 30 days after the date of receiving the citation. If the person cited pays the civil penalty, 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 may elect to appear before the county court and if so electing is 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 court 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 a judge or 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 judge 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) REPORT OF INFRACTIONS.—By March 31 of each year, each clerk of court shall submit a report to Sunshine State One-Call of Florida, Inc., listing each violation notice written under paragraph (1)(a) which has been filed in that county during the preceding calendar year. The report must state the name and address of the member or excavator who committed each infraction and indicate whether or not the civil penalty for the infraction was paid.

(3) **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)(a) and (b) 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)(a).

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; s. 5, ch. 2010-100; s. 3, ch. 2017-102.

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.—

(1) This act does not apply to making an excavation or demolition during an emergency if 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 that necessitates repair beginning immediately after such occurrence.

(2) An excavator shall not notify the system that there is an emergency unless the excavator reasonably believes that the intended excavation or demolition is due to a situation or condition as defined in subsection (1).

History.—s. 9, ch. 93-240; s. 4, ch. 96-172; s. 6, ch. 2010-100.

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.

History.—s. 10, ch. 93-240; s. 7, ch. 97-306; s. 7, ch. 2010-100.

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.

556.113 Sunshine State One-Call of Florida, Inc.; public records exemption.—

(1) As used in this section, the term “proprietary confidential business information” means information provided by:

(a) A member operator which is a map, plan, facility location diagram, internal damage investigation report or analysis, dispatch methodology, or trade secret as defined in s. 688.002, or which describes the exact location of a utility underground facility or the protection, repair, or restoration thereof, and:

1. Is intended to be and is treated by the member operator as confidential;
2. The disclosure of which would likely be used by a competitor to harm the business interests of the member operator or could be used for the purpose of inflicting damage on underground facilities; and
3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(b) An excavator in an internal damage investigation report or analysis relating to damage to underground utility facilities, and:

1. Is intended to be and is treated by the excavator as confidential;
2. The disclosure of which would be reasonably likely to be used by a competitor to harm the business interests of the excavator or could be used for the purpose of inflicting damage on underground facilities; and
3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(2) Proprietary confidential business information held by Sunshine State One-Call of Florida, Inc., for the purpose of describing the extent and root cause of damage to an underground facility or using the member ticket management software system is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

History.—s. 1, ch. 2007-101; s. 1, ch. 2012-221.

556.114 Low-impact marking practices.—

(1) An excavator providing notice under s. 556.105(1)(a) shall identify in its notice only the area that will be excavated during the period that the information in such notice is considered valid under s. 556.105(1)(c).

(2) When an excavator has not completed an excavation noticed under s. 556.105(1)(a) within the period that the information in the notice is considered valid under s. 556.105(1)(c), the excavator must provide a subsequent notice to the system under s. 556.105(1)(a) to continue with the excavation, and such subsequent notice shall identify only the remaining area to be excavated.

(3) When an excavation site cannot be described in information provided under s. 556.105(1)(a) 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 when the premarking could reasonably interfere with traffic or pedestrian control.

(4) A member operator shall identify the horizontal route of its underground facilities as set forth in s. 556.105(5)(a) and (b), and excavators shall premark an excavation site as set forth in subsection (3) using flags or stakes or temporary, nonpermanent paint or other industry-accepted low-impact marking practices.

(5) Any horizontal route-identification marker must be in a color identified in the Uniform Color Code for Utilities.

(6) Sunshine State One-Call of Florida, Inc., shall establish an educational program for the purpose of informing excavators and member operators about low-impact marking practices.

History.—s. 8, ch. 2010-100.

556.115 Alternative dispute resolution.—

(1) Sunshine State One-Call of Florida, Inc., shall create a voluntary alternative dispute resolution program. The program shall be available to all member operators, excavators, and other stakeholders, such as locators, utility service users, and governmental or quasi-governmental entities, for purposes of resolving disputes arising from excavation activities, including, but not limited to, loss of services, down time, delays, loss of use of facilities during restoration or replacement, and similar economic disruptions, exclusive of penalties imposed under other provisions of this act.

(2) The alternative dispute resolution program created by Sunshine State One-Call of Florida, Inc., shall include mediation, arbitration, or other appropriate processes, including the use of the services of the Division of Administrative Hearings.

(3) The costs of using the program shall be borne by the voluntary users, and the voluntary users shall choose the form of alternative dispute resolution to be used. If arbitration is used, the users shall decide whether the arbitration will be binding.

(4) Unless binding arbitration is the chosen method of alternative dispute resolution, the users or any one of such users may end the process at any time and exercise the right to proceed in a court of competent jurisdiction or before the Division of Administrative Hearings.

(5) This section does not change the basis for civil liability for damages.

History.—s. 9, ch. 2010-100.

556.116 High-priority subsurface installations; special procedures.—

(1) As used in this section, the term:

(a) “Division” means the Division of Administrative Hearings.

(b) “High-priority subsurface installation” means an underground gas transmission or gas distribution pipeline, an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid, such as anhydrous ammonia or carbon dioxide, if the pipeline is deemed to be critical by the operator of the pipeline and is identified as a high-priority subsurface installation to an excavator who has provided a notice of intent to excavate pursuant to s. 556.105(1), or would have been identified as a high-priority subsurface installation except for the excavator’s failure to give proper notice of intent to excavate.

(c) “Incident” means an event that involves damage to a high-priority subsurface installation that has been identified as such by the operator according to the notification procedures set forth in subsection (2) and that:

1. Results in death or serious bodily injury requiring inpatient hospitalization.

2. Results in property damage, including service-restoration costs, in an amount in excess of \$50,000 or interruption of service to 2,500 or more customers.

(2) When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation. If the member operator provides such timely notice of the existence of a high-priority subsurface installation, an excavator shall notify the operator of the planned excavation start date and time before beginning excavation. If the member operator does not provide timely notice, the excavator may proceed, after waiting the prescribed time period set forth in s. 556.105(9)(a), to excavate without notifying the member operator of the excavation start date and time. The exemptions stated in s. 556.108 apply to the notification requirements in this subsection.

(3)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident.

(b) Upon receipt of an allegation that an incident has occurred, the system shall transmit an incident report to the division and contract with the division so that the division may conduct a hearing to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident. The contract for services to be performed by the division must include provisions for the system to reimburse the division for any costs incurred by the division for court reporters, transcript preparation, travel, facility rental, and other customary hearing costs, in the manner set forth in s. 120.65(9).

(c) The division has jurisdiction in a proceeding under this section to determine the facts and law concerning an alleged incident. The division may impose a fine against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000.

(d) A fine imposed by the division is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).

(e) A fine against an excavator or a member operator imposed under this subsection shall be paid to the system, which shall use the collected fines to satisfy the costs incurred by the system for any proceedings under this section. To the extent there are any funds remaining, the system may use the funds exclusively for damage-prevention education.

(f) This section does not change the basis for civil liability. The findings and results of a hearing under this section may not be used as evidence of liability in any civil action.

(4)(a) The division shall issue and serve on all original parties an initial order that assigns the case to a specific administrative law judge and requests information regarding scheduling the final hearing within 5 business days after the division receives a petition or request for hearing. The original parties in the proceeding include all excavators and member operators identified by the system as being involved in the alleged incident. The final hearing must be conducted within 60 days after the date the petition or the request for a hearing is filed with the division.

(b) Unless the parties otherwise agree, venue for the hearing shall be in the county in which the underground facility is located.

(c) An intervenor in the proceeding must file a petition to intervene no later than 15 days before the final hearing. A person who has a substantial interest in the proceeding may intervene.

(5) The following procedures apply:

(a) Motions shall be limited to the following:

1. A motion in opposition to the petition.
2. A motion requesting discovery beyond the informal exchange of documents and witness lists described in paragraph (c). Upon a showing of necessity, additional discovery may be permitted in the discretion of the administrative law judge, but only if the discovery can be completed no later than 5 days before the final hearing.
3. A motion for continuance of the final hearing date.

(b) All parties shall attend a prehearing conference for the purpose of identifying the legal and factual issues to be considered at the final hearing, the names and addresses of witnesses who may be called to testify at the final hearing, documentary evidence that will be offered at the final hearing, the range of penalties that may be imposed, and any other matter that would expedite resolution of the proceeding. The prehearing conference may be held by telephone conference call.

(c) Not later than 5 days before the final hearing, the parties shall furnish to each other copies of documentary evidence and lists of witnesses who may testify at the final hearing.

(d) All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel or other qualified representative.

(e) The record shall consist only of:

1. All notices, pleadings, motions, and intermediate rulings.
2. Evidence received during the final hearing.
3. A statement of matters officially recognized.
4. Proffers of proof and objections and rulings thereon.
5. Matters placed on the record after an ex parte communication.
6. The written final order of the administrative law judge presiding at the final hearing.
7. The official transcript of the final hearing.

(f) The division shall accurately and completely preserve all testimony in the proceeding and, upon request by any party, shall make a full or partial transcript available at no more than actual cost.

(g) The administrative law judge shall issue a final order within 30 days after the final hearing or the filing of the transcript thereof, whichever is later. The final order of the administrative law judge must include:

1. Findings of fact based exclusively on the evidence of record and matters officially recognized.
2. Conclusions of law. In determining whether a party has committed an infraction of s. 556.107(1)(a), and whether the infraction was a proximate cause of an incident, the commission of an infraction must be proven by a preponderance of the evidence.
3. Imposition of a fine, if applicable.
4. Any other information required by law or rule to be contained in a final order.

The final order of the administrative law judge constitutes final agency action subject to judicial review pursuant to s. 120.68.

History.—s. 10, ch. 2010-100; s. 126, ch. 2013-18.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING THE CONFIGURATION OF THE INTERSECTION OF WEST 26 STREET AND PINE TREE DRIVE IN FRONT OF THE SCOTT RAKOW YOUTH CENTER.**

HISTORY:

This item was referred by the City Commission at its September 11, 2019 meeting to the Neighborhood/Community Affairs Committee and is sponsored by Commissioner Michael Gongora.

According to the 2019 City of Miami Beach Resident Survey, 67% of residents feel either unsafe or concerned when crossing intersections in Miami Beach. Specifically, 74% of residents feel that drivers do not yield to pedestrians at intersections.

Pine Tree Drive is a collector roadway under the jurisdiction of Miami-Dade County currently carrying approximately 15,000 vehicles per day. The intersection of Pine Tree Drive/Sheridan Avenue and 26th Street (see Attachment A) is controlled by a traffic signal and has crosswalks on the east and north legs. There is no crosswalk on the south leg. The intersection is located at the southern end of a horizontal curve and has significant pedestrian activity due to its proximity to the Scott Rakow Youth Center and a park/playground.

ANALYSIS

City staff visited the intersection and identified the following safety deficiencies:

- intersection alignment and horizontal curve to the north reduces visibility for pedestrians and vehicles in both directions and contributes to driver confusion and accidents
- the east-west pedestrian crosswalk on Pine Tree Drive/Sheridan Avenue is long and does not align with the Scott Rakow Youth Center
- no pedestrian crossing from the Scott Rakow Youth Center to the playground/park
- no crosswalk on 28th Street to cross Pine Tree Drive
- no east-west crosswalk on the southern leg of the 26th Street intersection
- during the afternoon peak hours, many northbound drivers perform illegal u-turns at the intersection to access the Scott Rakow Youth Center parking lot

- speeding occurs on Pine Tree Drive during the off-peak hours

In order to properly evaluate the geometry and operation of the intersection, develop concepts to improve pedestrian and vehicular safety, and address deficiencies identified during the site visit, staff recommends engaging the County to perform a traffic study.

CONCLUSION:

Given Pine Tree Drive is under the jurisdiction of Miami-Dade County, the Administration recommends that the Neighborhood/Community Affairs Committee approve staff's recommendation to submit a formal request to Miami-Dade County to perform a traffic study to evaluate the geometry and operation of the Pine Tree Drive/Sheridan Avenue and 26th Street intersection.

Transportation and Mobility Department staff will work closely with County staff to identify alternatives to enhance pedestrian and vehicular safety at the intersection and periodically report back to NCAC on the timeline and status of the County's traffic study.

Applicable Area

Middle Beach

Is this a Resident Right to Know item?

No

Does this item utilize G.O. Bond Funds?

No

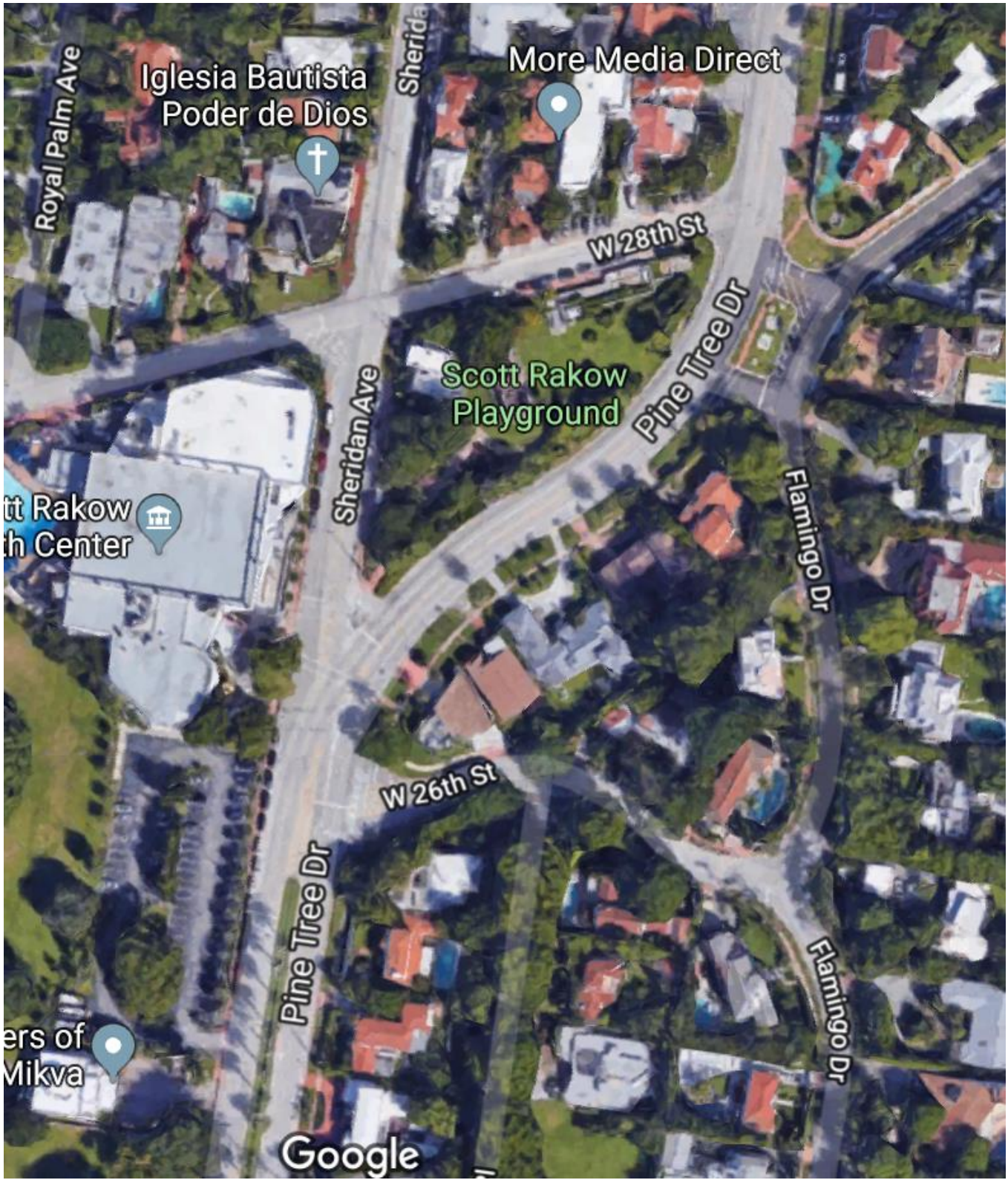
Strategic Connection

Mobility - Improve the walking and biking experience.

ATTACHMENTS:

Description	Type
<div data-bbox="164 1268 185 1295" data-label="Image"></div> Attachment A	Other

Attachment A: Intersection Aerial



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: DISCUSSION REGARDING THE CITY'S POLICIES AND PROCEDURES RELATING TO EVICTIONS OF SENIOR CITIZENS AND EVICTIONS DURING A STORM EMERGENCY AND DIRECTING THE ADMINISTRATION TO REVIEW OUR PROCESSES AND PROTOCOLS AND POTENTIALLY DEVELOP COORDINATED PROCEDURES WITH THE COUNTY TO HELP, IF NEEDED, SENIOR CITIZENS WHO ARE EVICTED, IN ORDER TO ENSURE THAT THEY HAVE TEMPORARY SHELTER.

ANALYSIS

In Miami-Dade County, the eviction process is handled through Miami-Dade County's Clerk of Courts and Police Department. An eviction is a legal process that follows these steps prior to a tenant's final eviction:

1. The tenant receives written notice from the landlord requesting the tenant to vacate the premises.
2. The tenant is served with a summons or complaint that is delivered by either a sheriff (police) or a certified process server.
3. The tenant is afforded the opportunity to respond to the summons or complaint.
4. The court (via a judge) can either grant or deny the eviction.
5. A writ of possession is posted if the court grants the eviction.
6. The sheriff enforces the eviction order if the tenant fails to vacate the premises as ordered.

The city provides rent assistance and emergency shelter to residents at-risk of homelessness due to residential evictions. Through the Office of Housing and Community Services (HCS), residents can apply for one month's rent assistance when they are in arrears for rent or must relocate as a result of an eviction. The funds for this service are provided via the Emergency Food and Shelter (EFSP) Program and the Community Development Block Grant (CDBG) Program. The rent is paid directly to the landlord once the resident completes the application process and is deemed eligible for assistance. As a courtesy, HCS has provided information and flyers regarding our assistance to local area churches that provide rent assistance and to the Miami Beach District Court located at 1130 Washington Avenue (Old City Hall).

For those who become homeless as a result of an eviction, the city can provide emergency shelter placement. The city maintains emergency shelter beds at The Salvation Army, Miami Rescue Mission

and Camillus House.

On Friday, August 30th, Maria Cazanes, an elderly resident, was evicted from her home by Miami-Dade County police officers enforcing a court eviction. Ms. Cazanes personal possessions, along with those of her adult son, were removed from her rented unit and placed outside in the elements. The eviction enforcement coincided with community-wide efforts to prepare for Hurricane Dorian, a Category 5 storm that was threatening South Florida at the time. Ms. Cazanes advised staff that she did not understand the eviction summons

Commissioner John Elizabeth Aleman contacted the Office of Housing and Community Services when she became aware of the eviction and city staff responded to the scene and provided Ms. Cazanes and her son with transportation and placement at The Salvation Army where they remain as of this writing.

Shortly after Ms. Cazanes' eviction, County Mayor Carlos Gimenez acknowledged that the timing of her eviction was a mistake and stated that the county would amend its policy to prevent enforcement of residential evictions during inclement weather.

The City Commission directed that the Neighborhoods and Citywide Projects Committee (NCWPC) review the informational forms provided by the city advising of its rent and shelter assistance and to ensure these forms are multi-lingual. In addition, the Commission directed, if possible, that the forms be provided to the judges approving evictions at the Miami Beach District Court for inclusion in eviction packages served in the city.

HCS has a variety of informational service sheets that provide service and eligibility information for the many programs offered by the department including rent assistance and emergency shelter services. Copies of these forms are attached and are displayed in the department's lobby area. The forms also include a checklist of required information to apply for services and a brief explanation on the approval process. We also list eviction information on the City's "How to" section of the HCS webpage.

Currently, the court includes a flyer which lists community-based rent assistance providers with the eviction notices issued. The rent assistance information is stapled to the legal documents. Ideally, the city would like to include its rent and shelter information (in English and Spanish) with those eviction orders issued within the city so that impacted residents may access city services immediately upon issuance of the order rather than after the eviction has been completed. By doing so, personal belongings can be secured and a traumatic event can be minimized.

CONCLUSION:

The city would like to work with the Clerk of Courts to ensure that information regarding city services are made available to Miami Beach residents facing eviction by including a multi-lingual resource flyer in the eviction packages processed within the city.

Applicable Area

Citywide

Is this a Resident Right to

Does this item utilize G.O.

Know item?

No

Bond Funds?

No

Strategic Connection

Mobility - Address homelessness.

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Shelter English	Memo
<input type="checkbox"/>	Shelter Spanish	Memo
<input type="checkbox"/>	Rent English	Memo
<input type="checkbox"/>	Rent Spanish	Memo

EMERGENCY SHELTER ASSISTANCE

Service: Emergency shelter assistance is provided to individuals who are homeless and have been certified as residents of the City of Miami Beach, contingent on shelter space and shelter approval.

Eligibility: Only homeless persons who became homeless in the City of Miami Beach or who have been certified as homeless in accordance with US Department of Housing and Urban Development regulations may receive shelter services from the City of Miami Beach. For those people who have become homeless in another jurisdiction, the City must be able to certify that you have been homeless in Miami Beach for at least 30 days.

Required Documentation for Application: The following documentation must be provided at time of service:

- ☐ Valid government-issued identification¹
- ☐ Social Security card¹
- ☐ Homeless Certification Form²
- ☐ City of Miami Beach Client Rights Form
- ☐ City of Miami Beach Shelter Request Form
- ☐ City of Miami Beach Consent for Services Form
- ☐ City of Miami Beach Request for Services Form
- ☐ Miami-Dade County HMIS Release Form (optional)
- ☐ City of Miami Beach Client Grievance Form
- ☐ City of Miami Beach Care Plan & Agreement for Services

1—If a client is a US citizen or resident, the City can provide identification and Social Security card replacement.

2—The Homeless Certification Form must be completed by City staff and accompanied by evidence residency or documented encounters with the client for at least 30 days prior to the provision of shelter services.

Approval Process: Once a completed application (including Care Plan & Services Agreement) and supporting documentation is submitted, the City requests approval to place the client from the selected shelter.

If the shelter approves placement, the client is transported to shelter and must ensure compliance with the terms of the Care Plan & Services Agreement in order to remain in shelter. If the shelter declines placement, the process is repeated until either a shelter accepts placement or all shelters with bed availability have been exhausted.

A client who is compliant with his/her Care Plan but has not been able to secure housing within 90 days of placement is subject to reassessment if placed in a City of Miami Beach shelter bed. If placed in a non-City bed, the client is subject to termination within the timeframe established by the shelter.

Clients who fail to adhere to the Care Plan are subject to immediate termination.

ASISTENCIA DE REFUGIO DE EMERGENCIA

Servicio: se brinda asistencia de refugio de emergencia a personas sin hogar y que han sido certificadas como residentes de la ciudad de Miami Beach, dependiendo a la disponibilidad y aprobación del refugio.

Elegibilidad: Solo las personas desamparadas que quedaron sin hogar en la ciudad de Miami Beach o que han sido certificadas como personas sin hogar, de acuerdo con las regulaciones del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos, pueden recibir servicios de refugio de la Ciudad de Miami Beach. Para aquellas personas que se han quedado sin hogar en otra jurisdicción, la ciudad debe certificar que han estado desamparados en Miami Beach durante al menos 30 días.

Documentación requerida para la solicitud: La siguiente documentación se debe proporcionar al momento del servicio:

- | | |
|--|---|
| <input type="checkbox"/> Identificación válida emitida por el gobierno ¹ | <input type="checkbox"/> Formulario de consentimiento para servicios de la ciudad |
| <input type="checkbox"/> Tarjeta de Seguro Social ¹ | <input type="checkbox"/> Formulario de solicitud de servicios de la ciudad |
| <input type="checkbox"/> Formulario de certificación de desamparamiento ² | <input type="checkbox"/> Formulario de liberación de HMIS del condado (opcional) |
| <input type="checkbox"/> Formulario de derechos del cliente de la ciudad | <input type="checkbox"/> Formulario de reclamo del cliente de la ciudad |
| <input type="checkbox"/> Formulario de solicitud de refugio de la ciudad | <input type="checkbox"/> Plan de atención y acuerdo de servicios |

1—si un cliente es ciudadano o residente de los EE. UU., La Ciudad puede proporcionar identificación y reemplazo de la tarjeta del Seguro Social.

2—El formulario de certificación de desamparamiento debe ser completado por el personal de la Ciudad y debe ser acompañado de encuentros documentados con el cliente durante al menos 30 días antes de la prestación de los servicios de refugio.

Proceso de aprobación: una vez que se presenta una solicitud completa (incluyendo el plan de atención y acuerdo de servicios) y toda documentación de respaldo, la Ciudad solicita la aprobación del refugio seleccionado para situar al cliente.

Si el refugio aprueba el acogimiento, el cliente es transportado al refugio y debe garantizar el cumplimiento de los términos de su plan de atención y el acuerdo de servicios para permanecer en el refugio. Si el refugio rechaza el acogimiento, el proceso se repite hasta que un refugio acepte el acogimiento o hasta que todos los refugios con disponibilidad de camas se hayan agotado.

Un cliente que cumpla con su plan de atención pero que no haya podido asegurar una vivienda dentro de los 90 días posteriores a su acogimiento, estará sujeto a una nueva evaluación si esta acogido en una cama de refugio de la Ciudad de Miami Beach. Si el cliente se acoge en una cama que no sea de la Ciudad, el cliente está sujeto a la terminación del refugio dentro del plazo establecido por este.

Los clientes que no cumplan con el plan de atención están sujetos a terminación inmediata.

RENT & MORTGAGE ASSISTANCE

Service: Rent and mortgage payment assistance provides one month's financial assistance to income-eligible households. Funds are subject to availability and additional program guidelines may apply depending on funding source.

Eligibility: The City participates in two rent/mortgage assistance programs for people at risk of homelessness: Emergency Food and Shelter Program (EFSP) and Community Development Block Grant (CDBG):

EFSP—The program is open to any resident of Miami-Dade County with a valid 3- or 5-day Notice of Eviction.

CDBG—The program is open only to low- and moderate-income households residing in Miami Beach with a valid 3- or 5-day Notice of Eviction.

Required Documentation for Application: documentation varies by program.

Emergency Food & Shelter Program (EFSP)

- ☐ Valid Government-issued identification
- ☐ Original Social Security cards for all household members
- ☐ Household proof of income
- ☐ Household expenses
- ☐ Bank statements for past 90 days
- ☐ Current lease (unless month to month)
- ☐ 3- or 5-day Notice of Eviction
- ☐ Landlord completed W-9 Form
- ☐ You can only apply for EFSP funds once in the past 12 months from any of its countywide affiliated agencies.
- ☐ The application for assistance must be approved by the EFSP Clearinghouse.

Community Development Block Grant (CDBG)

- ☐ Valid Government-issued identification
- ☐ Original Social Security cards for all household members
- ☐ Household proof of income
- ☐ Household expenses
- ☐ Bank statements for past 90 days
- ☐ Current lease (unless month to month)
- ☐ 3- or 5-day Notice of Eviction
- ☐ Landlord completed W-9 Form
- ☐ You must demonstrate the ability to eliminate all rent/mortgage arrears as a condition of program approval.
- ☐ Rent arrears must have been the cause of an unexpected event.
- ☐ You can only apply once in the past 12 months with approval from the City.

Approval Process: Once a completed application and supporting documentation is submitted:

EFSP

1. The Department Director reviews for compliance.
2. The application is then forwarded to the Clearinghouse.
3. If Clearinghouse approves, the authorization to release payment to the landlord is issued and check is mailed.

CDBG

The Department Director reviews for compliance and authorizes release of payment to landlord. Payment is made by check mailed to the landlord.

ASISTENCIA DE ALQUILER E HIPOTECA

Servicio: la asistencia para el pago de la renta y la hipoteca proporciona asistencia financiera de un mes a hogares elegibles según sus ingresos. Los fondos están sujetos a disponibilidad y pueden aplicarse pautas del programa adicionales dependiendo de la fuente de financiamiento.

Elegibilidad: La ciudad participa en dos programas de asistencia de alquiler / hipoteca para personas en riesgo de quedarse sin hogar: Programa de alimentos y refugio de emergencia (EFSP) y Subsidio de desarrollo comunitario (CDBG):

EFSP: el programa está abierto a cualquier residente del condado de Miami-Dade con un aviso de desalojo válido de 3 o 5 días.

CDBG: el programa está abierto solo a hogares de ingresos bajos y moderados que residen en Miami Beach con un Aviso de desalojo válido de 3 o 5 días.

Documentación requerida para la solicitud: la documentación varía según el programa.

Programa de alimentos y refugio de emergencia (EFSP)	Subsidio de desarrollo comunitario en bloque (CDBG)
<ul style="list-style-type: none"> <input type="checkbox"/> Identificación válida emitida por el gobierno <input type="checkbox"/> Tarjetas de seguro social originales para todos los miembros del hogar <input type="checkbox"/> Prueba de ingresos del hogar <input type="checkbox"/> Gastos del hogar <input type="checkbox"/> Extractos bancarios de los últimos 90 días. <input type="checkbox"/> Arrendamiento actual (a menos que sea mes a mes) <input type="checkbox"/> Aviso de desalojo de 3 o 5 días <input type="checkbox"/> Formulario W-9 completado por el propietario <input type="checkbox"/> Solo puede solicitar fondos de EFSP una vez en los últimos 12 meses de cualquiera de sus agencias afiliadas en todo el condado. <input type="checkbox"/> La solicitud de asistencia debe ser aprobada por el EFSP cámara de compensación. 	<ul style="list-style-type: none"> <input type="checkbox"/> Identificación válida emitida por el gobierno <input type="checkbox"/> Tarjetas de seguro social originales para todos los miembros del hogar <input type="checkbox"/> Prueba de ingresos del hogar <input type="checkbox"/> Gastos del hogar <input type="checkbox"/> Extractos bancarios de los últimos 90 días. <input type="checkbox"/> Arrendamiento actual (a menos que sea mes a mes) <input type="checkbox"/> Aviso de desalojo de 3 o 5 días <input type="checkbox"/> Formulario W-9 completado por el propietario <input type="checkbox"/> Debe demostrar la capacidad de eliminar todos los atrasos de alquileres / hipotecas como condición para la aprobación del programa. <input type="checkbox"/> Los atrasos en el alquiler deben haber sido la causa de un evento inesperado. <input type="checkbox"/> Solo puede presentar una solicitud en los últimos 12 meses con la aprobación de la Ciudad.

Proceso de aprobación: una vez que se presenta una solicitud completa y la documentación de respaldo:

EFSP	CDBG
<ol style="list-style-type: none"> 1. El/la director/a del departamento revisa para verificar cumplimiento. 2. La aplicación se reenvía a la cámara de compensación. 3. Si la cámara de compensación lo aprueba, se emite la autorización para liberar el pago al arrendador y se envía el cheque por correo. 	<ol style="list-style-type: none"> El/la director/a del departamento revisa para verificar el cumplimiento y autoriza la liberación del pago al arrendador. El pago se realiza mediante cheque enviado por correo al propietario.

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING CITIZEN, THE SMARTPHONE POLICE
BLOTTER.**

ANALYSIS

Verbal report will be provided at Committee.

**Is this a Resident Right to
Know item?**

No

**Does this item utilize G.O.
Bond Funds?**

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING BEACHWALK MEDALLIONS.**

ANALYSIS

Verbal report will be provided at Committee.

Applicable Area

Not Applicable

Is this a Resident Right to Know item?

No

Does this item utilize G.O. Bond Funds?

No

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING THE BETTER BUS PROJECT.**

HISTORY:

According to the 2019 Miami Beach Resident Survey, 75% of residents are satisfied with the City's trolley service; however, 63% of residents are using their personal automobiles for trips within Miami Beach. Additionally, the 2019 Miami Beach Business Survey rates transportation as one of the four most significant challenges for the future growth and stability of businesses. According to the same survey, 48% of businesses are satisfied with the effectiveness of public transit for employee commuting.

The Better Bus Project is an advocacy-led and community-driven bus system redesign, led by Transit Alliance Miami and the Miami-Dade Department of Transportation and Public Works. Transit Alliance is a local, non-profit organization advocating for walkable streets, bikeable neighborhoods, and better public transit in Miami-Dade County. The Better Bus Project effort began in June 2019. The final plan will be voted on by the Board of County Commissioners between February and March 2020.

The Better Bus Project is an intensive two-year community-driven project. A goal of the redesign is to position the system for ridership growth by creating a more effective service while remaining budget neutral. The overall network is somewhat aligned to the street grid, but stands to benefit from several key system-wide improvements:

- Increase in high-frequency services
- Create more viable connections
- Better serve high population/employment centers
- Resolve low productivity and circuitous routes
- Integrate key municipal trolley services

The County currently operates ten bus routes that serve the City of Miami Beach. Some of these routes, such as the 119 (S) and the 120 (Beach Express), are among the routes with the highest ridership in the County; however, there has been a steady decline in ridership over the past several years. While the Better Bus Project is focusing on the County bus network, it also looks at improvements to trolley services in the cities of Miami, Miami Beach, and Coral Gables, which

account for 70% of trolley ridership in the county.

Last month, two network concepts were released by Transit Alliance (coverage concept and ridership concept). These concepts are not proposals, rather different ways of thinking about how the bus network could be designed, depending on goals that are found to be most important.

The **coverage concept creates more high-frequency bus services in the urban core** by better integrating county and municipal services, primarily in the City of Miami. This concept ensures that everyone who currently has access to transit service remains within a quarter mile of service.

The **ridership concept is designed to maximize access to jobs and frequent service**. It shifts service away from low density areas and low performing routes to high density areas and high performing routes.

For example, today 2% of jobs in Miami Beach are within a quarter mile of bus services that arrive every 10 minutes. In the coverage concept, this would increase to 52%. In the ridership concept, this would increase further to 76%.

Attachment A depicts Transit Alliance's Summary of the Better Bus Project Network Concepts and impacts to Miami Beach. Attachment B depicts maps of the existing network, coverage concept, and ridership concept.

On October 7, 2019, the Transportation, Parking and Bicycle-Pedestrian Facilities Committee discussed the Better Bus Project and passed a motion in support of the **ridership concept**.

ANALYSIS

As it relates to the City's trolley service, both the coverage concept and the ridership concept have been designed to keep the existing service hours and for the changes to be budget neutral to the City. Both concepts assume a wider stop spacing of about every two blocks to provide faster service. The Better Bus Project's proposed changes to the City's trolley service are depicted in the table below:

Route	Service Characteristics	Coverage Concept	Ridership Concept
South Beach Trolley	route alignment ¹	Eliminate "Via 11 St. Loop", Collins Park, and Belle Isle	
	service frequency	12 min	10 min
Middle Beach Loop	route alignment	Eliminate route segment along 17 th St, Meridian Avenue, Dade Boulevard and 21 st Street ²	Eliminate the Middle Beach Loop entirely and reassign vehicles to Collins Express to improve service frequency along that route due to high demand and capacity issues ³
	service frequency	20 min	no service
Collins Express	route alignment	no changes	
	service frequency	15 min	10 min

North Beach Loop	route alignment	no changes
	service frequency	no changes

¹ Elimination of “Via 11 Street Loop” enables reassignment of vehicles to Loops A and B to achieve a higher service frequency. Both concepts suggest that Belle Isle would be served by an enhanced County Route 101 which would operate an all-day service across the Venetian Causeway from Omni Terminal to the existing Lincoln Road stop located between Collins Avenue and Washington Avenue and with a connection to the Sunset Harbour Publix. Route 101 service hours would be similar to our trolley service, and service frequency would be 30 minutes under the coverage concept and 20 minutes under the ridership concept. Route A (101) would require a fare. Both concepts suggest that the Collins Park neighborhood would be served by the Collins Express trolley operating along Collins Avenue at a higher service frequency.

² Affected trips could be conducted by connecting to more frequent routes, such as South Beach Trolley (every 12 minutes) and several County bus routes (Route 20, Route 101, and Route 115).

³ Service from Mount Sinai Medical Center to City Center (and vice-versa) would be replaced by proposed County Route 20 (which would require a fare) operating every 15 minutes and provide greater regional access.

In addition to the suggested trolley modifications described above, the Better Bus Project is proposing to replace Route 150/Airport Express, which currently provides direct service from Miami International Airport to Miami Beach, due to low ridership and low productivity. Route 150 would be replaced by Route 20 in both concepts, which would allow workers and residents to make new frequent connections to Miami Beach, improving regional access.

Key Issues

- Trolleys and buses serve different purposes but have never been comprehensively planned together for maximum effectiveness. Both the coverage and ridership concepts assume that the cities of Miami and Miami Beach would change their trolley networks to maximize job access overall. The trade-off is that trolley routes are the result of a community-driven process and are controlled by cities. Service is free and different vehicles are used. To achieve the intended goal of the Better Bus Project, however, means changing municipal trolley routes and the County bus network concurrently to create the intended synergies in the transit network.
- Fares: given that city trolleys are free to ride and county buses require a \$2.25 fare, if some of the changes to the City's trolley routes are implemented as suggested in the Better Bus Project, some riders who are currently riding the trolley for free will need to pay a fare to ride the County bus. However, through County programs like the Golden Passport and commuter-reduced fares, those most in need of free or affordable transportation are not severely affected. As an example, if the Belle Isle extension of the South Beach Trolley is eliminated and replaced by an enhanced County Route A as suggested in the Better Bus Project, passengers not eligible for any County discount using service to/from Belle Isle would need to pay a fare.
- Transfers and walking distance: eliminating segments of the City's existing trolley routes will require that some residents transfer from trolley to bus and vice-versa or walk longer

distances to complete their trip. For example, if the Collins Park extension of the South Beach Trolley is eliminated, Collins Park residents would need to walk a longer distance to Collins Avenue or 17th Street to board the Collins Express or South Beach Trolley.

CONCLUSION:

The Better Bus Project intends to maximize ridership potential of the County's bus system and represents a collaborative planning process between regional and local services that improves access to opportunities for residents, regional access for workers, and access to frequent service.

The Administration supports changes to the County bus service that would maximize access to jobs, increase ridership, and establish more frequent service for residents, workforce, and visitors of Miami Beach. While both concepts support these goals, further discussion on key issues listed above is required, particularly in terms of impacts to the residents of Miami Beach.

Staff supports various recommendations in the Better Bus Project, including:

- eliminating the Via 11 Street Loop of the South Beach Trolley
- increasing service frequency for South Beach Trolley and Collins Express
- eliminating Belle Isle extension and replacing service with an enhanced County Route A to connect to the South Beach Trolley
- reducing duplication between the Middle Beach Trolley and Collins Express routes

With higher service frequency along the Collins Express, the Middle Beach Trolley route can be modified to operate only along the 41st Street corridor between Mount Sinai Medical Campus and Collins Avenue connecting to the Collins Express.

Design a Better Bus Network is action item 13 in *Resilient 305*. The final network plan for both regional and local service will be developed by the Better Bus Project team based on direction by the City of Miami Beach, City of Miami, and Miami-Dade County and will require intergovernmental cooperation and collaboration. The final plan will be voted on by the Board of County Commissioners between February and March 2020.

Changes to the proposed trolley alignments, if any, will require City Commission approval.

Applicable Area

Citywide

Is this a Resident Right to Know item?

No

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Mobility - Increase multi-modal mobility citywide and connectivity regionally.

ATTACHMENTS:

Description

Type

Attachment A
Attachment B

Other
Other



Subject

Summary of Better Bus Project Network Concepts for Miami Beach

Better Bus Project

A bus system redesign is a collaborative planning effort to decide where today's bus service should go (and how frequently), starting from a clean slate. The biggest outcome of the project will be a new bus network that's more useful for more people – concentrating frequent service, building better connections, and creating a stronger network.

The Better Bus Project is being led by Transit Alliance Miami in partnership with Miami-Dade County. It is the first advocacy-led and community-driven bus system redesign in the country. The project includes the County bus system and trolley systems in the City of Miami, Miami Beach and Coral Gables.

The City of Miami Beach is a funder and supporter of the project, as adopted by the City Commission in Resolution [2019-30756](#).

Context

The County bus system has lost over 25 million boardings in the past five years, one of the steepest declines in ridership in the country. The growth in municipal trolley ridership only accounts for 15% of the decline¹. When considering transit ridership, one must consider the entire system as a whole. The system is still experiencing a net loss of riders despite gains in some municipal systems.

The County currently only operates five frequent bus routes, defined as a bus arriving every 15 minutes throughout the day. Several routes are extremely circuitous, while both County and Municipal services duplicate each other.

The project is cost-neutral, and assumes the same operating budget for both systems.

More information about our existing network can be found in the Choices Report at: www.betterbus.miami/choices

There is also a robust community engagement process for the project, that can be found at: www.betterbus.miami/connect

¹ Better Bus Project Choices Report, p. 5

Concepts

The project has released two network concepts. These concepts aren't proposals. They are different ways of thinking about how we could design our new bus network, depending on the goals that we deem most important. These concepts were designed in collaboration with City staff.

If our goal was to increase ridership, we would provide extremely useful service (every 15 minutes or less) in the places where we have the most jobs and most people, and less service everywhere else.

If our goal was to spread out our service across the region, regardless of the ridership outcome, we would be seeking coverage. We would have less frequent routes, but our service would be spread further across the County.

The two network concepts alongside the existing network demonstrate these goals and a few other key choices as the County its residents, businesses, and leaders decide how they want to design the bus system. The key questions are

- How Much Change? Both the Coverage and Ridership Concepts would change the network significantly to increase the freedom and access people have by transit. The trade-off is that many people are used to the service as it is, and will complain if we change anything.
- Whether and how to change trolley services? Both the Coverage and Ridership Concepts assume that the City of Miami and Miami Beach would change their trolley networks to maximize job access overall. The trade-off is that Trolley routes are the result of a community-driven process and are controlled by cities, and they have different fares and vehicles. This means changing both trolleys and the county network requires more coordinating and effort on the part of everyone.
- How far apart should bus stops be? Both the Coverage and Ridership Concepts assume that bus stops should be about every 1,000 to 1,300 feet apart on most high ridership routes. This allows riders to get where they are going faster. The downside is that some people have physical limitations on walking and some places are unpleasant to walk in, especially in summer.
- Ridership or Coverage? The Coverage Concept changes the network to maximize job access, widen stop spacing, and redesign trolley services but ensures that everyone who is within ¼ of transit today is still near a stop. The Ridership Concept changes the network even more, but shifting service away from low density areas and increasing frequency in the denest and busiest places in the county.

The Existing Network spends about 70% of its resources on Ridership goals and about 30% on Coverage goals and duplication. The Coverage Concept spends about 80% of its resources on Ridership Goals and about 20% on coverage goals, as most of the duplication has been removed. The Ridership Concept spends about 90% of its resources on Ridership goals and the remaining 10% on Coverage goals. The engagement process is centered around answering the key questions above and finding out where, in

the spectrum these concepts represent, the community would like their future bus system to be ahead of designing the final network plan later this year.

In the attached network maps, routes are color-coded by frequency (see the legend in the top left), with red lines being the most frequent (a bus arriving every 15 minutes throughout the day).

Both concepts include recommendations for the Miami Beach trolley system. These recommendations are not only designed such that the system works better with County services (and vice-versa), but also optimize the trolley system itself.

Taking a Position

By Miami Beach taking a position on the network concepts, it aids County Commissioners in taking their position on the two concepts ahead of designing a final network plan.

Outcomes

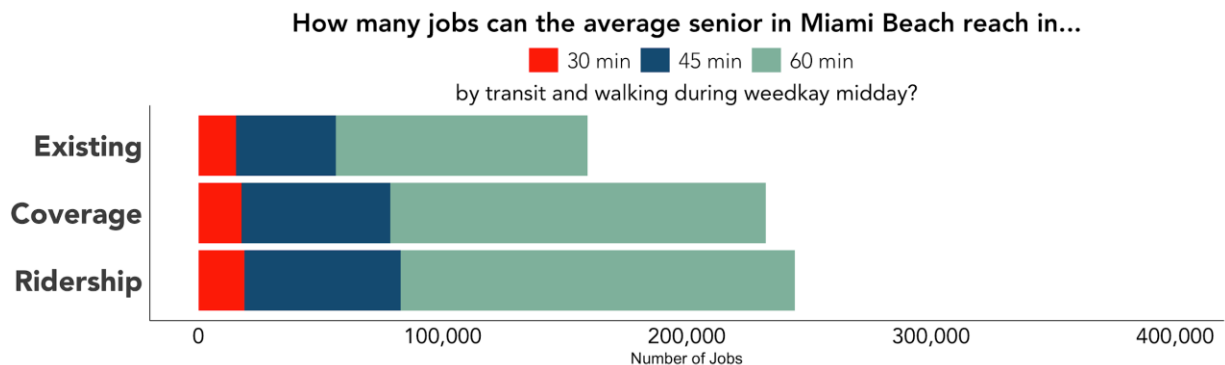
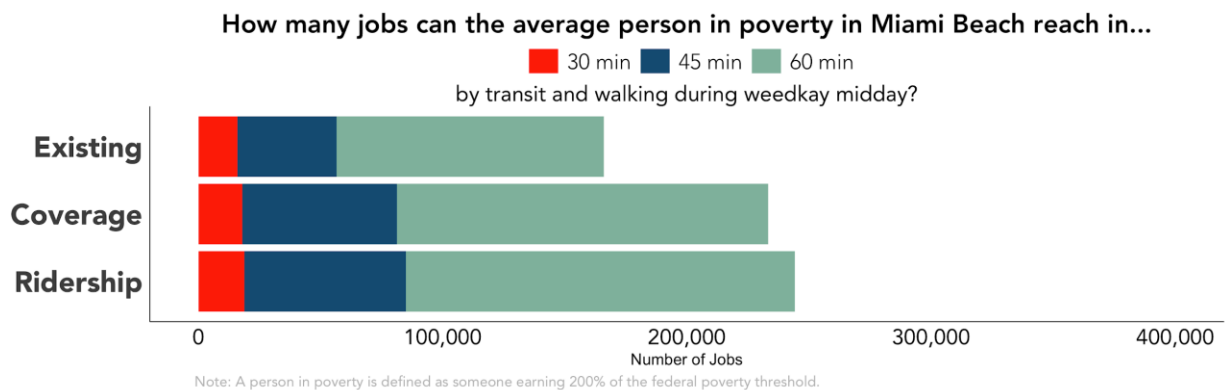
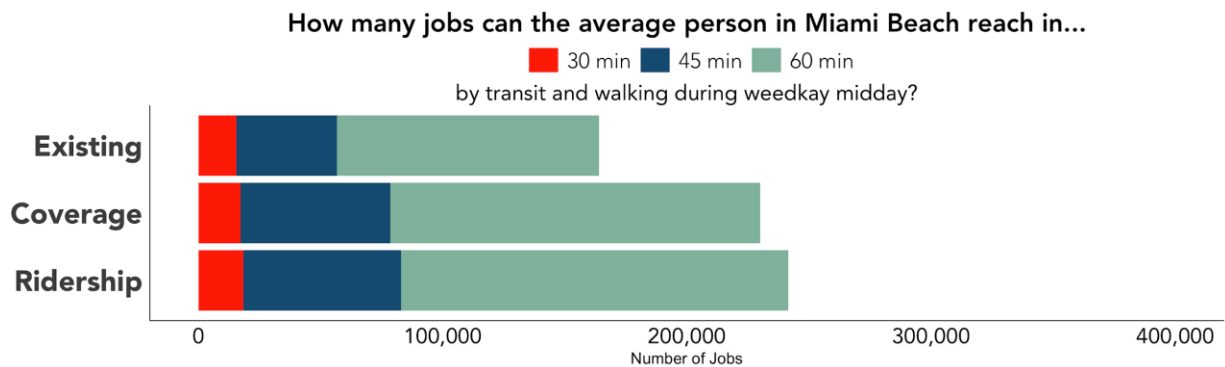
As elected officials, it is far more important to focus on the outcomes of the redesigned network rather than every new twist and turn in the redesigned routes. We have measured very specific outcomes to help guide your decision and have included some below.

We use job access as a proxy to measure a person's access to services and opportunities. Even if someone isn't traveling to a job on transit, they are generally traveling to somewhere that has jobs (for example, the grocery store, which has employees, and therefore jobs).

The outcomes for the average resident in Miami-Dade County are:

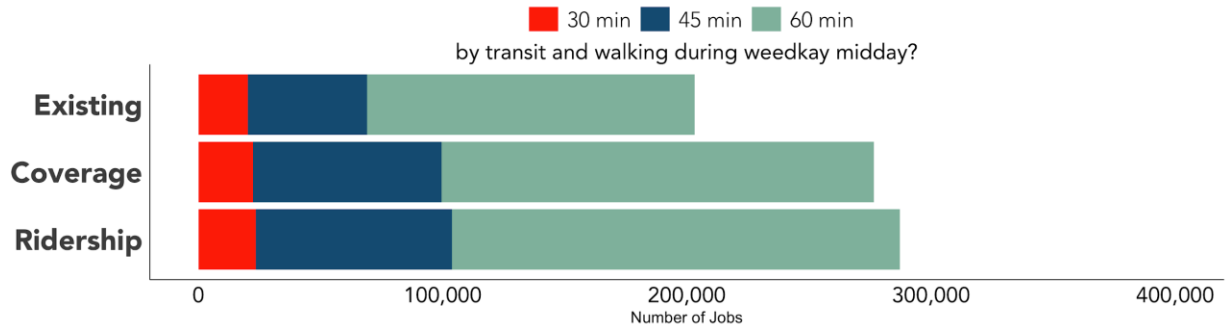
- The Coverage Concept:
 - Increases by 33% the number of jobs reachable by transit in 45 minutes for the average resident.
 - Increases the number of jobs that the average person in poverty could reach in an hour by 32,000, a 28% increase.
 - Increases the percent of residents near high frequency service from 10% to 18%
 - Maintains the overall number of people near any transit service at the current level of about 60%.
- The Ridership Concept:
 - Increases by 51% the number of jobs reachable by transit in 45 minutes for the average resident.
 - Increases the number of jobs that the average person in poverty could reach in an hour by 50,000, a 44% increase.
 - Increases the percent of residents near high frequency service from 10% to 28%
 - Reduces the percent of people near any transit service from 60% to 48%.

Meanwhile, the charts below shows how job access outcome changes between the concepts for the average resident in Miami Beach – though these charts also portray how much more accessible the jobs in Miami Beach are accessible to the wider region.

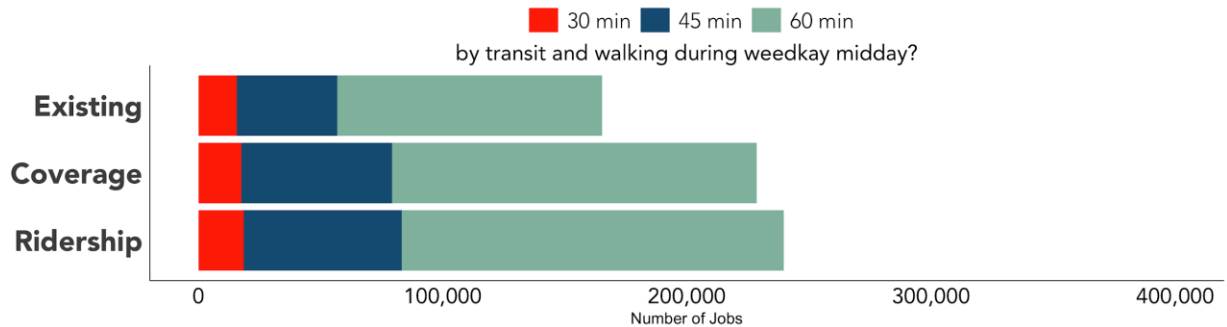




How many jobs can the average person without a vehicle in Miami Beach reach in...



How many jobs can the average person of color in Miami Beach reach in...

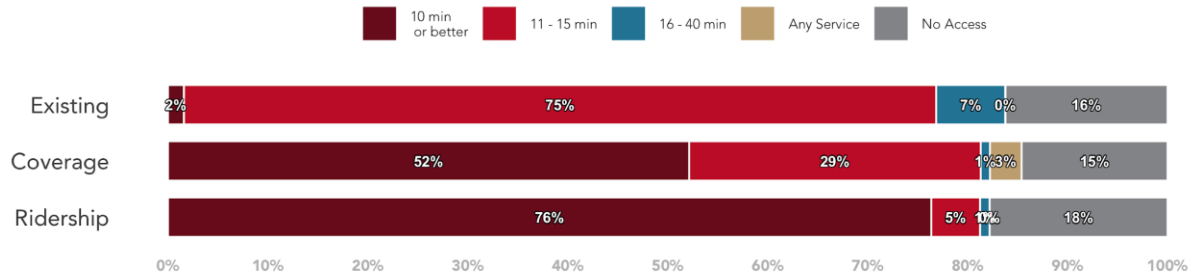


Note: A person of color is based on Census categories of race and ethnicity and includes anyone who identifies as Non-White or Hispanic.



Access to Transit - Weekday

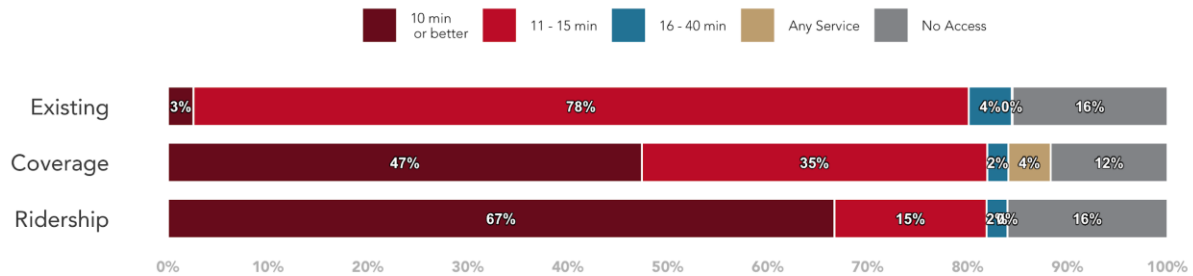
What percentage of Jobs in Miami Beach are near a bus route?



Access is measured as being located within 1/4 mile of a bus stop.

Access to Transit - Weekday

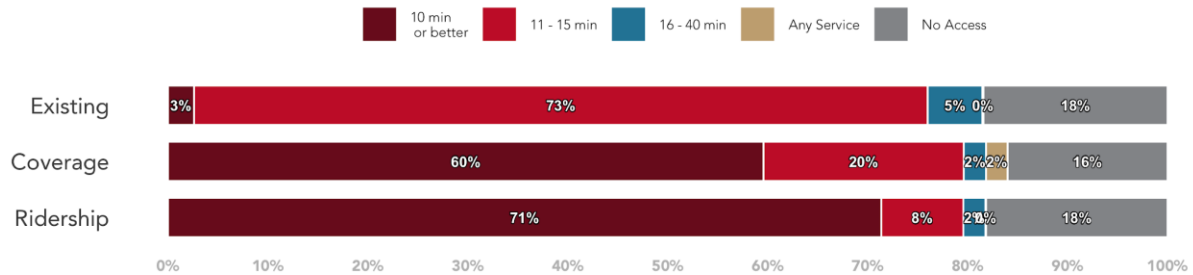
What percentage of residents in Miami Beach are near a bus route?



Access is measured as being located within 1/4 mile of a bus stop.

Access to Transit - Weekday

What percentage of seniors in Miami Beach are near a bus route?



Access is measured as being located within 1/4 mile of a bus stop.

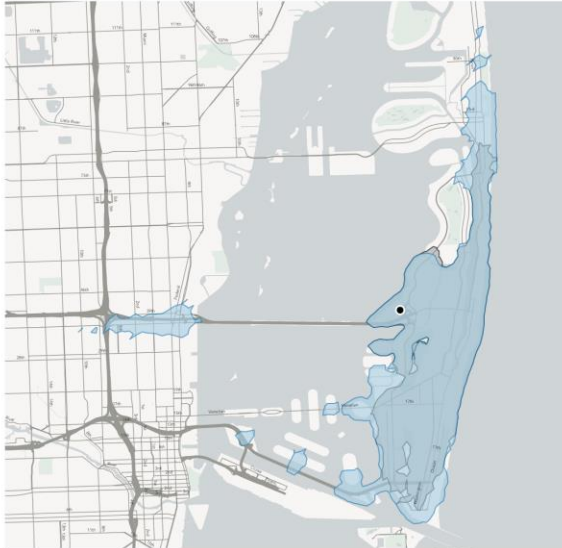
The isochrones on the following pages visualize the physical changes in freedom between the existing network and the two concepts. The legend in the top right will help you understand them, and the specific changes in access outcomes are listed below each visualization.



How far can I travel in 45 minutes from
Mt. Sinai Hospital
at noon?

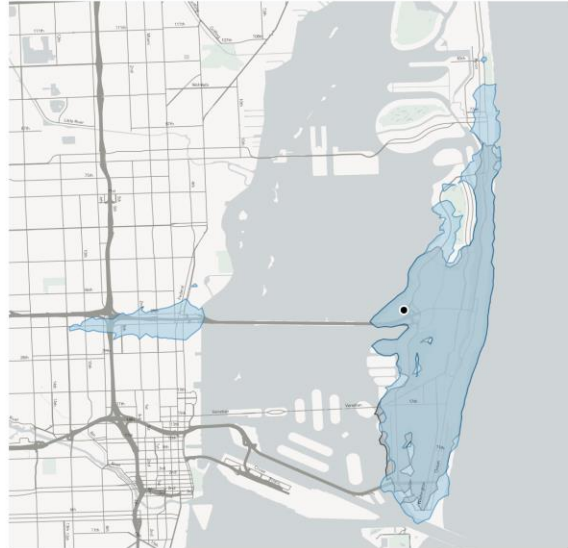


Ridership Concept



Change in jobs reachable	+7,880	+20%
Change in residents reachable	+16,185	+35%

Coverage Concept



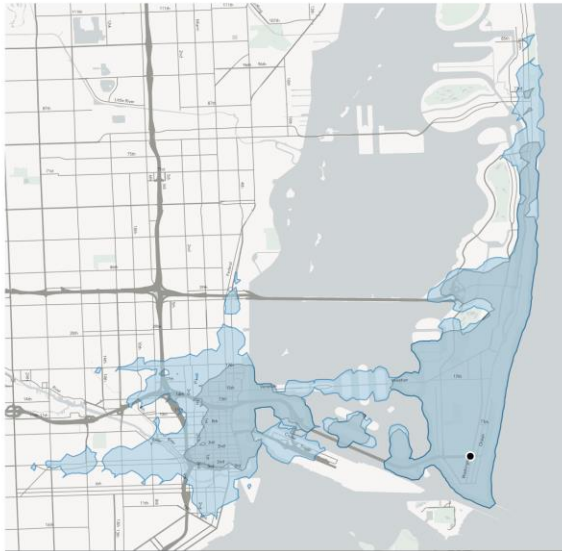
Change in jobs reachable	+6,440	+15%
Change in residents reachable	+12,455	+25%



How far can I travel in 45 minutes from
South Beach - Washington and 5th St
at noon?

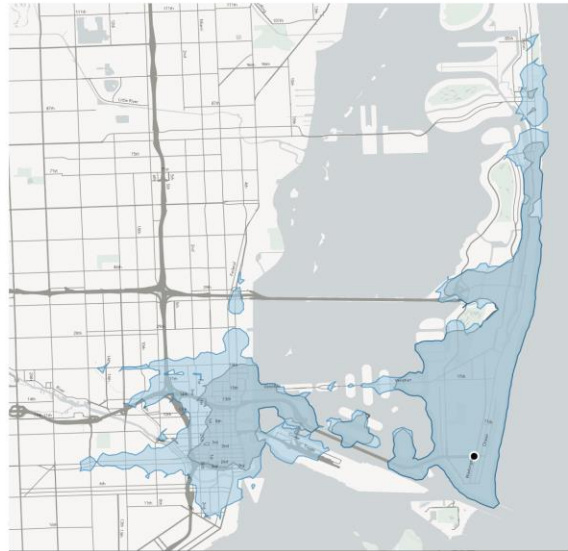


Ridership Concept



Change in jobs reachable	+84,015	+70%
Change in residents reachable	+54,630	+90%

Coverage Concept



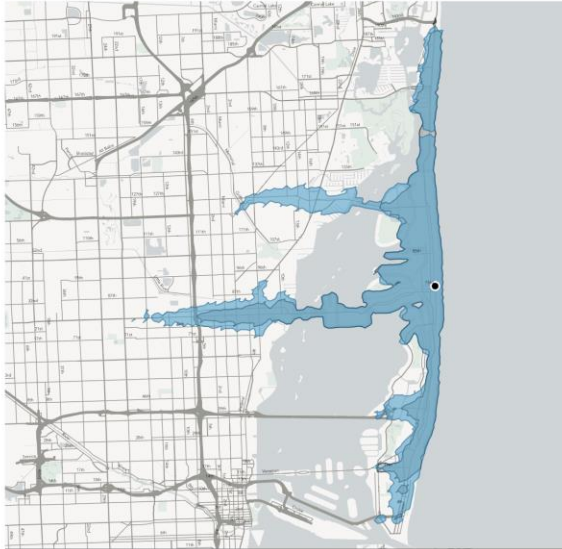
Change in jobs reachable	+80,550	+65%
Change in residents reachable	+43,720	+70%



How far can I travel in 45 minutes from
North Beach Bandshell
at noon?

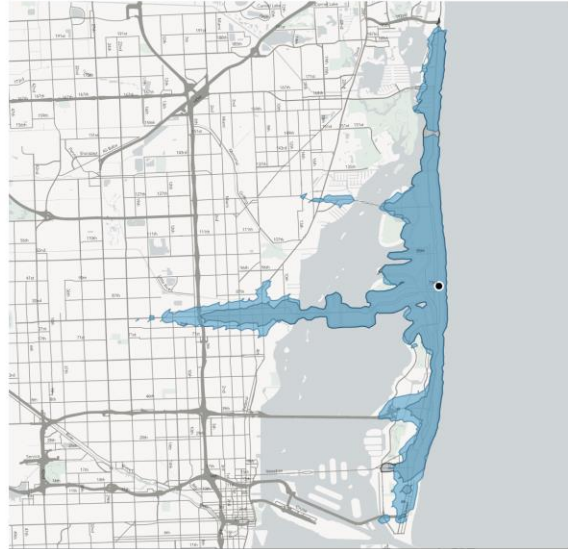


Ridership Concept



Change in jobs reachable	+16,110	+55%
Change in residents reachable	+34,695	+45%

Coverage Concept



Change in jobs reachable	+9,845	+35%
Change in residents reachable	+24,360	+30%

Recommendation

Based on the outcomes for Miami Beach, we recommend the City Commission adopt a resolution that:

- Endorse changes to the City's Trolley Network that maximize overall access to jobs and opportunities for City and County residents, and endorse one of the two concepts.
- Recommend to the County Commission that the county-wide network should be closer to the preferred concept.
- Endorses a recommendation of stop spacing for county bus routes of one stop about every 1,000 to 1,300 feet and about every 2-3 blocks for trolley routes in the City (900-1,200 feet).

Additional Information

A network redesign involves comprehensive change in the effort to create consistent route design across similarly situated places. Therefore, changes to particular places, corridors, and routes are far easier to track by looking at the attached maps.

There are widespread changes throughout the County that have a dramatic impact on the regional connectivity for Miami Beach. These are easy to ascertain from the two maps, but some highlights are:

- Simplification of many route patterns into fewer, but more frequent and simpler routes that get people where they are going faster.
 - In both concepts Routes S and 120 are consolidated into a more frequent Route 120, which would come every 7.5 minutes. The stopping pattern for Route 120 would be about every ¼ mile, slightly farther apart than Route S, but closer together than Route 120. Riders would benefit because waits would be shorter, saving them time. Riders would also have consistently spaced trips from downtown to the Beach. Today Routes S and 120 are timed to leave Government Center at the same time, so that there is no benefit from the combined frequency of the two separate routes.
 - For this structure to work the Collins Trolley (MB3 on the maps) would run as a local service, while the County buses would have wider stop spacing, allowing both services to provide a unique role rather than run on top of each other and provide the same service. In the Coverage Concept, the Collins Trolley is every 15 minutes. In the Ridership Concept it is every 10 minutes because the Mid-Beach Trolley is replaced (as described below).
 - The South Beach Trolley (MB 4 on the maps) would be slightly shorter, simpler, and more frequent. In Coverage it would run every 12 minutes and in Ridership it would be every 10 minutes. The current route is only every 20 minutes, and an average person could walk a trip that is nearly half the length of the route in the time it would take for the next bus to arrive. With more frequent service, it would be more useful for many more trips.



- Increasingly frequent service to Miami Beach across the main connectors to and from the mainland with a simpler, more frequent route structure on the Beach, expanding the reach of both residents and workers
 - In both concepts, there is more frequent service from Miami Beach to the mainland along the following corridors:
 - From South Beach via MacArthur Causeway, Omni Terminal and 20th Street to the Airport via Route 20 every 15 minutes. By providing a more frequent connection across the mainland along 20th Street to and from the Beach, this route would provide quick connections to all the north-south routes on the mainland for easier access to South Beach. In Coverage this route would end at the Lincoln Road Terminal. In Ridership it would continue north to Mt. Sinai Hospital, taking over for the Mid-Beach Trolley (MB2 on the maps).
 - From Mid-Beach via the Julia Tuttle Causeway and 36th Street to Airport or Doral, every 15 minutes. This would partially or fully replace Routes J and 150. By providing a more frequent connection across the mainland along 36th Street to the Beach, this route would provide quick connections to all the north-south routes on the mainland for easier access to and from Mid-Beach.
 - Route 101 provides all-day service across the Venetian Causeway from Omni Terminal to Lincoln Road Terminal with service to Belle Isle and with a connection to the Publix on the Bay. In the Coverage Concept, this service is every 30 minutes and in the Ridership Concept it is every 20 minutes. This route help provide service for a section of the South Beach Loop that is shortened and simplified.
 - Route 79 provides a connection to and from North Beach via 79th Street to and from the mainland and key Metrorail stations, ending at Hialeah Metrorail Station. This replaces Route L with a similar 15-minute route in both Concepts. The major difference is that Route 79 would end at Collins at 71st, requiring a transfer to reach points south where Route L goes today. However, this change would be mitigated because Routes 36 and 20 would have more frequent connections (as described above) and the revised Route 120 would be more frequent.
 - Route 119 would provide a connection to and from North Beach (with connections to the North Beach Trolley and Route 120 at 88th Street) via the Broad Causeway to and from the mainland and Miami-Dade College North Campus. This replaces Route G with a similar 30-minute route in Coverage, but in Ridership this is a high frequency route running every 15 minutes.
- In the Coverage Concept, Route 115 would remain, and run all day, at an hourly frequency.
- In both concepts, the North Beach Trolley remains unchanged with 15 minute service in its current loop pattern.

Why replace Route 150? Currently, Route 150 runs about every 20 minutes from the Airport to South Beach via I-195. There are no stops on the mainland except at the Miami Airport Station (also called Miami Intermodal Center). This pattern limits the market for workers and others to get to and from the Beach because it misses all the possible connections with the Metrorail Green Line and from north-south bus lines on the major avenues (NW 27th, 22nd, 17th, 12th, 7th, and 2nd and NE 2nd and Biscayne). The airport to the Beach market isn't large enough to create a high productivity bus route: the current route languishes in the bottom half of route productivity with about 17 riders per hour of service. Both concepts create high frequency connections from the airport to the Beach, via 20th Street in both Concepts. Plus, the Coverage Concept includes a connection via 36th Street on Route 36A, every 30 minutes. This provides a bus connection that serves multiple markets at the same time: people going to/from the airport, workers going to/from the Beach, and many other possible trips. Routes that serve multiple markets and multiple purposes are the foundation of high productivity transit.

What about Routes M and C? Both Routes M and C largely duplicate other routes in today's network. Their frequency is relatively low, and therefore relatively few people use them. Today's Route M gets about 12 riders per hour and Route C gets about 7 riders per hour. In the Coverage Concept, trips made by these routes today can be accomplished with connections between more frequent routes.

For Route C, the longest trip today would be replaced as follows:

- In Coverage to/from Mt. Sinai to South Pointe Drive: Mid Beach Trolley (MB2) to South Beach Trolley (MB4). The frequency of this connection is every 20 minutes on the Mid Beach Trolley and every 12 minutes on the South Beach Trolley. The average wait in total would therefore be 16 minutes for this trip, compared to 15 minutes today.
- In Ridership to/from Mt. Sinai to South Point Drive: Route 20 to South Beach Trolley (MB4). The frequency of this connection is every 15 minutes for Route 20 and every 10 minutes on the South Beach Trolley. The average wait in total would therefore be 11.5 minutes for this trip, compared to 15 minutes today. For trips to and from Alton Road, Route 20 would provide a one-seat ride.

Route M runs about every hour today, which means the average wait for the route is about 30 minutes. The longest trip today would be replaced as follows:

- In Coverage to/from Mt. Sinai area to Civic Center Station area hospitals:
 - One option would be Route 36 to Allapattah Metrorail Station to Civic Center Station. This would be an every 15 minute bus route to every 7.5 minute rail for a total average wait of about 11 minutes.
 - Another option would be Mid Beach Trolley (MB2) to Route 20 to 20th Street and 12th Avenue NW. This would be an every 20 minute bus to an every 15 minute bus, for a total average wait of about 18 minutes.



- Another option would be Route 20 to Route 101 to City of Miami Trolley Allapattah Trolley (M1 on the map). This would be an every 20 minute bus, to an every 30 minute bus, to an every 15 minute bus for a total average wait of about 33 minutes.
- In Ridership to/from Mt. Sinai area to Civic Center Station area hospitals:
 - There would be a one-seat ride option on Route 20 directly to 20th Street and 12th Avenue NW. This would be an every 15 minute bus so the average wait would be 7.5 minutes.
 - Another option would be on Route 20 to Omni Terminal then transferring to the City of Miami Allapattah Trolley (M1 on the map). This would be an every 15 minute bus, to an every 15 minute bus with an average wait of 15 minutes total.
 - Another option would be Route 36 to Allapattah Metrorail Station to Civic Center Station. This would be an every 15 minute bus route to every 7.5 minute rail for a total average wait of about 11 minutes.

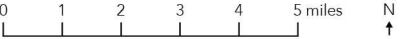
MIAMI-DADE COUNTY
Existing Transit Network

Routes by Weekday Midday Frequency

- 15 minutes or less
- 16 - 24 minutes
- 25 - 30 minutes
- 31 - 60 minutes

Map Symbols

- Rail
- Trolley Service
- Transit Hub
- End of route
- Route continues at lower frequency

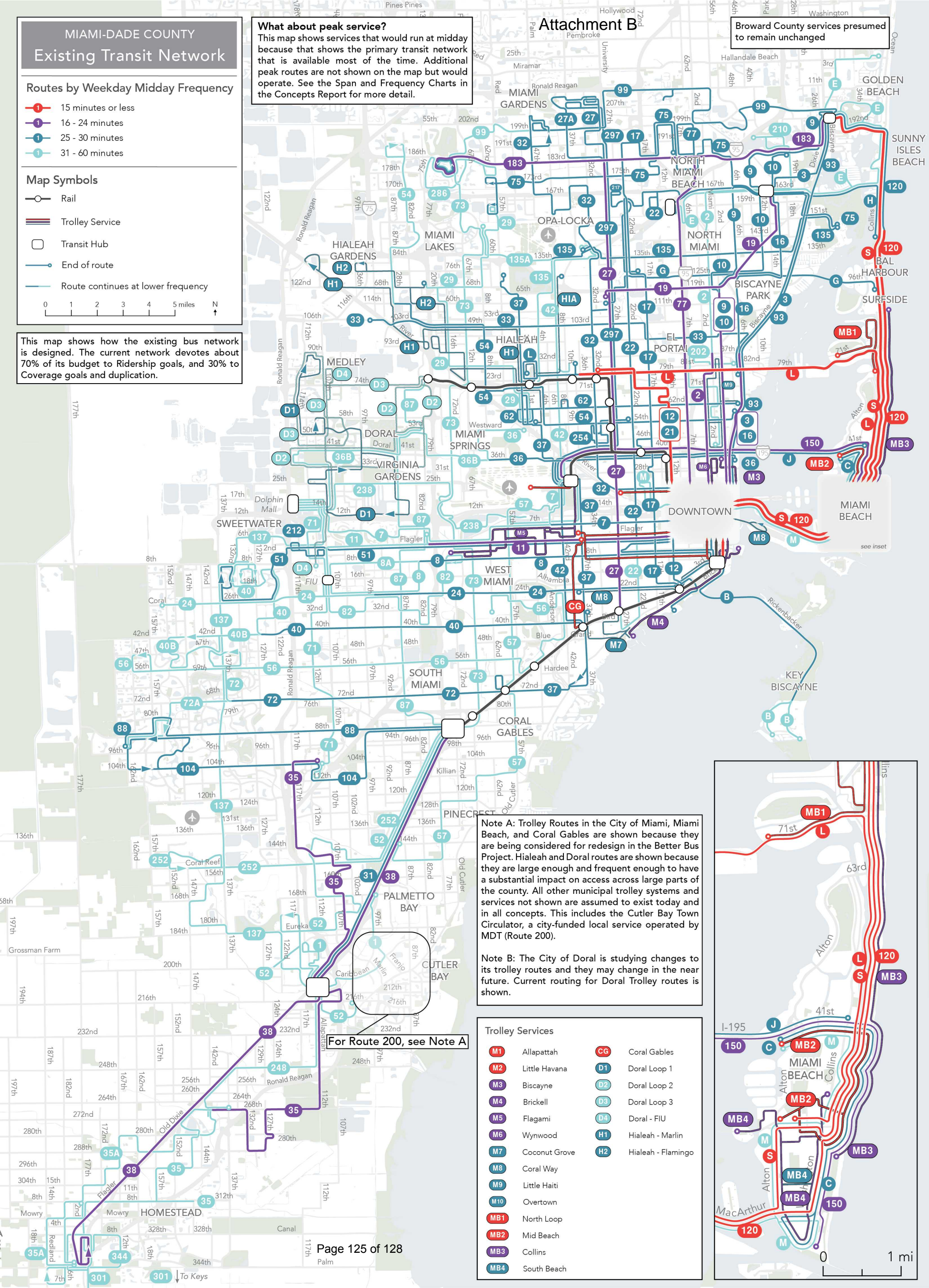


This map shows how the existing bus network is designed. The current network devotes about 70% of its budget to Ridership goals, and 30% to Coverage goals and duplication.

What about peak service?
This map shows services that would run at midday because that shows the primary transit network that is available most of the time. Additional peak routes are not shown on the map but would operate. See the Span and Frequency Charts in the Concepts Report for more detail.

Attachment B

Broward County services presumed to remain unchanged



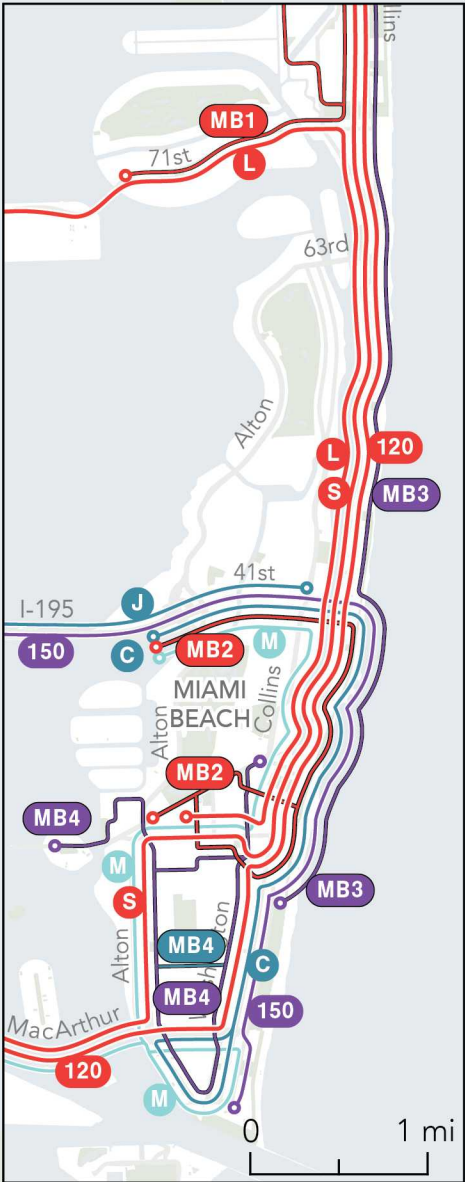
Note A: Trolley Routes in the City of Miami, Miami Beach, and Coral Gables are shown because they are being considered for redesign in the Better Bus Project. Hialeah and Doral routes are shown because they are large enough and frequent enough to have a substantial impact on access across large parts of the county. All other municipal trolley systems and services not shown are assumed to exist today and in all concepts. This includes the Cutler Bay Town Circulator, a city-funded local service operated by MDT (Route 200).

Note B: The City of Doral is studying changes to its trolley routes and they may change in the near future. Current routing for Doral Trolley routes is shown.

Trolley Services

- | | | | |
|-----|---------------|----|--------------------|
| M1 | Allapattah | CG | Coral Gables |
| M2 | Little Havana | D1 | Doral Loop 1 |
| M3 | Biscayne | D2 | Doral Loop 2 |
| M4 | Brickell | D3 | Doral Loop 3 |
| M5 | Flagami | D4 | Doral - FIU |
| M6 | Wynwood | H1 | Hialeah - Marlin |
| M7 | Coconut Grove | H2 | Hialeah - Flamingo |
| M8 | Coral Way | | |
| M9 | Little Haiti | | |
| M10 | Overtown | | |
| MB1 | North Loop | | |
| MB2 | Mid Beach | | |
| MB3 | Collins | | |
| MB4 | South Beach | | |

For Route 200, see Note A



MIAMI-DADE COUNTY Coverage Concept

- Routes by Weekday Midday Frequency
- 10 minutes or less
 - 15 minutes
 - 20 minutes
 - 30 minutes
 - 60 minutes

- Map Symbols
- Rail
 - Trolley Service
 - Transit Hub
 - End of route
 - Route continues at lower frequency
- 0 1 2 3 4 5 miles N

**This map is a concept.
It is not a proposal.**

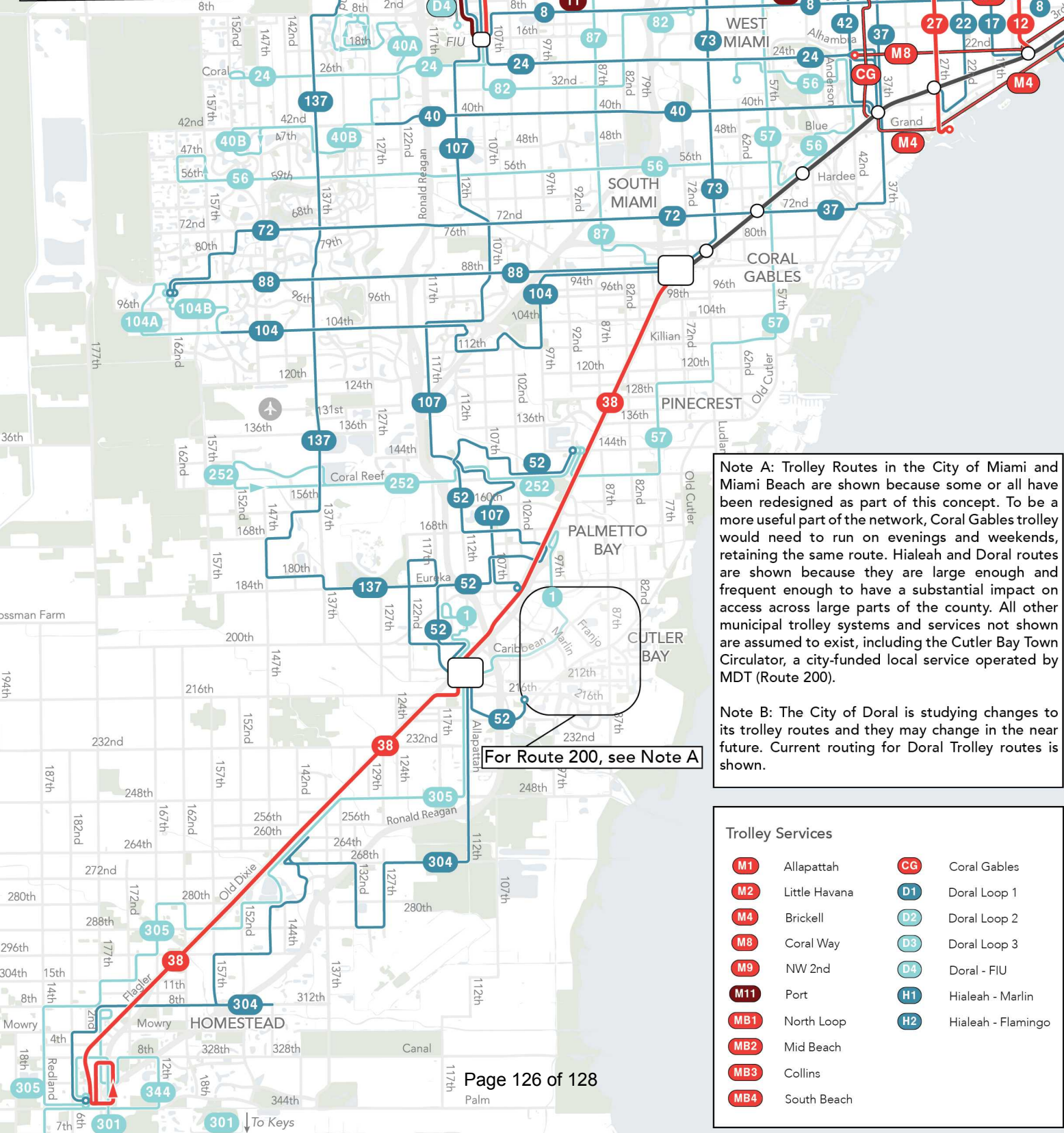
This concept shows how the bus network might be designed if duplication was reduced and all existing coverage was maintained. It is designed with the same operating budget as today's bus network with 80% of the budget going to Ridership goals, and 20% to Coverage goals.

What about peak service?
This map shows services that would run at midday because that shows the primary transit network that is available most of the time. Additional peak routes are not shown on the map but would operate. See the Span and Frequency Charts in the Concepts Report for more detail.

Where are MAX Routes?
MAX routes are renamed Rapids. Rapid 11 runs all day. Other Rapids run at peak times. See the Span and Frequency Chart in the Concepts Report for details.

Broward County services presumed to remain unchanged

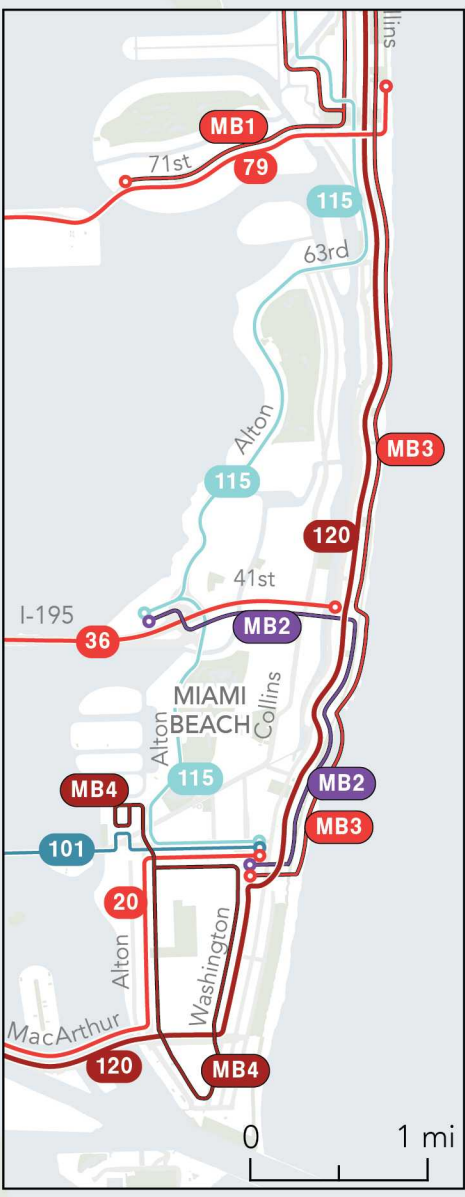
Rapid: Fewer stops for faster service



Note A: Trolley Routes in the City of Miami and Miami Beach are shown because some or all have been redesigned as part of this concept. To be a more useful part of the network, Coral Gables trolley would need to run on evenings and weekends, retaining the same route. Hialeah and Doral routes are shown because they are large enough and frequent enough to have a substantial impact on access across large parts of the county. All other municipal trolley systems and services not shown are assumed to exist, including the Cutler Bay Town Circulator, a city-funded local service operated by MDT (Route 200).

Note B: The City of Doral is studying changes to its trolley routes and they may change in the near future. Current routing for Doral Trolley routes is shown.

Trolley Services			
M1	Allapattah	CG	Coral Gables
M2	Little Havana	D1	Doral Loop 1
M4	Brickell	D2	Doral Loop 2
M8	Coral Way	D3	Doral Loop 3
M9	NW 2nd	D4	Doral - FIU
M11	Port	H1	Hialeah - Marlin
MB1	North Loop	H2	Hialeah - Flamingo
MB2	Mid Beach		
MB3	Collins		
MB4	South Beach		



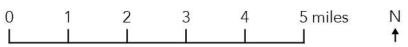
MIAMI-DADE COUNTY
Ridership Concept

Routes by Weekday Midday Frequency

- 10 minutes or less
- 15 minutes
- 20 minutes
- 30 minutes
- 60 minutes

Map Symbols

- Rail
- Trolley Service
- Transit Hub
- End of route
- Route continues at lower frequency



What about peak service?

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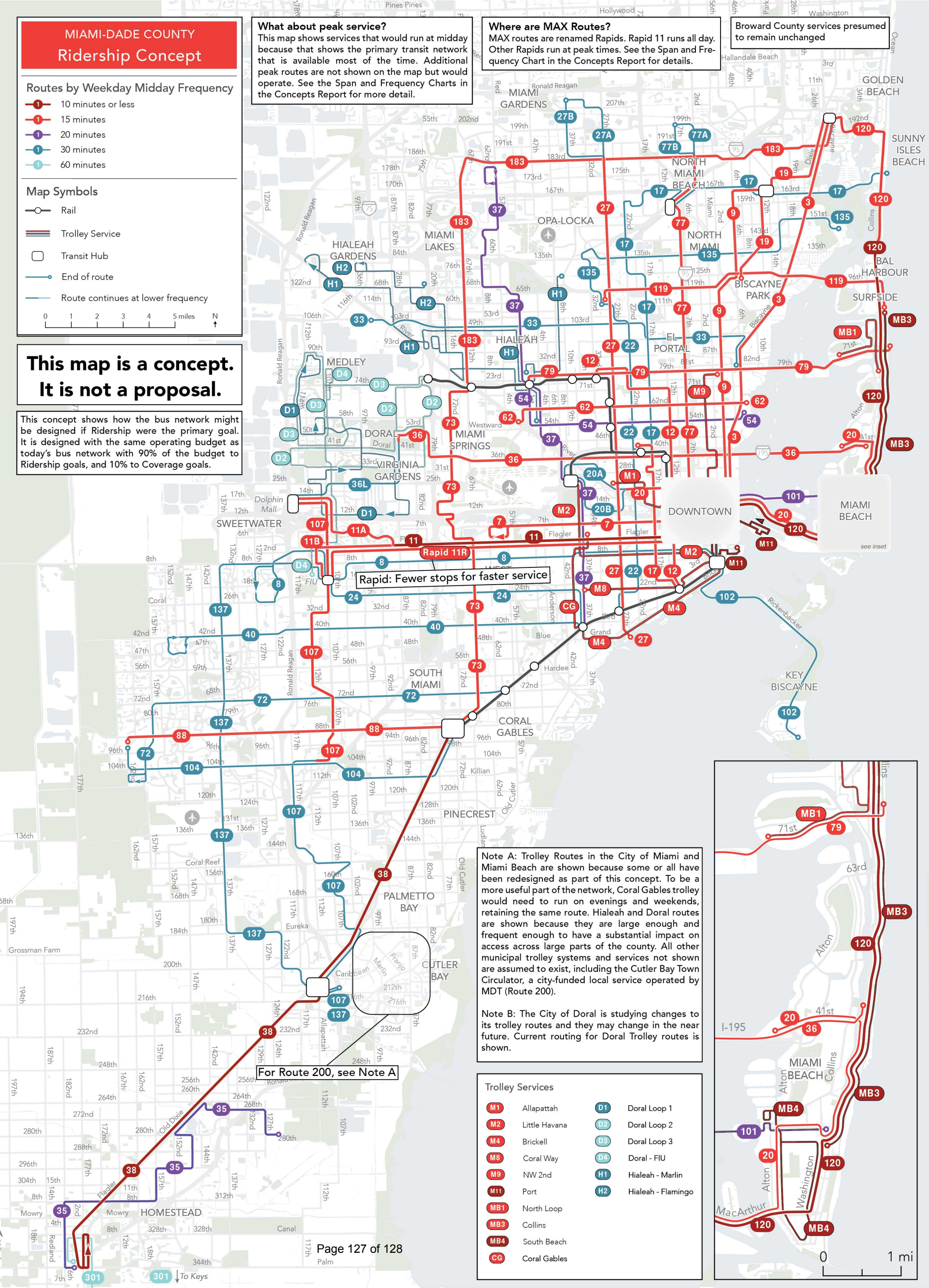
Where are MAX Routes?

MAX routes are renamed Rapids. Rapid 11 runs all day. Other Rapids run at peak times. See the Span and Frequency Chart in the Concepts Report for details.

Broward County services presumed to remain unchanged

This map is a concept.
It is not a proposal.

This concept shows how the bus network might be designed if Ridership were the primary goal. It is designed with the same operating budget as today's bus network with 90% of the budget to Ridership goals, and 10% to Coverage goals.



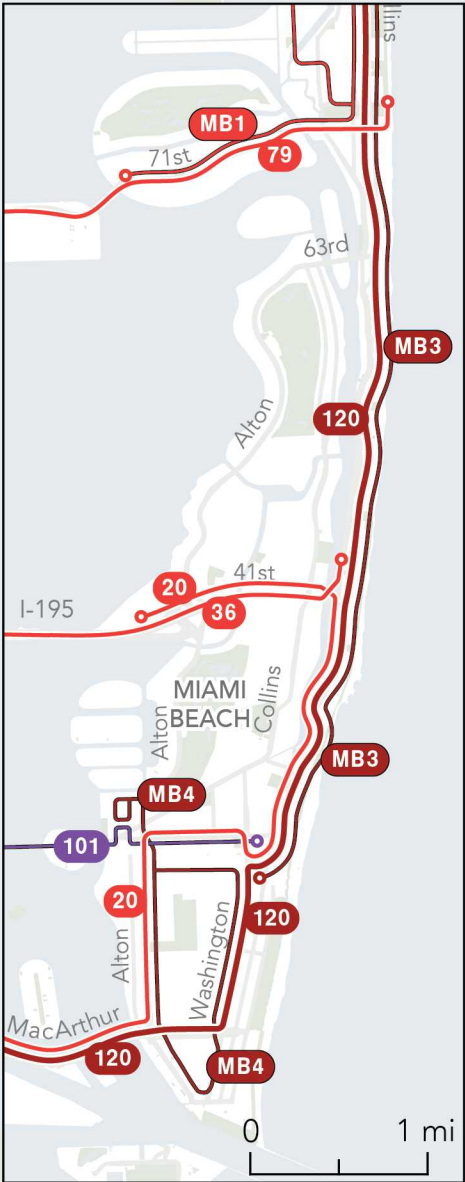
Rapid: Fewer stops for faster service

Note A: Trolley Routes in the City of Miami and Miami Beach are shown because some or all have been redesigned as part of this concept. To be a more useful part of the network, Coral Gables trolley would need to run on evenings and weekends, retaining the same route. Hialeah and Doral routes are shown because they are large enough and frequent enough to have a substantial impact on access across large parts of the county. All other municipal trolley systems and services not shown are assumed to exist, including the Cutler Bay Town Circulator, a city-funded local service operated by MDT (Route 200).

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Trolley Services

- | | | | |
|-----|---------------|----|--------------------|
| M1 | Allapattah | D1 | Doral Loop 1 |
| M2 | Little Havana | D2 | Doral Loop 2 |
| M4 | Brickell | D3 | Doral Loop 3 |
| M8 | Coral Way | D4 | Doral - FIU |
| M9 | NW 2nd | H1 | Hialeah - Marlin |
| M11 | Port | H2 | Hialeah - Flamingo |
| MB1 | North Loop | | |
| MB3 | Collins | | |
| MB4 | South Beach | | |
| CG | Coral Gables | | |



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2019

SUBJECT: **DISCUSSION REGARDING RENAMING OF COLLINS CANAL PARK.**

HISTORY:

This item was referred by the City Commission at its October 16, 2019 meeting to the Neighborhood/Community Affairs Committee and is sponsored by Commissioner Ricky Arriola

The referral requested that the NCAC Committee consider the following actions:

- 1) Repeal Resolution 2019-30826, which named the northern Miami Beach Convention Center park as “Collins Canal Park,”
- 2) Re-name Collins Canal Park as “Muhammad Ali Park.”

The referral item also proposed that the NCAC Committee further recommend an amendment to the City’s naming ordinance, codified in Article VI of Chapter 82 of the City Code, which would exempt the park from current referendum requirements.

Applicable Area

Citywide

**Is this a Resident Right to
Know item?**

Yes

**Does this item utilize G.O.
Bond Funds?**

No