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CS/CS/HB 1095, Engrossed 2

2020 Legislature

1  
2 An act relating to infrastructure regulation; amending  
3 s. 350.061, F.S.; providing term limits for the Public  
4 Counsel; providing an exception for time served before  
5 a specified date; providing for the appointment and  
6 removal of the Public Counsel; requiring the Committee  
7 on Public Counsel Oversight to receive applications,  
8 conduct interviews, and appoint a Public Counsel by a  
9 specified date every 4 years; providing for the  
10 filling of vacancies; amending s. 556.102, F.S.;  
11 providing definitions; amending s. 556.107, F.S.;  
12 revising and providing noncriminal violations relating  
13 to the transportation of certain hazardous materials;  
14 authorizing the State Fire Marshal or his or her  
15 agents to issue certain citations; providing enhanced  
16 civil penalties; providing disposition of the civil  
17 penalty; requiring a report by additional entities;  
18 providing requirements for the report; providing civil  
19 penalties; amending s. 556.116, F.S.; deleting  
20 definitions; requiring certain persons to transmit an  
21 incident report to the State Fire Marshal; providing  
22 that certain incident reports must be submitted to,  
23 and investigated by, the State Fire Marshal or his or  
24 her agents; authorizing the State Fire Marshal or his  
25 or her agents to issue citations and civil penalties;

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26 providing for disposition of the civil penalty;  
27 requiring written warnings for certain noncriminal  
28 infractions; providing for an enhanced penalty upon  
29 conviction for a failure to respond; removing  
30 provisions relating to hearings by the Division of  
31 Administrative Hearings of certain incidents; creating  
32 s. 556.117, F.S.; requiring Sunshine State One-Call of  
33 Florida, Inc., to review certain reports and  
34 complaints; requiring the corporation to identify  
35 areas in the state in need of additional education and  
36 to recommend solutions; requiring an annual report to  
37 the Governor and the Legislature by a specified date;  
38 providing an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Subsection (1) of section 350.061, Florida  
43 Statutes, is amended to read:

44 350.061 Public Counsel; appointment; oath; restrictions on  
45 Public Counsel and his or her employees.—

46 (1) The committee designated by joint rule of the  
47 Legislature or by agreement between the President of the Senate  
48 and the Speaker of the House of Representatives as the Committee  
49 on Public Counsel Oversight shall appoint a Public Counsel to  
50 represent the general public of Florida before the Florida

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51 Public Service Commission. The Public Counsel shall be an  
 52 attorney admitted to practice before the Florida Supreme Court,  
 53 ~~and shall be appointed for a term of 4 years, and may be~~  
 54 reappointed thereafter, provided that a person appointed as the  
 55 Public Counsel may not serve more than 12 consecutive years in  
 56 the position. However, the time served by the Public Counsel  
 57 before July 1, 2020, may not be considered in applying the  
 58 limitation on consecutive years of service. The Public Counsel  
 59 shall be appointed by a majority vote of the committee  
 60 appointees of each house and may be removed from office by a  
 61 majority vote of the committee appointees of each house. A  
 62 person may continue as Public Counsel beyond the 4-year term  
 63 until his or her successor is appointed and takes office, unless  
 64 the person is removed by a vote of the committee. The Committee  
 65 on Public Counsel Oversight shall receive applications, conduct  
 66 interviews, and appoint a Public Counsel to a 4-year term  
 67 beginning on March 1, 2021, and every 4 years thereafter ~~serve~~  
 68 ~~at the pleasure of the Committee on Public Counsel Oversight,~~  
 69 ~~subject to biennial reconfirmation by the committee.~~ The Public  
 70 Counsel shall perform his or her duties independently. Vacancies  
 71 in the office shall be filled for the remainder of the unexpired  
 72 term in the same manner as the original appointment.

73 Section 2. Subsections (8) and (9) through (14) of section  
 74 556.102, Florida Statutes, are renumbered as subsections (10)  
 75 and (12) through (17), respectively, and new subsections (8),

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76 | (9), and (11) are added to that section, to read:  
 77 | 556.102 Definitions.—As used in this act:  
 78 | (8) "High-priority subsurface installation" means an  
 79 | underground gas transmission or gas distribution pipeline, or an  
 80 | underground pipeline used to transport gasoline, jet fuel, or  
 81 | any other refined petroleum product or hazardous or highly  
 82 | volatile liquid, such as anhydrous ammonia or carbon dioxide, if  
 83 | the pipeline is deemed to be critical by the operator of the  
 84 | pipeline and is identified as a high-priority subsurface  
 85 | installation to an excavator who has provided a notice of intent  
 86 | to excavate under to s. 556.105(1), or would have been  
 87 | identified as a high-priority subsurface installation except for  
 88 | the excavator's failure to give proper notice of intent to  
 89 | excavate.  
 90 | (9) "Incident" means an event that involves damage to a  
 91 | high-priority subsurface installation that has been identified  
 92 | as such by the operator according to the notification procedures  
 93 | set forth in s. 556.116(1) and that:  
 94 | 1. Results in death or serious bodily injury requiring  
 95 | inpatient hospitalization.  
 96 | 2. Results in property damage, including service-  
 97 | restoration costs, in an amount in excess of \$50,000 or an  
 98 | interruption of service to 2,500 or more customers.  
 99 | (11) "Permanent marker" means a clearly visible indication  
 100 | of the approximate location of an underground facility which is

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101 made of material that is durable in nature and which is  
 102 reasonably expected to remain in position for the life of the  
 103 underground facility.

104 Section 3. Section 556.107, Florida Statutes, is amended  
 105 to read:

106 556.107 Violations.—

107 (1) NONCRIMINAL INFRACTIONS.—

108 (a)1. Violations of the following provisions are  
 109 noncriminal infractions:

110 ~~a.1.~~ Section 556.105(1), relating to providing required  
 111 information.

112 b. Section 556.105(5)(c), relating to excavation practices  
 113 in tolerance zones.

114 ~~c.2.~~ Section 556.105(6), relating to the avoidance of  
 115 excavation.

116 ~~d.3.~~ Section 556.105(11), relating to the need to stop  
 117 excavation or demolition because marks are no longer visible,  
 118 or, in the case of underwater facilities, are inadequately  
 119 documented.

120 ~~e.4.~~ Section 556.105(12), relating to the need to cease  
 121 excavation or demolition activities because of contact or damage  
 122 to an underground facility.

123 ~~f.5.~~ Section 556.105(5)(a) and (b), relating to  
 124 identification of underground facilities, if a member operator  
 125 does not mark an underground facility, but not if a member

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126 operator marks an underground facility incorrectly.

127 ~~g.6.~~ Section 556.109(2), relating to falsely notifying the  
128 system of an emergency situation or condition.

129 ~~h.7.~~ Section 556.114(1), (2), (3), and (4), relating to a  
130 failure to follow low-impact marking practices, as defined  
131 therein.

132 2. Violations of the following provisions involving an  
133 underground facility transporting hazardous materials that are  
134 regulated by the Pipeline and Hazardous Materials Safety  
135 Administration of the United States Department of Transportation  
136 are noncriminal infractions, subject to enhanced civil penalties  
137 under paragraph (c):

138 a. Section 556.105(1), relating to providing required  
139 information.

140 b. Section 556.105(5)(c), relating to excavation practices  
141 in tolerance zones.

142 c. Section 556.105(6), relating to the avoidance of  
143 certain excavation.

144 d. Section 556.105(11), relating to the need to stop  
145 excavation or demolition because certain marks are removed, no  
146 longer visible, or inadequately documented.

147 e. Section 556.105(12), relating to the need to cease  
148 excavation or demolition activities because of contact or damage  
149 to an underground facility.

150 (b) Any excavator or member operator who commits a

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151 noncriminal infraction under paragraph (a) may be issued a  
 152 citation by the State Fire Marshal or his or her agents as  
 153 provided in ss. 633.114 and 633.116; the fire chief of the  
 154 special district, municipality, or county; or any local or state  
 155 law enforcement officer, government code inspector, or code  
 156 enforcement officer, and the issuer of a citation may require an  
 157 excavator to cease work on any excavation or not start a  
 158 proposed excavation until there has been compliance with the  
 159 provisions of this chapter. Citations shall be hand delivered to  
 160 any employee of the excavator or member operator who is involved  
 161 in the noncriminal infraction. The citation shall be issued in  
 162 the name of the excavator or member operator, whichever is  
 163 applicable.

164 (c)1. Any excavator or member operator who commits a  
 165 noncriminal infraction under subparagraph (a)1. ~~paragraph (a)~~  
 166 may be required to pay a civil penalty of \$500 plus court costs  
 167 ~~for each infraction, which is \$500 plus court costs.~~ If a  
 168 citation is issued ~~by a state law enforcement officer, a local~~  
 169 ~~law enforcement officer, a local government code inspector, or a~~  
 170 ~~code enforcement officer,~~ 80 percent of the civil penalty  
 171 collected by the clerk of the court must ~~shall~~ be distributed to  
 172 the governmental entity whose employee issued the citation and  
 173 20 percent of the penalty must ~~shall~~ be retained by the clerk ~~to~~  
 174 ~~cover administrative costs,~~ in addition to any other court  
 175 ~~costs. Any person who fails to properly respond to a citation~~

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176 ~~issued pursuant to paragraph (b) shall, in addition to the~~  
177 ~~citation, be charged with the offense of failing to respond to~~  
178 ~~the citation and, upon conviction, commits a misdemeanor of the~~  
179 ~~second degree, punishable as provided in s. 775.082 or s.~~  
180 ~~775.083. A written warning to this effect must be provided at~~  
181 ~~the time any citation is issued pursuant to paragraph (b).~~

182 2. Any excavator or member operator who commits a  
183 noncriminal infraction under subparagraph (a)2. may be required  
184 to pay an enhanced civil penalty of \$2,500 plus court costs for  
185 each infraction. If a citation is issued, 80 percent of the  
186 civil penalty collected by the clerk of the court must be  
187 distributed to the governmental entity whose employee issued the  
188 citation and 20 percent must be retained by the clerk in  
189 addition to any court costs.

190 3. Any person who willfully fails to properly respond to a  
191 citation issued under paragraph (b) shall, in addition to the  
192 citation, be charged with the offense of failing to respond to  
193 the citation and, upon conviction, commits a misdemeanor of the  
194 second degree, punishable as provided in s. 775.082 or s.  
195 775.083. A written warning to this effect must be provided at  
196 the time a citation is issued under paragraph (b).

197 (d) Any person cited for an infraction under paragraph (a)  
198 or s. 556.116(2)(c) may post a bond, which must ~~shall~~ be equal  
199 in amount to the applicable civil penalty plus any additional  
200 court costs.



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201 (e) A person charged with a noncriminal infraction under  
202 paragraph (a) or s. 556.116(2)(c) may pay the applicable civil  
203 penalty plus the additional court costs, by mail or in person,  
204 within 30 days after the date of receiving the citation. If the  
205 person cited pays the civil penalty, she or he is deemed to have  
206 admitted to committing the infraction and to have waived the  
207 right to a hearing on the issue of commission of the infraction.  
208 The admission may be used as evidence in any other proceeding  
209 under this chapter.

210 (f) Any person may elect to have a hearing on the  
211 commission of the infraction ~~appear~~ before the county court. A  
212 person who elects to have a hearing waives ~~and if so electing is~~  
213 ~~deemed to have waived~~ the limitations on the civil penalties  
214 ~~penalty~~ specified in paragraph (c). The court, after a hearing,  
215 shall make a determination as to whether an infraction has been  
216 committed. If the commission of an infraction has been proven,  
217 the court may impose a ~~civil~~ penalty not to exceed the  
218 applicable civil penalty \$5,000 plus court costs for each  
219 infraction. In determining the amount of the civil penalty, the  
220 court may consider previous noncriminal infractions committed.

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

224 (h) If the court finds that a person ~~is found by a judge~~  
225 ~~or hearing official to have~~ committed an infraction, the person

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226 | may appeal that finding or the amount of the civil penalties  
 227 | imposed to the circuit court.

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

236 | (2) REPORT OF INFRACTIONS.—By March 31 of each year, each  
 237 | clerk of court shall submit a report to the State Fire Marshal  
 238 | and Sunshine State One-Call of Florida, Inc., listing each  
 239 | citation issued for a violation ~~notice written~~ under paragraph  
 240 | (1) (a) and s. 556.116(2) (c) which has been filed in that county  
 241 | during the preceding calendar year. The report must state the  
 242 | name and address of the member or excavator who committed each  
 243 | infraction, the enforcement authority, the specific statutory  
 244 | infraction, and the type of underground facility related to the  
 245 | infraction and must indicate whether or not the civil penalty  
 246 | for the infraction was paid.

247 | (3) MISDEMEANORS.—

248 | (a) Any person who knowingly and willfully removes or  
 249 | otherwise destroys the valid stakes or other valid physical  
 250 | markings described in s. 556.105(5) (a) and (b) used to mark the

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251 horizontal route of an underground facility commits a  
 252 misdemeanor of the second degree, punishable as provided in s.  
 253 775.082 or s. 775.083. For purposes of this subsection, stakes  
 254 or other nonpermanent physical markings are considered valid for  
 255 30 calendar days after information is provided to the system  
 256 under s. 556.105(1) (a).

257 (b) Any person who knowingly and willfully removes or  
 258 damages a permanent marker placed to identify the approximate  
 259 location of an underground facility commits a misdemeanor of the  
 260 second degree, punishable as provided in s. 775.082 or s.  
 261 775.083.

262 Section 4. Section 556.116, Florida Statutes, is amended  
 263 to read:

264 556.116 High-priority subsurface installations; special  
 265 procedures.—

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

267 ~~(a) "Division" means the Division of Administrative~~  
 268 ~~Hearings.~~

269 ~~(b) "High-priority subsurface installation" means an~~  
 270 ~~underground gas transmission or gas distribution pipeline, an~~  
 271 ~~underground pipeline used to transport gasoline, jet fuel, or~~  
 272 ~~any other refined petroleum product or hazardous or highly~~  
 273 ~~volatile liquid, such as anhydrous ammonia or carbon dioxide, if~~  
 274 ~~the pipeline is deemed to be critical by the operator of the~~  
 275 ~~pipeline and is identified as a high-priority subsurface~~

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276 ~~installation to an excavator who has provided a notice of intent~~  
277 ~~to excavate pursuant to s. 556.105(1), or would have been~~  
278 ~~identified as a high-priority subsurface installation except for~~  
279 ~~the excavator's failure to give proper notice of intent to~~  
280 ~~excavate.~~

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

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

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

290 (1)~~(2)~~ When an excavator proposes to excavate or demolish  
291 within 15 feet of the horizontal route of an underground  
292 facility that has been identified as a high-priority subsurface  
293 installation by the operator of the facility, the operator  
294 shall, in addition to identifying the horizontal route of its  
295 facility as set forth in s. 556.105(5)(a) and (b), and within  
296 the time period set forth in s. 556.105(9)(a) for a positive  
297 response, notify the excavator that the facility is a high-  
298 priority subsurface installation. If the member operator  
299 provides such timely notice of the existence of a high-priority  
300 subsurface installation, an excavator shall notify the operator

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301 of the planned excavation start date and time before beginning  
302 excavation. If the member operator does not provide timely  
303 notice, the excavator may proceed, after waiting the prescribed  
304 time period set forth in s. 556.105(9)(a), to excavate without  
305 notifying the member operator of the excavation start date and  
306 time. The exemptions stated in s. 556.108 apply to the  
307 notification requirements in this subsection.

308 (2)(a)~~(3)(a)~~ An alleged commission of an infraction listed  
309 in s. 556.107(1) which results in an incident must be reported  
310 to the system and the State Fire Marshal by a member operator or  
311 an excavator within 24 hours after learning of the alleged  
312 occurrence of an incident.

313 (b) Upon receipt of an allegation that an incident has  
314 occurred, the member operator or excavator ~~system~~ shall transmit  
315 an incident report to the State Fire Marshal who shall ~~division~~  
316 ~~and contract with the division so that the division may~~ conduct  
317 an investigation ~~a hearing~~ to determine whether an incident has  
318 occurred, and, if so, whether a violation of s. 556.107(1)(a)  
319 was a proximate cause of the incident. The State Fire Marshal  
320 may authorize his or her agents, as provided in ss. 633.114,  
321 633.116, and 633.118, to conduct investigations of incidents ~~The~~  
322 ~~contract for services to be performed by the division must~~  
323 ~~include provisions for the system to reimburse the division for~~  
324 ~~any costs incurred by the division for court reporters,~~  
325 ~~transcript preparation, travel, facility rental, and other~~

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326 ~~customary hearing costs, in the manner set forth in s.~~  
327 ~~120.65(9).~~

328 (c) The State Fire Marshal or his or her agents as  
329 provided in ss. 633.114, 633.116, and 633.118 ~~division has~~  
330 ~~jurisdiction in a proceeding under this section to determine the~~  
331 ~~facts and law concerning an alleged incident. The division may~~  
332 issue a citation and impose a civil penalty ~~fine~~ against a  
333 violator in an amount not to exceed \$50,000 if the person  
334 violated a provision of s. 556.107(1)(a) and that violation was  
335 a proximate cause of the incident. However, if a state agency or  
336 political subdivision caused the incident, the state agency or  
337 political subdivision may not be fined in an amount in excess of  
338 \$10,000.

339 (d) The civil penalty ~~A fine~~ imposed under this subsection  
340 ~~by the division~~ is in addition to any amount payable as a result  
341 of a citation relating to the incident under s. 556.107(1)(a).

342 (e) If an additional civil penalty is imposed by the State  
343 Fire Marshal or his or her agents, 5 percent of the civil  
344 penalty must be retained by the clerk to cover administrative  
345 costs, and the remainder of the civil penalty must be  
346 distributed equally between the system and the State Fire  
347 Marshal. The portion of the civil penalty distributed to the  
348 system must be used exclusively to fund damage-prevention  
349 education. The portion of the civil penalty distributed to the  
350 State Fire Marshal must be used exclusively to fund programs

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351 created within the State Fire Marshal's office that provide  
352 need-based financial assistance to help fire departments,  
353 including volunteer fire departments, procure equipment,  
354 supplies, and educational training designed to mitigate  
355 firefighter exposure to hazardous, cancer-causing chemicals A  
356 ~~fine against an excavator or a member operator imposed under~~  
357 ~~this subsection shall be paid to the system, which shall use the~~  
358 ~~collected fines to satisfy the costs incurred by the system for~~  
359 ~~any proceedings under this section. To the extent there are any~~  
360 ~~funds remaining, the system may use the funds exclusively for~~  
361 ~~damage-prevention education.~~

362 (f) Any excavator or member operator who commits a  
363 noncriminal infraction under s. 556.116(2)(c) must be provided a  
364 written warning at the time a citation is issued stating that  
365 any person who willfully fails to properly respond to a citation  
366 will be charged, in addition to the citation, with the offense  
367 of failing to respond to the citation and, if convicted, commits  
368 a misdemeanor of the second degree, punishable as provided in s.  
369 775.082 or s. 775.083.

370 (g) This section does not change the basis for civil  
371 liability. The findings and results of an investigation a  
372 ~~hearing~~ under this section may not be used as evidence of  
373 liability in any civil action.

374 (4)(a) ~~The division shall issue and serve on all original~~  
375 ~~parties an initial order that assigns the case to a specific~~

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376 ~~administrative law judge and requests information regarding~~  
377 ~~scheduling the final hearing within 5 business days after the~~  
378 ~~division receives a petition or request for hearing. The~~  
379 ~~original parties in the proceeding include all excavators and~~  
380 ~~member operators identified by the system as being involved in~~  
381 ~~the alleged incident. The final hearing must be conducted within~~  
382 ~~60 days after the date the petition or the request for a hearing~~  
383 ~~is filed with the division.~~

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

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

391 ~~(5) The following procedures apply:~~

392 ~~(a) Motions shall be limited to the following:~~

393 ~~1. A motion in opposition to the petition.~~

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

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



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

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

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

417 ~~(e) The record shall consist only of:~~

418 ~~1. All notices, pleadings, motions, and intermediate~~  
419 ~~rulings.~~

420 ~~2. Evidence received during the final hearing.~~

421 ~~3. A statement of matters officially recognized.~~

422 ~~4. Proffers of proof and objections and rulings thereon.~~

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

425 ~~6. The written final order of the administrative law judge~~

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426 ~~presiding at the final hearing.~~

427 ~~7. The official transcript of the final hearing.~~

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

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

436 ~~1. Findings of fact based exclusively on the evidence of~~  
437 ~~record and matters officially recognized.~~

438 ~~2. Conclusions of law. In determining whether a party has~~  
439 ~~committed an infraction of s. 556.107(1)(a), and whether the~~  
440 ~~infraction was a proximate cause of an incident, the commission~~  
441 ~~of an infraction must be proven by a preponderance of the~~  
442 ~~evidence.~~

443 ~~3. Imposition of a fine, if applicable.~~

444 ~~4. Any other information required by law or rule to be~~  
445 ~~contained in a final order.~~

446

447 ~~The final order of the administrative law judge constitutes~~  
448 ~~final agency action subject to judicial review pursuant to s.~~  
449 ~~120.68.~~

450 ~~Section 5. Section 556.117, Florida Statutes, is created~~

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451 to read:

452 556.117 Underground facility damage prevention review.—  
 453 Sunshine State One-Call of Florida, Inc., shall review the  
 454 reports submitted by the clerks of court to the State Fire  
 455 Marshal and any complaints of an alleged violation under this  
 456 chapter to identify issues or potential issues with damage  
 457 prevention and enforcement. The corporation shall identify areas  
 458 in the state where additional education related to damage  
 459 prevention and enforcement is needed and shall recommend  
 460 solutions to remedy issues related to damage prevention and  
 461 enforcement. The corporation shall, by October 1 of each year,  
 462 submit to the Governor, the President of the Senate, and the  
 463 Speaker of the House of Representatives an analysis of its  
 464 reviews and any recommendations for improving underground  
 465 facility damage prevention and enforcement.

466 Section 6. This act shall take effect July 1, 2020.