FLORIDA BUILDING COMMISSION

FACILITATOR’S SUMMARY REPORT OF THE

JANUARY 17, 2012

TELECONFERENCE MEETING

TALLAHASSEE, FLORIDA

FACILITATION, MEETING AND PROCESS DESIGN BY

CONSENSUS CENTER

REPORT BY JEFF A. BLAIR
FCRC CONSENSUS CENTER
FLORIDA STATE UNIVERSITY

jblair@fsu.edu
http://consensus.fsu.edu

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Tuesday, January 17, 2012

Opening and Meeting Attendance
The meeting was opened at 10:00 AM, and the following Commissioners participated:


DCA Staff Present

Meeting Facilitation
Commission meetings are facilitated by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: http://consensus.fsu.edu/

Project Webpage
Information on the project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below: http://consensus.fsu.edu/FBC/index.html

Agenda Review and Approval
The Commission voted unanimously, 12 – 0 in favor, to approve the agenda as posted/presented including the following objectives during the January 17, 2012 meeting:

- To Hear a Legislative Update
- To Discuss and Decide on Relevant Legislative Issues
- To Discuss Next Meeting Date

The complete Agenda is included as Attachment I.
(See Attachment I—Agenda)
**Legislative Issues Update**

Rick Dixon, Ila Jones and Mo Madani, Commission Staff, provided an update on legislative issues of interest to the Commission relative to the 2012 Florida Legislative Session, and answered member’s questions. Staff provided the Commission with a status update on SB 704 (Senator Bennett) and SB 1032 (Senator Benacquisto).

**Discussion of SB 704**

Rick Dixon advised that Section 2 of the bill amends s.381.0065, F.S., to add a definition of “bedroom” which is consistent with a definition developed in a joint Commission/Department of Health Workgroup project (Septic System Sizing Workgroup) to be applied to sizing of onsite sewage disposal systems (septic tanks).

Chairman Browdy asked if the Bill could be amended to refer to the Florida Building Code definition for “emergency escape and rescue opening” used in the bill definition. Staff responded that the option is included in the bill analysis provided to DBPR, and DBPR legislative affairs will be asked to pass his recommendation along to the Bill’s sponsor.

Commissioner Carson asked if the definition in the Bill differs significantly from the definition developed in the Commission’s Septic System Sizing Workgroup project. Staff responded no, the criteria are essentially the same.

Rick Dixon noted that Section 3 of the Bill adds a provision to s.468.604, F.S., the code administrator’s licensing law, authorizing the acceptance of electronic filing of construction plans. Engineer’s and Architect’s licensing laws authorize electronic plans already.

Ila Jones explained the provision of Section 9 of the bill amending s.553.721, F.S., by authorizing allocation of $925,000 each fiscal year to the Building Code Compliance and Mitigation Program (created by s.553.841, F.S.).

Commissioner Carson asked if Building Code Permit Surcharge fees would provide sufficient revenues each year to fund this program area (Building Code Compliance and Mitigation Program) and the other Commission programs. Ila updated the Commission on revenues generated by the revision to the surcharge schedule and indicated in her judgment sufficient funds will be generated by the fees to support all of the relevant Commission programs.

Rick Dixon indicated there was one new provision in the “strike everything and replace” amendment that cleared Senator Bennett’s Committee last week directing the Commission to develop an alternate design method for screen enclosure structures. Rick suggested the proponent of that proposal could explain to the Commission the problem they were trying to address and their justification for the requirement.

Tom Johnston, Town and Country Industries, explained insurance companies are no longer insuring screen enclosures and that has significantly impacted business. He indicated his company has been in discussion with two large property insurers regarding designs that would rely on removal of sections of screening to reduce wind pressures and provide for better survivability of screen structures while reducing costs of the structures. He explained the provisions of the Bill directs the
Commission to develop requirements for such designs to be included in the Florida Building Code but leaves development of the design criteria to the Commission.

Chairman Browdy expressed concern regarding the time constraints provided in the Bill’s provision. The Chair indicated concern with the October 1, 2012 completion date stating it was too soon. Discussion and input by staff resulted in the proponent agreeing to pursue amending the Bill to extend the time to January 1, 2013.

(See Attachment II—Senate Bill 704)

**DISCUSSION OF SB 1032**
Mo Madani explained the provisions of the Bill impacting the Florida Building Code and Florida Energy Efficiency Code for Building Construction, which include requirements for the solar reflectance of building roofs and “hardscapes” such as parking areas, walkways and plaza surfaces. Mo Madani indicated this language was also in a Bill last legislative session and staffs’ expectation is this Bill will not go very far in the 2012 Legislative Session considering all of the other major business the Legislature will be focused on during the 2012 Legislative Session.

(See Attachment III— Senate Bill 1032)

**LOGISTICS**
Rick advised Commissioners that conference call meetings had been scheduled for each week of the Legislative session but meetings would only be held if information had changed and/or if input from the Commission was needed regarding legislative issues. Joe Belcher asked if there was an interested parties list that providing notification whether meetings are being held or not. Rick Dixon replied that notice would be posted on the Commission’s website by the Friday before each Monday conference call.

**NEXT STEPS**
Unless cancelled, the Commission will conduct teleconference meetings each Monday during the 2012 Florida Legislative Session as follows:

Notice will be posted on the Commission’s website by the Friday before each Monday conference call regarding whether the meeting will be conducted.

The next teleconference meeting is tentatively scheduled for 10:00 AM, Monday, January 23, 2012*. *May be cancelled depending on Legislative action.

**ADJOURN**
The Chair adjourned the meeting at 10:37 AM.
FLORIDA BUILDING COMMISSION

January 17, 2012

Conference Call Meeting

Phone call in number: 888-808-6959

Conference call code: 7975951832

OBJECTIVES

Commission

Ø To Consider Regular Procedural Issues: Approval of Agenda and Facilitator's Report
Ø To Consider Chair's Discussion Issues and Recommendations
Ø To Consider Legislative Updates
Ø To Consider Other Old and New Business as Approved by the Commission Chairman
Ø To Consider Commissioner and Public Comments

10:00 Convene

Approval of Agenda and Facilitator's Report

Chairman's Issues and Recommendations

Legislative updates

Old business

New business

Commissioner Comments

Public Comments

Adjourn
Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:
Section 1. Subsection (1) of section 162.12, Florida Statutes, is amended to read:
162.12 Notices.—
(1) All notices required by this part must shall be provided to the alleged violator by:
(a) Certified mail to, return receipt requested, provided
if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector’s office for tax notices, or to and at any other address provided by the property owner in writing to the local government for the purpose of receiving notices. For property owned by a corporation, notices may be provided by certified mail, return receipt requested, to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the date of mailing by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2. and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing;
(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;
(c) Leaving the notice at the violator’s usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice;
or
(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.
Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.
Section 2. Present paragraphs (b) through (p) of subsection (2) of section 381.0065, Florida Statutes, are redesignated as paragraphs (c) through (q), respectively, a new paragraph (b) is added to that subsection, and paragraphs (w) through (z) are added to subsection (4) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems;

(2) DEFINITIONS.——As used in ss. 381.0065-381.0067, the term:

1. “Bedroom” means a room that can be used for sleeping and that:
   a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;
   b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
   c. Is located along an exterior wall;
   d. Has a closet and a door or an entrance where a door could be reasonably installed; and
   e. Has an emergency means of escape and rescue opening to the outside.

2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.

3. “Bedroom” does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

(4) PERMITS; INSTALLATION; AND CONDITIONS.——A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use aerobic treatment units or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. An operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The 90 operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction 95 or repair permit for the onsite sewage treatment and disposal system...
system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit. Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraphs (2)(j), (2)(h). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable basis for questioning the accuracy or completeness of the evaluation. A permit that is approved by the department and issued for the installation, modification, or repair of an onsite sewage treatment and disposal system shall be transferred along with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permitting requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if: 1. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, provided that the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster; 2. The system has not been altered without prior authorization; 3. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned. If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final approval.
approval if fundamental site conditions have not changed between the time of construction approval and final approval. A modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition to a single-family home if a bedroom is not added. Section 3. Section 468.604, Florida Statutes, is amended to read: 468.604 Responsibilities of building code administrators, plans examiners, and inspectors.— (1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida 189 Building Code. The building code administrator or building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include: (a) The review of construction plans to ensure compliance with all applicable sections of the code. The construction plans must be reviewed before the issuance of any building, system installation, or other construction permit. The review of construction plans must be done by the building code administrator or building official or by a person having the appropriate plans examiner license issued under this chapter. (b) The inspection of each phase of construction where a building or other construction permit has been issued. The building code administrator or building official, or a person having the appropriate building code inspector license issued under this chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable sections of the code. (2) It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. Each building code inspector must be licensed in the appropriate category as defined in s. 468.603. The building code inspector’s responsibilities must be performed under the direction of the building code administrator or building official without interference from any unlicensed person. (3) It is the responsibility of the plans examiner to conduct review of construction plans submitted in the permit application to assure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The review of construction plans must be done by the building code administrator or building official or by a person licensed in the appropriate plans examiner category as defined in s. 468.603. The plans examiner’s responsibilities must be performed under the supervision and authority of the building code administrator or building official without interference from any unlicensed person. (4) The Legislature finds that the electronic filing of construction plans will increase government efficiency, reduce costs, and increase timeliness of processing permits. If the building code administrator or building official provides for electronic filing, the construction plans, drawings, specifications, reports, final documents, or documents prepared or issued by a licensee may be dated and electronically signed by the licensee in accordance with ss. 668.001, 668.002, 668.003, and 668.004 and may be transmitted electronically to the building code administrator or building official for approval. Section 4. Paragraph (c) of subsection (2) and paragraph (a) of subsection (7) of section 468.609, Florida Statutes, are amended to read: 468.609 Administration of this part; standards for certification; additional categories of certification.— (2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person: (c) Meets eligibility requirements according to one of the following:
criteria: 248 1. Demonstrates 5 years’ combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought; 251 2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being 254 experience in construction, building code inspection, or plans review; 256 3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being 259 experience in construction, building code inspection, or plans review; 261 4. Currently holds a standard certificate as issued by the 262 board, or a fire safety inspector license issued pursuant to 263 chapter 633, and has a minimum of 2 years’ verifiable full-time experience in inspection or plan review and satisfactorily completes a building code inspector or plans examiner training 266 program of not less than 200 hours in the certification category 267 sought. The board shall establish by rule criteria for the development and implementation of the training programs; or 269 5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years’ experience 272 in the field of building code inspection, plan review, fire code 273 inspections and fire plans review of new buildings as a 274 firesafety inspector certified under s. 633.081(2), or 275 construction. The approved training portion of this requirement 276 shall include proof of satisfactory completion of a training 277 program of not less than 300 hours which is approved by the 278 board in the chosen category of building code inspection or plan 279 review in the certification category sought with not less than 280 20 hours of instruction in state laws, rules, and ethics 281 relating to professional standards of practice, duties, and 282 responsibilities of a certificateholder. The board shall 283 coordinate with the Building Officials Association of Florida, 284 Inc., to establish by rule the development and implementation of 285 the training program. 286 (7)(a) The board may provide for the issuance of 287 provisional certificates valid for 1 year such period, not less 288 than 3 years nor more than 5 years, as specified by board rule, 289 to any newly employed or promoted building code inspector or 290 plans examiner who meets the eligibility requirements described 291 in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements 293 described in subsection (3). The provisional license may be 294 renewed by the board for just cause; however, a provisional 295 license is not valid for a period longer than 3 years. 296 Section 5. Subsection (3) of section 489.105, Florida 297 Statutes, is amended, and subsection (6) of that section is 298 reenacted, to read: 299 489.105 Definitions. — 300 (3) “Contractor” means the person who is qualified for, and 301 is only responsible for, the project contract for and means, 302 except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add 305 to, demolish, subtract from, or improve any building or 306 structure, including related improvements to real estate, for 307 others or for resale to others; and whose job scope is 308 substantially similar to the job scope described in one of the 309 subsequent paragraphs of this subsection. For the purposes of 310 regulation under this part, the term “demolish” applies only to 311 demolition of steel tanks more than 50 feet in height; 312 towers more than 50 feet in height; other structures more than 313 over 50 feet in height; other structures more than 314 residences over three stories tall; and buildings or residences 315 over three stories tall. Contractors are subdivided into two 316 divisions, Division I, consisting of those contractors 317 defined in paragraphs (a)-(c), and Division II, consisting of those 318 contractors defined in paragraphs (d)-(r): 319 (a) “General contractor” means a contractor whose services 320 are unlimited as to the type of work which he or she may do, who 321 may contract for any activity requiring licensure under this 322 part, and who may perform any work requiring licensure under
“Building contractor” means a contractor whose services are limited to construction of commercial buildings and single dwelling or multiple-dwelling residential buildings, which do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building. “Residential contractor” means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith. “Sheet metal contractor” means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, if not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglas, used in lieu thereof and of air handling systems, including the setting of air-handling equipment and reinforcement of same, the balancing of air conditioning systems, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system. “Roofing contractor” means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement. “Class A air-conditioning contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air conditioning system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; 390 sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. “Class B air-conditioning contractor” means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design,
if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as necessary to complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

"Class C air-conditioning contractor" means a contractor whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. Only a person who was registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, 430 the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses before October 1, 1988. "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

"Commercial pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes
the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment. “Residential pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of a residential swimming pool, hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a
license is not required for the 541 cleaning of the pool or spa in a way that does not affect the 542 structural integrity of the pool or spa or its associated 543 equipment. 544 (m) “Plumbing contractor” means a contractor whose 545 contracting business consists of the execution of contracts 546 requiring the experience, financial means, knowledge, and skill 547 to install, maintain, repair, alter, extend, or, if not 548 prohibited by law, design plumbing. A plumbing contractor may 549 install, maintain, repair, alter, extend, or, if not prohibited 550 by law, design the following without obtaining an additional 551 local regulatory license, certificate, or registration: sanitary 552 drainage or storm drainage facilities; venting systems; public 553 or private water supply systems; septic tanks; drainage and 554 supply wells; swimming pool piping; irrigation systems; or solar 555 heating water systems and all appurtenances, apparatus, or 556 equipment used in connection therewith, including boilers and 557 pressure process piping and including the installation of water, 558 natural gas, liquefied petroleum gas and related venting, and 559 storm and sanitary sewer lines; and water and sewer plants and 560 substations. The scope of work of the plumbing contractor also 561 includes the design, if not prohibited by law, and installation, 562 maintenance, repair, alteration, or extension of air-piping, 563 vacuum line piping, oxygen line piping, nitrous oxide piping, 564 and all related medical gas systems; fire line standpipes and 565 fire sprinklers if authorized by law; ink and chemical lines; 566 fuel oil and gasoline piping and tank and pump installation, 567 except bulk storage plants; and pneumatic control piping 568 systems, all in a manner that complies with all plans, 569 specifications, codes, laws, and regulations applicable. The 570 scope of work of the plumbing contractor applies to private 571 property and public property, including any excavation work 572 incidental thereto, and includes the work of the specialty 573 plumbing contractor. Such contractor shall subcontract, with a 574 qualified contractor in the field concerned, all other work 575 incidental to the work but which is specified as being the work 576 of a trade other than that of a plumbing contractor. This 577 definition does not limit the scope of work of any specialty 578 contractor certified pursuant to s. 489.113(6), and does not 579 require certification or registration under this part of any 580 authorized employee of a public natural gas utility or of a 581 private natural gas utility regulated by the Public Service 582 Commission when disconnecting and reconnecting water lines in 583 private property and public property, including any excavation work 572 incidental thereto, and includes the work of the specialty 573 plumbing contractor. Such contractor shall subcontract, with a 574 qualified contractor in the field concerned, all other work 575 incidental to the work but which is specified as being the work 576 of a trade other than that of a plumbing contractor. This 577 definition does not limit the scope of work of any specialty 578 contractor certified pursuant to s. 489.113(6), and does not 579 require certification or registration under this part of any 580 authorized employee of a public natural gas utility or of a 581 private natural gas utility regulated by the Public Service 582 Commission when disconnecting and reconnecting water lines in 583 the servicing or replacement of an existing water heater. 584 (n) “Underground utility and excavation contractor” means a 585 contractor whose services are limited to the construction, 586 installation, and repair, on public or private property, whether 587 accomplished through open excavations or through other means, 588 including, but not limited to, directional drilling, auger 589 boring, jacking and boring, trenchless technologies, wet and dry 590 taps, grouting, and slip lining, of main sanitary sewer 591 collection systems, main water distribution systems, storm sewer 592 collection systems, and the continuation of utility lines from 593 the main systems to a point of termination up to and including 594 the meter location for the individual occupancy, sewer 595 collection systems at property line on residential or single 596 occupancy commercial properties, or on multioccupancy properties 597 at manhole or wye lateral extended to an invert elevation as 598 engineered to accommodate future building sewers, water 599 distribution systems, or storm sewer collection systems at storm 600 sewer structures. However, an underground utility and excavation 601 contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, 603 and sleeves for parking lot crossings no smaller than 2 inches 604 in diameter if each conduit system installed is designed by a 605 licensed professional engineer or an authorized employee of a 606 municipality, county, or public utility and the installation of 607 such conduit does not include installation of any conductor 608 wiring or connection to an energized electrical system. An 609 underground utility and excavation contractor may not install 610 piping that is an integral part of a fire protection system as 611 defined in s. 633.021 beginning at the point where the piping is 612 used exclusively for such system.
613 (o) “Solar contractor” means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to this chapter, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide services enumerated in this paragraph that are within the scope of the services such solar contractors may render under this part. 625 (p) “Pollutant storage systems contractor” means a contractor whose services are limited to, and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of, pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303. 634 (q) “Glass and glazing contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, attach, maintain, repair, fabricate, alter, extend, or design, in residential and commercial applications without any height restrictions, all types of windows, glass, and mirrors, whether fixed or movable; swinging or sliding glass doors attached to existing walls, floors, columns, or other structural members of 642 the building; glass holding or supporting mullions or horizontal 643 bars; structurally anchored impact-resistant opening protection attached to existing building walls, floors, columns, or other 645 structural members of the building; prefabricated glass, metal, or plastic curtain walls; storefront frames or panels; shower enclosures; metal fascias; and caulking incidental to such work and assembly. 649 (r) “Specialty contractor” means a contractor whose scope of work and responsibility is limited to a particular phase of construction established in a category adopted by board rule and whose scope is limited to a subset of the activities described in one of the paragraphs of this subsection. 654 (s) “Contracting” means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (3) which define types of contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term “contracting” shall not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest, or to the individual or business entity that offers to sell or sells manufactured or factory-built buildings that will be completed on site on property on which either party to a contract has any legal or equitable interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this chapter have been or will be retained for the purpose of constructing or completing such residences. 674 Section 6. The amendments to s. 489.105(6), Florida Statutes, as enacted by s. 30 of chapter 2008-240, Laws of Florida, were intended to protect the sanctity of contracts for the sale of manufactured or factory-built buildings that will be completed on site and to ensure that those contracts are legal and enforceable under state law. The amendments were intended to be remedial in nature, clarify existing law, and apply retroactively to any contract for the sale of manufactured or factory-built buildings that will be completed on site and otherwise comply with state law. Paragraph (c) of subsection (5) of section 685 489.127, Florida Statutes, is amended to read: 686 489.127 Prohibitions; penalties.— 687 (5) Each
county or municipality may, at its option, designate one or more of its code enforcement officers, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of subsection (1) and s. 489.132(1) against persons who engage in activity for which a county or municipal certificate of competency or license or state certification or registration is required. 694 (c) The local governing body of the county or municipality is authorized to enforce codes and ordinances against unlicensed contractors under the provisions of this subsection and may enact an ordinance establishing procedures for implementing this subsection, including a schedule of penalties to be assessed by the code enforcement officer. The maximum civil penalty which may be levied shall not exceed $2,000. Moneys collected pursuant to this subsection shall be retained locally, as provided for by local ordinance, and may be set aside in a specific fund to support future enforcement activities against unlicensed contractors. 705 Section 8. Paragraph (c) of subsection (4) of section 489.531, Florida Statutes, is amended to read: 706 489.531 Prohibitions; penalties.— 708 (4) Each county or municipality may, at its option, designate one or more of its code enforcement officers, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of subsection (1) against persons who engage in activity for which county or municipal certification is required. 714 (c) The local governing body of the county or municipality is authorized to enforce codes and ordinances against unlicensed contractors under the provisions of this section and may enact an ordinance establishing procedures for implementing this section, including a schedule of penalties to be assessed by the code enforcement officers. The maximum civil penalty which may be levied shall not exceed $2,000. Moneys collected pursuant to this subsection shall be retained locally as provided for by local ordinance and may be set aside in a specific fund to support future enforcement activities against unlicensed contractors. 725 Section 9. Section 553.721, Florida Statutes, is amended to read: 553.721 Surcharge.— In order for the Department of Business and Professional Regulation to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 735 218.32. The minimum amount collected on any permit issued shall be $2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect the surcharge and electronically remit the funds collected to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter. The unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. 746 All funds remitted to the department pursuant to this section shall be deposited in the Professional Regulation Trust Fund. 748 Funds collected from the surcharge shall be allocated to the Florida Building Code Compliance and Mitigation Program under s. 553.841. Funds allocated to the Florida Building Code Compliance and Mitigation Program shall be $925,000 each fiscal year. The funds collected from the surcharge may be used exclusively for the duties of the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program under s. 553.841. Funds allocated to the Florida Building Code Compliance and Mitigation Program shall be $925,000 each fiscal year. The funds collected from the 754 surcharge may be used to fund the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance.
of 761 surcharges pursuant to in accordance with chapter 120. 762 Section 10. Subsection (10) of section 553.73, Florida 763 Statutes, is amended, and subsection (18) is added to that 764 section, to read: 765 553.73 Florida Building Code.— 766 (10) The following buildings, structures, and facilities 767 are exempt from the Florida Building Code as provided by law, 768 and any further exemptions shall be as determined by the 769 Legislature and provided by law: 770 (a) Buildings and structures 771 specifically regulated and 772 preempted by the Federal Government. 772 (b) Railroads and ancillary 773 facilities associated with the 774 railroad. 774 (c) Nonresidential farm buildings on farms. 775 (d) Temporary buildings or sheds used exclusively for 776 construction purposes. 777 (e) Mobile or modular structures used as temporary offices, 778 except that the provisions of part II relating to accessibility 779 by persons with disabilities shall apply to such mobile or 780 modular structures.

781 (f) Those structures or facilities of electric utilities, 782 as defined in s. 366.02, which are directly involved in the 783 generation, transmission, or distribution of electricity. 784 (g) Temporary sets,

806 (k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

811 1. Is not rented or leased or used as a principal residence;

812 2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency’s current Flood Insurance Rate Map; and

813 3. Is not connected to an off-site electric power or water supply.

819 With the exception of paragraphs (a), (b), (c), and (f), in 820 order to preserve the health, safety, and welfare of the public, 821 the Florida Building Commission may, by rule adopted pursuant to 822 chapter 120, provide for exceptions to the broad categories of 823 buildings exempted in this section, including exceptions for 824 application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, 827 pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to 829 preserve public health, safety, and welfare. The exceptions must 830 be based upon specific criteria, such as underroof floor area, 831 aggregate electrical service capacity, HVAC system capacity, or 832 other building requirements. Further, the commission may 833 recommend to the Legislature additional categories of buildings, 834 structures, or facilities which should be exempted from the 835 Florida Building Code, to be provided by law. The Florida 836 Building Code does not apply to temporary housing provided by 837 the Department of Corrections to any prisoner in the state 838 correctional system. 839 (18) The Florida Building Commission shall adopt by rule a method of alternative screen enclosure design that requires the removal of a section of the screen in order to accommodate wind resistance and keep the screen enclosure intact. The rules for 843 an
alternative screen enclosure design must require that the contractor provide notice to the homeowner and local building department that the homeowner must cut, retract, or remove a panel of the screen from the enclosure in accordance with engineering instructions when wind speeds are expected to exceed 75 miles per hour and that the contractor will provide a replacement screen at the initial point of sale to repair the screen enclosure for designs that require cutting. The Florida Building Commission shall adopt the method before October 1, 2012, and incorporate the requirements into the next version of the Florida Building Code. This subsection expires upon adoption and implementation of the requirements of this subsection into the Florida Building Code.

Section 11. This act shall take effect July 1, 2012.
And the title is amended as follows: Delete everything before the enacting clause and insert: A bill to be entitled An act relating to building construction and inspection; amending s. 162.12, F.S.; revising the authorized methods of sending notices to violators of local codes; amending s. 381.0065, F.S.; revising the definition of the term “bedroom” for purposes of requirements governing onsite sewage treatment and disposal systems; conforming cross-references; providing that a permit for the installation, modification, or repair of an onsite sewage treatment system approved by the Department of Health transfers along with the title to the property in a real estate transaction; prohibiting the transferred title from being encumbered by new permit requirements; providing criteria for an abandoned onsite sewage treatment and disposal system; providing guidelines for the reconnection of an abandoned system; providing for the applicability of rules to the construction of an onsite sewage treatment and disposal system; providing certain exemptions for a remodeled single-family home; amending s. 468.604, 883 F.S.; authorizing a building code administrator or building official to approve the electronic filing of building plans and related documents; amending s. 468.606.09, F.S.; revising the criteria for eligibility requirements of a building code inspector or plans examiner; revising criteria for the issuance of provisional certificates; amending s. 489.105, F.S.; revising the definition of the term “demolish” for purposes of describing the scope of work of a contractor to include all buildings or residences, rather than buildings or residences of certain heights; reconvening s. 489.105(6), F.S., relating to the definition of the term “contracting”; clarifying the intent of the Legislature in the adoption of certain amendments to s. 489.105(6), F.S., and specifying that the amendments were intended to be remedial in nature, clarify existing law, and apply retroactively to any contract for the sale of manufactured or factory-built buildings that will be completed on site and otherwise comply with the requirements of state law; amending ss. 489.127 and 904 489.531, F.S.; increasing the maximum civil penalties that may be assessed against unlicensed contractors; amending s. 553.721, F.S.; allocating a portion of the funds derived from a surcharge on permit fees to the Florida Building Code Compliance and Mitigation Program; making technical and grammatical changes; exempting certain buildings or structures used for hunting from the Florida Building Code; requiring the Florida Building Commission to adopt by rule a method of alternative screen enclosure design to accommodate wind resistance and to keep the screen enclosure intact; requiring the contractor to provide certain notice to the homeowner and the building department; requiring the rules to be incorporated into the Florida Building Code; providing for expiration of the requirement upon incorporation into the Florida Building Code; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

27 Subsection (12) is added to section 403.814, Section 1.

28 Florida Statutes, to read:

29 General permits; delegation.— 403.814
30 (12) The department and the applicable water management
31 district shall grant a general permit for the construction,
32 alteration, and maintenance of a surface water management system
33 serving a total project area of up to 10 acres. The
34 construction, alteration, and maintenance of such a system may
35 proceed without any further agency action by the department or
water management district if:

(a) The total project area is less than 15 acres;
(b) The total project area involves less than 2 acres of impervious surface or no more than 5 acres of impervious surface if that surface is a thermal-efficient hardscape as provided in s. 553.9046;
(c) The activities do not impact wetlands or other surface waters;
(d) The activities are not conducted in, on, or over wetlands or other surface waters;
(e) The drainage facilities do not include pipes having diameters greater than 24 inches, or the hydraulic equivalent, and do not use a pump in any manner;
(f) The project is not part of a larger common plan, development, or sale;
(g) The project does not cause:
   1. Adverse water quantity impacts or flooding to receiving water and adjacent lands;
   2. Adverse impacts to existing surface water storage and conveyance capabilities;
   3. A violation of state water quality standards; or
   4. Adverse impacts to the maintenance of surface or groundwater levels or surface water flows established pursuant to s. 373.042 or to a work of the district conducted pursuant to s. 373.086; and
(h) The design plans for the surface water management system are signed and sealed by a Florida-registered professional who attests that the system will perform and function as proposed and that it has been designed in accordance with appropriate, generally accepted performance standards and scientific principles.

Section 553.902, Florida Statutes, is reordered Section 2. and amended to read:

(3)“Exempted building” means:
(a) Any building or portion thereof whose peak design rate of energy usage for all purposes is less than 1 watt (3.4 Btu per hour) per square foot of floor area for all purposes.
Any building that is neither heated nor cooled by a mechanical system designed to control or modify the indoor temperature and powered by electricity or fossil fuels.

Any building for which federal mandatory standards preempt state energy codes.

Any historical building as described in s. 267.021(3).

The Florida Building Commission may recommend to the Legislature additional types of buildings which should be exempted from compliance with the Florida Energy Efficiency Code for Building Construction.

"HVAC" means a system of heating, ventilating, and air-conditioning.

"Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, if provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

"Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce the Florida Building Code. It includes any agency within the definition of s. 553.71(5).

"Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which energy may be transferred to or from the exterior.

"Energy performance level" means the indicator of the energy-related performance of a building, including, but not limited to, the levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiencies.

"Ballasted roof" means a roof having a minimum of 15 pounds per square foot of ballast for the purpose of weighing down a roofing membrane over a substrate to resist wind uplift.

For purposes of this subsection, ballast includes, but is not limited to, river rock aggregate and pavers.

"Hardscape" means the impervious, nonliving portions of a property's landscaping, including, but not limited to, roads.
sidewalks, courtyards, and parking lots.

“Heat island effect” means an elevated temperature over an urban area compared to rural areas, typically caused by the increased presence of dark, heat-absorbing materials.

“Low-sloped roof” means a roof having a slope of rise of 0 units in a horizontal length, up to and including, a roof having a slope of rise of 2 units in a horizontal length of 12 units.

“Solar reflectance” or “reflectance” means the amount of solar energy reflected by a material.

“Steep-sloped roof” means a roof having a slope of rise greater than 2 units in a horizontal length of 12 units.

Section 553.9045, Florida Statutes, is created to read:

553.9045 Thermal-efficient roofs.—

Standards for a thermal-efficient roof: (1)

A low-sloped roof must have a minimum initial reflectance of 0.72 or a 3-year installed reflectance of 0.5 as determined by the Cool Roof Rating Council or the Energy Star program of the United States Environmental Protection Agency and the United States Department of Energy. If more than 50 percent of the total gross area of the roof is covered with vegetation associated with an extensive or intensive green roof as defined by the United States Environmental Protection Agency for the purpose of reducing the heat island effect, the remainder of the roof must have a minimum reflectance of 0.30.

A ballasted roof must have a minimum initial reflectance of 0.30.

A steep-sloped roof must have a minimum initial reflectance of 0.15.

A roof that has multiple slopes is subject to the standards applicable to the slope that covers the largest area of the building’s footprint.

All roof exterior surfaces and roofing materials of a thermal-efficient roof must have a minimum reflectance as certified by one of the following:

The American Society for Testing and Materials ASTM (a) E903 or ASTM E1918 standard.
A test using a portable reflectometer at near-ambient conditions.


This section does not apply to:

1. The portion of a roof acting as a substructure for and covered by a rooftop deck.
2. The portion of a roof covered with vegetation associated with an extensive or intensive green roof as defined by the United States Environmental Protection Agency for the purpose of reducing the heat island effect.
3. A rooftop deck covering a maximum of one-third of the rooftop total gross area.
4. An area of the roof covered by photovoltaic and solar equipment.

Section 553.9046, Florida Statutes, is created to read:

553.9046 Thermal-efficient hardscapes.—A thermal-efficient hardscape is the portion of impervious, nonliving improvements of a property’s landscaping, including, but not limited to, roads, sidewalks, courtyards, and parking lots which has a minimum initial reflectance of 0.30 as certified by the American Society for Testing and Materials ASTM E903 or ASTM E1918 standard or a test using a portable reflectometer at near ambient conditions. When measuring the minimum initial reflectance, one of the following reflectance values for paving materials may be used:

1. Typical new gray concrete, (1) 0.35.
2. Typical weathered concrete, (2) 0.20.
3. Typical new white concrete, (3) 0.70.
4. Typical weathered white concrete, (4) 0.40.
5. New asphalt, (5) 0.05.
6. Weathered asphalt, (6) 0.10.

This act shall take effect July 1, 2012. Section 5.