

**Minutes**  
**Product Approval Program Oversight Committee**

**March 20, 2006**  
**8:00 A.M.-12:00 P.M.**

**Embassy Suites Hotel**  
**3705 Spectrum Blvd**  
**Tampa, FL 33612**  
**813-977-7066**

1. The agenda was approved with amendments to add new item “implement an accelerated revocation process for noncompliant products and entity approval”. The minutes were approved as is.

Attendees: Ed Carson, Chris Schulte, Paul Kidwell, Christ Sanidas, Nan Dean, Herminio Gonzalez, and Do Kim

2. **Update on the Manufactured Buildings Program:** The committee discussed clarification regarding FS633, FS553, Part I, and Rule 9B-1, and Rule 69A-60, FAC, Fire safety Plan Review for Manufactured Buildings. Mike Ashworth of DCA provided the committee with background on the issue. It was indicated that the manufactured building administrator needs to continue to work with the Fire Marshal, Jim Goodloe, on specific issues related to this subject and if needed, specific issues to be brought back to the committee for consideration.

3. **Update on the Prototype Buildings Program:**

The Committee discussed and clarified whether shed kits falls under prototype program. The committee took action affirming staff recommendation which stated that storage shed/kit falls within the scope of Rule 9B-74.

**Status of Prototype Program:** Bill York of ARA provided general status on activities currently taking place under prototype buildings. He explained how it is being perceived by local government in an attempt to attract more users. He mentioned writing articles on the benefits and usability of the prototype buildings program by industry.

Mr. York indicated that the current contract for prototype buildings would expire by June 30, 2006. Therefore, he requested that the subject of extending the present contract for the Prototype Buildings Program to be put as an item for discussion on the POC agenda for the May, 2006 meeting.

4. Product Approval Program Issues
  - A. **Statistics:** staff presented the committee with the number of products, entities approved as of March 9, 2006.
  - Status of the new BCIS Product Approval Website:** staff provided the committee with status of the new web site and components of the system implemented so far.

Two concerns were raised at the meeting regarding the new website: (1) the ability to print on 8 ½” by 11” page and (2) the ability to submit for product approval using batch load file.

**B. Discussed** and provided recommendations for the following requests for Declaratory Statement:

DCA06-DEC-067 by Joseph Hetzel, PE, DASMA

DCA06-DEC-072 by Diego Rivera for Diritec Corporation.

**C. Criteria for conditional approval:** The committee discussed and approved staff recommendation with minor amendments as follows:

When a product application has been voted on by the Florida Building Commission (FBC) for Conditional Approval, the Program System Administrator will send an e-mail to the manufacturer stating:

1. If the product application applicant/product manufacturer complies with making the changes voted on by the FBC prior to the next scheduled FBC Meeting, their application will **approved**
2. If the product application applicant/product manufacturer does not comply with making the changes voted on by the FBC prior to the next scheduled FBC Meeting, their application will **denied**.

If the product application applicant does not agree with the changes voted on by the FBC, the product manufacturer can petition the FBC to defer consideration of their application until the next POC & FBC meeting by making an e-mail request to the Program System Administrator to have their application **deferred** no later than the product validation date for the next POC & FBC meeting. Product approval shall be subject for consideration at the POC following meeting.

**D. Implement an accelerated revocation process for non-compliant product and entity approval:** the committee discussed the process for revocation and solicited comments from legal staff and the public. It was indicated by legal staff that the process is clearly covered by Chapter 120 procedure. In order to revise and provide for accelerated revocation process, an amendment to Chapter 120 procedure will be needed which is proven to be difficult. It was the committee consensus that the already available Chapter 120 procedure process is sufficient at this time and no action is needed to provide for such accelerated proceeding.

**E. Discuss whether revisions (technical or editorial) and affirmations of approved products are subject to the new requirements of Rule 9B-72 as implemented January 1, 2006:** The Committee discussed this issue and approved staff recommendations with minor revision as follows:

- (1) Editorial revision and affirmation are not required to meet the new requirements of Rule 9B-72 as determined by the Program Administrator.
- (2) Technical Revision will trigger compliance with the new provisions of Rule 9B-72 as determined by the Program Administrator.

### **E.A & A Report:**

**Revocation.** It was recommended by A&A staff that the revocation process be initiated to revoke the approval for FL3946 and FL3946R1 due to the fact that quality assurance audits are not being performed on the product as manufactured. The manufacturer was contacted by A&A staff and was given the opportunity to revise their application to provide for a new quality assurance agency. To date no action was taken by the manufacturer to correct the problem. The committee took an action in support of A&A staff position to start proceedings to revoke the products in question.

**Review product approval and entity applications.** The committee considered and took action on all the product applications as presented by A&A staff. There were no entity applications to submit to the Commission for approval.

5. Adjourned at 10:45 AM

### **Commission Action Needed:**

1. Action is needed on the Committee recommendation that storage shed/kit falls within the scope of Rule 9B-74 (see item #3 above).
2. Action is needed on the criteria for conditional approval as specified above in item 4.C.
3. Revocation: action is needed to start the proceedings to revoke FL3946 and FL3946R1 as stated in item 4.E.
4. Recommend that the products reviewed for approval, conditional approval, deferral, and denial be approved.
5. Recommend that the committee action on requests for Declaratory Statement DCA06-DEC-067 by Joseph Hetzel, PE, DASMA and DCA06-DEC-072 by Diego Rivera, Diritec Corporation be approved.
6. Recommend that the Committee action on **“Implementation of an accelerated revocation process for non-compliant product and entity approval”** be approved. (see item #4D above).
7. Recommend that the Committee action on **whether revisions (technical or editorial) and affirmations of approved products are subject to the new requirements of Rule 9B-72 as implemented January 1, 2006** be approved. (see item #4E above).