

Revise Rule 9N-3.002, Definitions, as follows:

The following terms have the meanings indicated:

Item (1) – (14) No Change.

Add new definition for the term “Department” as item “15” as follows and renumber the remaining items accordingly:

(15) Department means Florida Department of Community Affairs.

Revise item #23, Product Approval, as follow:

Product Approval:

State product approval means the approval of a product or system of construction by the Commission for acceptance of a product on a state or regional basis consistent with an evaluation conducted pursuant to Rule 9B-72.070, F.A.C. In addition, this includes the approval of a product by the Department pursuant to Rule 9B-72.090(1) (d).

Add new definition for the term “Technically significant” as item “32” as follows and renumber the remaining items accordingly:

(32) Technically significant means in accordance with this rule and or the applicable provisions of the Florida Building Code.

Revise Rule 9N-3.007, Product Approval by the Commission, as follows:

(1) Approval of a product or system of construction for state acceptance shall be performed by the Commission through the following steps:

(a) Through (b) No change.

(c) With exception to product applications submitted pursuant to Rule B9B-72.070(1)(a), F.A.C., Upon Commission acceptance of the required documentation pursuant to Rule 9B-72.070, F.A.C., and validation of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., the Commission may approve the product for use statewide in accordance with its approval and limitations of use unless credible evidence is provided questioning the validity of the documentation submitted in support of the application for approval.

(d) Product Application that rely upon a product certification mark or listing from an approved certification agency shall be approved for use statewide in accordance with its approval and limitations of use to demonstrate compliance with the Code as follows:

(1) An application of a product submitted for state acceptance pursuant to Rule 9B-72.070(1) (a), F.A.C shall be approved by the Department after the Program System Administrator “the Administrator” verifies that the application and required documentation as per Rule 9B-72.07.080, F.A.C. are complete.

- (2) The verification by the Administrator must be completed within 10 business days after receipt of the application.
- (3) Upon approval by the Department, the Administrator shall add approved products to the list of the state-approved products maintained by the BCIS. Approvals by the department shall be reviewed and ratified by the Commission's Program Oversight Committee "POC" except for a showing of good cause that a review by the full Commission is necessary.
- (4) For the purpose of curing deficiencies identified within product applications approved under this section, the following steps will be undertaken:
- (a) If a comment is received on a Department approved Product, the Administrator shall immediately evaluate the comment and determine whether the comment is technically significant;
  - (b) If the comment as determined by the Administrator is technically significant, the Administrator shall post the comment received in the comment box for the application;
  - (c) The Administrator shall immediately notify the manufacturer of the comment received on his or her application requesting that the manufacturer respond to the comment and revise the application as deemed necessary;
  - (d) An outstanding comment(s) shall be subject to review and determination by the POC except for a showing of good cause that a review and determination by the full Commission is necessary.

(~~e~~) No change to text.

(~~f~~) No change to text.

(~~g~~) No change to text.

(~~h~~) No change to text.

(2) No change

**Revise 9N-3.008, Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies, as follows:**

(1) Approved Product Evaluation Entities. Approval by the Commission is limited to the scope established by Section 553.842, F.S.

(a) The following entities are approved evaluation entities:

1. The National Evaluation Service (NES);

~~2. The International Conference of Building Officials Evaluation Services (ICBO-ES);~~

~~3. The Building Officials and Code Administrators International Evaluation Services (BOCA-ESI);~~

~~4. The Southern Building Code Congress International Evaluation Services (PST-ESI);~~

~~5-2.~~ The Miami-Dade County Building Code Compliance Office Product Control Division (MDCBCCOPCD);

~~6~~ 3. The International Code Council, International Evaluation Services (IES); and

~~7~~ 4. The International Association of Plumbing and Mechanical Officials Evaluation Service (IAPMO).

(b) Architects and engineers licensed in this state are also approved to conduct product evaluation.

~~(c) Evaluation entities and certification agencies accredited as meeting the requirements of ISO/IEC Guide 65, adopted by reference in Rule 9B-72.190, F.A.C., other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by submitting correspondence to the Commission substantiating accreditation and independence. Upon approval by the Commission, paragraph 9B-72.100(1)(a), F.A.C., above shall be amended to include the applicant as an evaluation entity.~~

(2) Approved Validation Entities. No change.

Revise the Building Code Information System (BCIS) and Rule 9N-3.011 Forms as follows:

1. Update payment screen(s) to provide for split payment screen necessary to allow payment of fees to be made directly to the Administrator and the Department.
2. Update the BCIS system to add a provision for approval of product by DCA :  
"Approved by DCA subject to review and ratification by the POC and/or the Commission if necessary"