

DEPARTMENT OF COMMUNITY

Florida Building Commission

RULE CHAPTER NO:

9B-72

RULE NOS.:

9B72.005

9B-72.010

9B-72.030

9B-72.040

9B-72.050

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9B-72.120

9B-72.130

9B-72.135

RULE CHAPTER TITLE:

Product Approval

RULE TITLES:

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Definitions.

Local Product Approval Generally.

Product Evaluation and Quality Assurance for Local Approval.

Product Approval for Local Jurisdiction and Acceptance.

Optional Statewide Approval Generally.

Product Evaluation and Quality Assurance for State Approval

Product Validation by Approved Validation Entity for State Approval.

Product Approval by Building Commission.

Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

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9B-72.160	Revocation or Modification of Product Approvals and Entity Certifications.
9B-72.170	Investigation.
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THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.005 Scope.

(1) Through (2) No Change

9B-72.010 Definitions.

(1) Through (30) No Change

(31) Subcategory of product or construction system means a specific functionality:

(a) Through (d) No Change

(e) For shutters: accordion, Bahama, storm panels, fabric storm panel, colonial, roll-up, pre-engineered equipment, protection, and products introduced as a result of new technology;

(f) Through (g) No Change

(32) Through (35) No Change

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History-New 5-5-02, Amended 9-4-03, 11-22-06, _____

9B-72.030 Exceptions.

(1) Through (2) No Change

9B-72.040 Product Evaluation and Quality Assurance for Local Approval.

No Change

9B-72.060 Optional Statewide Approval Generally.

No Change

9B-72.070 Product Evaluation and Quality Assurance for State Approval.

(1)(a) Through (1)(f) No Change

(1)(g) Products required to demonstrate compliance using referenced testing standard(s) and also requiring rational analysis that falls outside the scope of the agency

certificate designating product certification, must demonstrate compliance using an evaluation report from an approved evaluation entity.

(2) Through (3) No Change

(4) (a) Through (4) (d) No Change

(4) (e) Installation requirements. Installation instructions including attachments shall be developed by an evaluation entity, test lab or by the manufacturer's licensed design professional. Exception: Installation instructions for windows including attachment at minimum shall include the following:

1. Type, and grade of anchor, and/or manufacturer's anchor specifications, including minimum nominal size, minimum penetration into substrate and minimum edge distances.
2. Type, physical dimensions, material and grade of any accessory item or strap, if applicable.
3. Spacing of anchors, shims, accessory items and straps.
4. Illustrated diagrams of the attachment of the product structure

(4) (f) Through (4) (h) No Change

(5)(a) Through (5)(d) No Change

(5) (e) Installation requirements. Exception: Installation instructions for windows including attachment at minimum shall include the following:

1. Type, and grade of anchor, and/or manufacturer's anchor specifications, including minimum nominal size, minimum penetration into substrate and minimum edge distances.
2. Type, physical dimensions, material and grade of any accessory item or strap, if applicable.
3. Spacing of anchors, shims, accessory items and straps.
4. Illustrated diagrams of the attachment of the product structure

(5)(f) Through (5)(g) No Change

(6) Through (7) No Change

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History-New 5-5-02, Amended 9-4-03, 11-22-06, _____

9B-72.080 Product Validation by Approved Validation Entity for State Approval.

(1) Administrative Validation: Validation of compliance with the Code using a certification mark or listing from an approved certification agency, an evaluation report from an approved product evaluation entity, and an evaluation report from a Florida Registered Architect or licensed Florida Professional Engineer shall be performed by an approved validation entities through the following steps:

(1a) Verification that the certification, testing, evaluation and quality assurance requirements established by Rule 9B-72.070, F.A.C., are met and that all documentation is in order.

(2b) Validation of the method of compliance using the validation checklist in subsection 9B-72.130(3), F.A.C. Signed and sealed hard copy of the Validation Checklist must be provided to the Program System Administrator when the validation entity is a Florida registered architect or licensed Professional Engineer.

(3c) Certification to the Commission that the documentation submitted for the product indicates the product complies with the Code.

(4d) Products listed by approved certification agencies as complying with standards, that do not include rational analysis, established by the Code shall be approved by the Commission upon validation using Administrative Validation ~~absent compliance with this section.~~

(2) Technical Validation

(a) Technical Validation of an Evaluation Report:

Validation of compliance with the Code using an evaluation report from an approved evaluation entity that is not an independent third-party from the manufacturer shall be performed by an approved validation entity using the validation steps of the Administrative Validation and the following steps:

(1) Determination that the evaluator has complied with acceptable standards of engineering principles.

(2) Engineering verification that the evaluation complies with the Code.

(3) Copy of the application complying with all aspects of rule 61G15-36 F.A.C., must be filed with the Commission.

(b) Technical Validation of a Test Report: Validation of compliance with the Code using a test report from an approved test lab shall be performed by an approved validation entity using the validation steps of the Administrative Validation and the following steps:

- (1) Verify that the reported data demonstrates compliance with the Florida Building Code, and
- (2) Verify that the correct test was performed.

(c) Technical Validation of a Installation Instructions including attachments: Installation instructions including attachments developed by an entity that is not an independent third-party from the manufacturer shall be performed by an approved validation entity using the validation steps 1 through 3 of item 2(a) above.

Exception: Technical validation is not required if the installation instruction including attachments are verified by the product certification agency or the product evaluation entity.

(3) Approved Validation entities must retain all documentation of the product applications (test reports, calculations, samples, etc.) as required by Florida statutes or as long as the products are approved, based on their validation, whichever is longer.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History-New 5-5-02, Amended 11-22-06,_____

9B-72.090 Product Approval by the Commission.

No Change.

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(1) No Change

(2) Approved Validation Entities.

(a) An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity, ~~testing laboratory~~ or certification agency and it certifies to the Commission compliance with standards established by the Code or intent of the Code. Architects and engineers licensed in this state are also approved to conduct validation for the state approval. ~~Validation by an approved testing laboratory acting as a validation entity shall be limited to the scope for which they are accredited.~~ Testing Laboratories are not allowed to conduct validations.

(b) through (c) no change

(3) through (6) no change

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History-New 5-5-

02, Amended 9-4-03, 11-22-06, _____

9B-72.120 List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

No Change

9B-72.130 Forms.

(1) through (2) No Change

(3) Validation Checklist for State Approval, Form No. 9B-72.130(3), ~~updated September 4, 2003~~ January 15, 2007 (electronic version).

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History-New 5-5-02, Amended 9-4-03, 11-22-06, _____

9B-72.135 Revisions to Product Approvals or Entity Approvals.

No Change

9B-72.160 Revocation or Modification of Product Approvals and Entity Certifications.

No Change

9B-72.170 Investigations.

No Change

9B-72.180 Equivalence of Standards.

No Change

9B-72.190 Reference Standards.

No Change