

By Senator Gruters

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1 A bill to be entitled
2 An act relating to the Florida Building Code; amending
3 s. 553.842, F.S.; requiring a manufacturer to submit
4 certain information when seeking to have an insulation
5 product approved by the Florida Building Commission;
6 authorizing the manufacturer to submit certain
7 evaluation reports to supplement the test data;
8 requiring the testing lab to have certain
9 accreditation; requiring the manufacturer to provide
10 test data to certain persons upon request; specifying
11 that the failure to provide the test data is a
12 violation of the Florida Deceptive and Unfair Trade
13 Practices Act; amending s. 553.8425, F.S.; conforming
14 a cross-reference; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Present subsections (11) through (16) of section
19 553.842, Florida Statutes, are redesignated as subsections (12)
20 through (17), respectively, a new subsection (11) is added to
21 that section, and paragraph (a) of subsection (5) of that
22 section is amended, to read:

23 ~~553.842 Product evaluation and approval.—~~

24 (5) Statewide approval of products, methods, or systems of
25 construction may be achieved by one of the following methods.
26 One of these methods must be used by the commission to approve
27 the following categories of products: panel walls, exterior
28 doors, roofing, skylights, windows, shutters, impact protective
29 systems, and structural components as established by the

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30 commission by rule. A product may not be advertised, sold,
31 offered, provided, distributed, or marketed as hurricane,
32 windstorm, or impact protection from wind-borne debris from a
33 hurricane or windstorm unless it is approved pursuant to this
34 section or s. 553.8425. Any person who advertises, sells,
35 offers, provides, distributes, or markets a product as
36 hurricane, windstorm, or impact protection from wind-borne
37 debris without such approval is subject to the Florida Deceptive
38 and Unfair Trade Practices Act under part II of chapter 501
39 brought by the enforcing authority as defined in s. 501.203.

40 (a) Products for which the code establishes standardized
41 testing or comparative or rational analysis methods shall be
42 approved by submittal and validation of one of the following
43 reports or listings indicating that the product or method or
44 system of construction was in compliance with the Florida
45 Building Code and that the product or method or system of
46 construction is, for the purpose intended, at least equivalent
47 to that required by the Florida Building Code:

48 1. A certification mark or listing of an approved
49 certification agency, which may be used only for products for
50 which the code designates standardized testing;

51 2. A test report from an approved testing laboratory;

52 3. A product evaluation report based upon testing or
53 comparative or rational analysis, or a combination thereof, from
54 an approved product evaluation entity; or

55 4. A product evaluation report based upon testing or
56 comparative or rational analysis, or a combination thereof,
57 developed and signed and sealed by a professional engineer or
58 architect, licensed in this state.

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60 A product evaluation report or a certification mark or listing
61 of an approved certification agency which demonstrates that the
62 product or method or system of construction complies with the
63 Florida Building Code for the purpose intended is equivalent to
64 a test report and test procedure referenced in the Florida
65 Building Code. An application for state approval of a product
66 under subparagraph 1. or subparagraph 3. must be approved by the
67 department after the commission staff or a designee verifies
68 that the application and related documentation are complete.
69 This verification must be completed within 10 business days
70 after receipt of the application. Upon approval by the
71 department, the product shall be immediately added to the list
72 of state-approved products maintained under subsection (14)
73 ~~(13)~~. Approvals by the department shall be reviewed and ratified
74 by the commission's program oversight committee except for a
75 showing of good cause that a review by the full commission is
76 necessary. The commission shall adopt rules providing means to
77 cure deficiencies identified within submittals for products
78 approved under this paragraph.

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(11) (a) A manufacturer seeking to have an insulation
product approved under this section must provide test data to
the commission. The test data must include the name of the
testing lab that performed the test, the date of the test, and
the test report number and must show that the insulation product
conforms to the standards for insulation products set by the
Florida Building Code and ASTM International and complies with
16 C.F.R. 460.

(b) The manufacturer may submit evaluation reports from a

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88 testing lab as supporting documentation to the test data. An
89 evaluation report must be for a single product and must include
90 the name of the testing lab, the date the product was tested,
91 and the test report number.

92 (c) The testing lab must be accredited by a nationally
93 recognized accrediting agency.

94 (d) The manufacturer must provide the test data to building
95 officials and homeowners upon request. Failure to provide such
96 data is a deceptive and unfair trade practice and constitutes a
97 violation of the Florida Deceptive and Unfair Trade Practices
98 Act.

99 Section 2. Section 553.8425, Florida Statutes, is amended
100 to read:

101 553.8425 Local product approval.—

102 (1) For local product approval, products or systems of
103 construction shall demonstrate compliance with the structural
104 windload requirements of the Florida Building Code through one
105 of the following methods:

106 (a) A certification mark, listing, or label from a
107 commission-approved certification agency indicating that the
108 product complies with the code.~~†~~

109 (b) A test report from a commission-approved testing
110 laboratory indicating that the product tested complies with the
111 code.~~†~~

112 (c) A product-evaluation report based upon testing,
113 comparative or rational analysis, or a combination thereof, from
114 a commission-approved product evaluation entity which indicates
115 that the product evaluated complies with the code.~~†~~

116 (d) A product-evaluation report or certification based upon

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117 testing or comparative or rational analysis, or a combination
118 thereof, developed and signed and sealed by a Florida
119 professional engineer or Florida registered architect, which
120 indicates that the product complies with the code.†

121 (e) A statewide product approval issued by the Florida
122 Building Commission.†~~or~~

123 (f) Designation of compliance with a prescriptive, material
124 standard adopted by the commission by rule under s. 553.842(16)
125 ~~s. 553.842(15)~~.

126 Section 3. This act shall take effect July 1, 2019.