

## NOTICE OF PROPOSED RULEMAKING

### DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:      RULE CHAPTER TITLE:

9B-72                      Product Approval.

RULE NO.                  RULE TITLE:

9B-72.010                  Definitions.

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

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

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

9B-72.130                  Forms.

PURPOSE, EFFECT AND SUMMARY: To review the rule in light of legislative change, experience with the system, and the efforts of the Product Approval Validation Workgroup.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (If one has been prepared.) Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 553.842(1), (5)-(7), (14) FS.

LAW IMPLEMENTED: 553.842(1), (5)-(7), (8), (14) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN

BELOW:

TIME AND DATE: 3:30 P.M., or as soon thereafter as the matter comes before the Commission in accordance with its agenda, June 26, 2007.

PLACE: Don Shula's Hotel, 6842 Main Street, Miami Lakes, Florida 33314.

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850) 487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800) 955-8770 (voice) or 1(800) 955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850) 487-1824.

THE FULL TEXT OF THE OF THE PROPOSED RULES IS:

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-72.070 Product Evaluation and Quality Assurance for State Approval.

(1)(a) through (f) No change.

(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 (d) No change.

(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; and

4. Illustrated diagrams of the attachment of the product structure.

(f) through (h) No change.

(5)(a) through (d) No change.

(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; and

4. Illustrated diagrams of the attachment of the product structure.

(f) No change.

(6) and (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:

~~(a)(1)~~ 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.

~~(b)(2)~~ 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.

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

~~(d)(4)~~ 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-72.100 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 Sstate are also approved to conduct validation for the state approval. Testing Laboratories are not allowed to conduct validations. ~~Validation by an approved testing laboratory acting as a validation entity shall be limited to the scope for which they are accredited.~~

(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-72.130 Forms.

(1) and (2) No change.

(3) Validation Checklist for State Approval, Form No. 9B-72.130(3), upated January 15, 2007 ~~September 4, 2003~~ (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,\_\_\_\_\_.

NAME OF PERSON ORGINATING PROPOSED RULES: Ila Jones, Community Program Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850) 487-1824.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULES:

Janice Browning, Director, Division of Housing and Community Development,

Department of Community Affairs.

DATE PROPOSED RULES APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

January 12, 2007 and March 9, 2007.