



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
*"Dedicated to making Florida a better place to call home"*

**JEB BUSH**  
Governor

**THADDEUS L. COHEN, AIA**  
Secretary

December 14, 2006

The Honorable Michael S. Bennett  
Senator, 21<sup>st</sup> District  
The Florida Senate  
Tallahassee, Florida 32399-1100

Dear Senator Bennett:

The Florida Building Commission investigated the issue addressed in your letter of October 26, 2006, regarding why some southeast Florida jurisdictions' are requiring submittal of Miami-Dade County Notice of Acceptance (NOA) for building components when permitting construction. The circumstances are clearer now and with the assistance of Miami-Dade, Broward and Palm Beach County officials the underlying knowledge gap problem will be addressed better.

The Commission conducted both private discussions with officials representing the Miami-Dade, Broward and Palm Beach County boards and public discussions at its December 2006 meeting with manufacturers and code officials. Also, Broward County Board of Rules and Appeals staff contacted the building officials in the communities listed in your letter and determined there was not a deliberate rejection of state approvals in lieu of Miami-Dade NOAs. Manufacturers advised that the Broward and Miami-Dade Counties' code compliance boards, which by their charters have oversight of the respective county and cities code enforcement operations, had always interceded where problems arose to advise the local officials on the acceptability of state approvals. The over-arching problem identified was confusion caused by new and old terminology. Product approval has been a long-standing practice in the southeast area of the state so officials are using the old NOA terminology in the new process. Retraining of lower level staff and familiarity that comes with practice will be more important for this area than others where a formal system of approval by a government entity other than the local permitting official did not exist prior to the state system.

The Commission prepared a notice explaining the provisions of law for state product approvals to be disseminated to local jurisdiction code enforcement personnel as requested in your letter. The Miami-Dade, Broward and Palm Beach County boards in addition to the state building officials association have committed to communicating the information to local officials. We trust this education initiative together with intervention and guidance of the counties' boards will reduce problems caused by miscommunication or past practices for product acceptance by local jurisdictions.

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Thank you for your interest in the Florida Building Code. I trust cooperation of the Legislature and the Commission will lead to better effectiveness of the Code and a better built environment for Florida citizens.

Sincerely,



Raul L. Rodriguez, AIA, Chairman  
Florida Building Commission