61G20-3.014 Investigations.

(1) Investigation of approved product non-compliance.

(a) The Commission shall initiate an investigation of product non-compliance on the basis of a written complaint including substantial material evidence.

(b) Investigation of product deficiencies shall be conducted by the manufacturer's certification agency, evaluation entity or test laboratory and the validation entity which certified compliance with the code standards to the Commission.

(c) The manufacturer's certification agency, evaluation entity or test laboratory and the validation entity may conduct investigations independent of the Commission initiation and report findings to the Commission on which suspension or revocation action is based.

(d) Substantially affected party complaints shall be based on one or more of the provisions of Rule 61G20-3.013, F.A.C.

(2) Investigation of approved certification agency, evaluation entity, test laboratory or validation entity non-compliance.

(a) The Commission shall initiate an investigation of approved certification agency, evaluation entity, test laboratory, quality assurance agency or validation entity non-compliance on the basis of a written complaint including substantial material evidence provided by an substantially affected party.

(b) Investigation of approved certification agency, evaluation entity, test laboratory, quality assurance agency or validation entity deficiencies shall be conducted by its accrediting body.

(c) The Commission shall conduct investigations of non-compliance where the accrediting body is not capable.

(d) The Commission shall conduct investigations of non-compliance of approved accrediting bodies.

(e) Substantially affected party complaints shall be based on one or more of the provisions of subsection 61G20-3.013(2), F.A.C., as applicable.

Rulemaking Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History–New 5-5-02, Formerly 9B-72.170, 9N-3.014.

61G20-3.013 Revocation or Modification of Product Approvals and Entity Certifications.

(1) Product Approval Revocation or Suspension.

(a) Any product approval shall be revoked or suspended for any of the following reasons:

1. Failure to maintain certification, evaluation reports or testing in good standing with a Commission approved entity which conducted the testing or comparative or rational analysis, or combination thereof on which the product approval is based.

2. Suspension or revocation of the certification, evaluation report or testing report issued by a Commission approved entity on which the approval is based, for just cause.

3. Failure to maintain quality assurance programs for the manufacture of the approved products as required by this document.

4. Failure to correct manufacturing deficiencies required to bring the product within specifications of the originally approved product or alternatively to demonstrate in a manner consistent with this document, that the product's performance complies with the standards established by the Code.

5. Advertising and sales of the product for uses not consistent with conditions or limitations of its approval.

6. Determination that the product was approved based on misrepresentations in the application for approval.

7. Failure of the manufacturer to cooperate with a Commission ordered investigation.

(b) The Commission may suspend the approval of a product based on any provision of subsection 61G20-3.013(1), F.A.C., until such time as the manufacturer demonstrates the product is currently in compliance with this document.

(c) The Commission shall initiate an investigation based on a written complaint containing substantial material evidence by any substantially affected party.

(d) The Commission shall clearly post the status of product approvals, denials, or suspensions on its website, the Florida Building Codes Information System, www.floridabuilding.org.

(2) Revocation or suspension of evaluation entity, certification agency, testing laboratory, validation entity, quality assurance agencies or accreditation body approval.

(a) The Commission shall revoke or suspend the approval of any evaluation entity, certification agency, testing laboratory, quality assurance agency, or validation entity for one or more of the following reasons:

1. Failure to maintain accreditation by a Commission approved accreditation body.

2. Suspension or revocation of accreditation by a Commission approved accreditation body for failure to meet Commission accreditation standards or equivalent pursuant to Rules 61G20-3.008 and 61G20-3.015, F.A.C.

3. Determination by the Commission that any requirement set forward in this document has been violated.

4. Determination that the criteria for independence from any manufacturer set forth in Rule 61G20-3.009, F.A.C., has been violated.

5. Determination that the entity is not independent pursuant to Rule 61G20-3.009, F.A.C., of any competing manufacturer of the manufacturer to whom the entity provided services on which Florida jurisdictions' product approval is based.

6. An entity has misrepresented its accreditations or other material information on its application for approval.

7. Failure to conduct investigations of products authorized by Rule 61G20-3.014, F.A.C.

(b) The Commission may revoke or suspend the approval of any approved accreditation body for failure to maintain accreditation programs which comply with subsection 61G20-3.008(6), F.A.C., or any material misrepresentation of its independence or substantive information on its capabilities or policies and procedures and failure to cooperate in investigations of those it accredits.

(c) Commission suspensions under subsection 61G20-3.013(2), F.A.C., shall remain in effect until such time as the entity demonstrates to the Commission that it is in compliance with said requirement.

(d) The Commission shall initiate an investigation based on a written complaint providing substantial material evidence provided by any substantially affected party.

(e) The Commission shall clearly post the status of approved evaluation entity, certification agency, testing laboratory, validation entity, quality assurance agency and accreditation body approval, suspension or revocation on its website list of approved entities.

(3) Incomplete Product Approval or Entity applications. Any application that has no activity and is not complete within 180 days from the date of initial filing shall be denied.

Rulemaking Authority 553.842(14) FS. Law Implemented 553.842(14) FS. History–New 5-5-02, Amended 11-22-06, Formerly 9B-72.160, 9N-3.013, Amended 10-18-21.