**HB 401 - 2021**

**Section 6.** Paragraph (a) of subsection (8) and subsection (14) of section 553.842, Florida Statutes, are amended to read:

553.842 Product evaluation and approval.—

(8) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply with a nationally recognized standard demonstrating independence or no conflict of interest:

1. Evaluation entities approved under ~~pursuant~~ ~~to~~ this paragraph or that meet the criteria for approval adopted by the commission by rule. The commission shall specifically approve the National Evaluation Service, the International Association of Plumbing and Mechanical Officials Evaluation Service, the International Code Council Evaluation Services, Underwriters Laboratories, LLC, Intertek Testing Services NA, Inc., and the Miami-Dade County Building Code Compliance Office Product Control Division. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (5).

(14) The commission shall by rule establish criteria for revocation of product approvals as well as suspension ~~revocation~~  of approvals of product evaluation entities, including those approved in accordance with paragraph (8)(a), and suspension or revocation of approvals of testing laboratories, quality assurance entities, certification agencies, and validation entities. Suspension and revocation is governed by s. 120.60 and the uniform rules of procedure.

**Current Status:**

**Product Evaluation entities:**

* Currently the Commission has no authority to approve product evaluation entities
* By statutes and as listed in Rule 6120-3.008, the following entities are approved as evaluation entities:

[**61G20-3.008**](https://www.flrules.org/gateway/ruleNo.asp?id=9N-3.008) **Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.**

(1) Approved Product Evaluation Entities. Approval by the Commission is limited to the scope established by Section 553.842, F.S.

 (a) The following entities are approved evaluation entities:

 1. The National Evaluation Service (NES),

2. The Miami-Dade County Building Code Compliance Office Product Control Division (MDCBCCOPCD),

 3. The International Code Council, International Evaluation Services (IES),

4. The International Association of Plumbing and Mechanical Officials Evaluation Service IAPMO),

 6. Intertek Testing Services NA, Inc.

(b) Architects and engineers licensed in this state are also approved to conduct product evaluation.

- Rule 61G20-3.002 Definitions

(4) Approved product evaluation entity means an organization recognized by Florida law or approved by the Commission pursuant to subsection 61G20-3.008(1), F.A.C., to evaluate products, for compliance with the Code or intent of the Code or the standards referenced therein resulting in the issuance of an evaluation report.

**Product Certification entities:**

* [**61G20-3.002**](https://www.flrules.org/gateway/ruleNo.asp?id=9N-3.002) **Definitions.**

(3) Approved certification agency means an organization approved by the Commission pursuant to subsection 61G20-3.008(4), F.A.C., to certify products

* [**61G20-3.008**](https://www.flrules.org/gateway/ruleNo.asp?id=9N-3.008) **Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.**

(4) Approved Certification Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a certification agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation or accreditation listing issued by the accreditation body:

1. Certification Agencies accredited by ANSI that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems or other standard certified as equivalent by the accrediting entity pursuant to Rule 61G20-3.015, F.A.C., and approved by the Commission.

2. Certification Agencies accredited as meeting the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems or other standard certified as equivalent by the accrediting entity pursuant to Rule 61G20-3.015, F.A.C., and approved by the Commission.

(b) Certification Agencies shall apply to the Commission for approval by filing an application as provided by subsections 61G20-3.011(1) and 61G20-3.007(3), F.A.C., including a Certificate of Independence in accordance with Rule 61G20-3.009, F.A.C., and submitting fees pursuant to subsection 61G20-3.007(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the certification agency no longer qualifies under current requirements; the accreditation expires, or is removed, or is both expired and removed; or the approval is suspended or revoked.

- Currently, there are a total of twenty “20” approved ceretification entities.

**Notes:**

1. ISO/IEC Guide 65 – 1996 General Requirements for Bodies Operating Product Certification Systems – this standard has been withdrawn and it was replaced by ISO/IEC 17065: 2012.
2. Currently, with exception to architects and engineers licensed in the state, all the evalution entities as listed under Rule 61G20-3.008 (1) are also Commission approved certification enities.
3. With exception of Miami-Dade and architect and engineers licesend in the state, all approved evaluation entities and cerification entities are accredited as meeting ISO/IEC Guide 17065.
4. ISO/IEC Guide 17065 is the sole accreditation standard for both entities.
5. ISO/IEC 17065: 2012 – Conformity assessment – Requirements for bodies certifying products, processes snd services

Scope –

This International Standard contains requirements for the competence, consistent operation and impartiality of product, process and service certification bodies. Certification bodies operating to this International Standard need not offer all types of products, processes and services certification. Certification of products, processes and services is a third-party conformity assessment activity (see ISO/IEC 17000:2004, definition 5.5). In this International Standard, the term “product” can be read as “process” or “service”, except in those instances where separate provisions are stated for “processes” or “services”

**Proposed criteria for approval of an evaluation entity:**

**POC Action:**

Subject approval of evaluation entities to criteria similar to those for approving certification entities including updating ISO/IEC 65 to ISO/IEC 17065:2012.