

9N-3.006 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 approved validation entities through the following steps:

(a) Verification that the certification, testing, evaluation and quality assurance requirements established by Rule 9N-3.005, F.A.C., are met and that all documentation is in order.

(b) Validation of the method of compliance using the validation checklist in subsection 9N-3.011(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) Certification to the Commission that the documentation submitted for the product indicates the product complies with the Code.

(d) 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.

(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 Chapter 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 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.

(4) Violations and Penalties for Validation Entities. In imposing disciplinary penalties upon an approved Validation entity, the following guidelines shall be used by the Commission in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this Rule.

(a) Violation of subparagraph 9N-3.013(2)(a)6., F.A.C. Validator has misrepresented his accreditations or other material information on his application for approval for which the Commission shall impose a minimum sanction of a \$5,000 fine and revocation and a maximum penalty of \$10,000 fine and revocation.

(b) Violation of subsection 9N-3.008(2), F.A.C. Validating outside the scope of accreditation for which the Commission shall impose a minimum sanction of a \$5,000 fine and revocation a maximum sanction of a \$10,000 fine and revocation.

(c) Violation of subsection 9N-3.006(1) or (2) or (3) F.A.C. Verifying, validating or certifying by using fraud, deceit, misleading, or untrue representations of items on validation checklist set forth in subsection 9N-3.011(3), F.A.C., for which the Commission shall impose a minimum sanction of a \$5,000 fine, or probation, or suspension, or any combination thereof; and a maximum sanction of a \$10,000 fine and revocation.

(d) Violation of subsection 9N-3.006(1) or (2) or (3) F.A.C. Failure to sign and seal hard copy of the Validation Checklist and provide it to the Program System Administrator prior to the Commission meeting when the validation entity is a Florida Registered Architect or Professional Engineer for which the Commission shall impose a minimum sanction of a \$500 fine, or probation, or suspension, or any combination thereof; and a maximum sanction of a \$5,000 fine and revocation.

(e) Violation of subsection 9N-3.006(1) or (2) or (3), F.A.C. Failure by the validation entity to retain all documentation of the product applications, including, but not limited to test reports, calculations, and samples, as required by Florida statutes or as long as the products are approved, based on their validation, whichever is longer for which the Commission shall impose a minimum sanction of a \$5,000 fine, or probation, or suspension, or any combination thereof; and a maximum sanction of a \$10,000 fine and revocation.

(f) Violation of subparagraph 9N-3.013(2)(a)1. or 2., F.A.C. Validating while license and/or accreditation is not current for which the Commission shall impose a minimum sanction of a \$5,000 fine, or probation, or suspension, or any combination thereof; and a maximum sanction of a \$10,000 fine and revocation.

(g) Violation of subparagraph 9N-3.013(2)(a)3., F.A.C. Determination that any provision of Chapter 9N-3, F.A.C., not specifically identified in this rule has been violated for which the Commission shall impose a minimum sanction of a \$5,000 fine, or probation, or suspension, or any combination thereof; and a maximum sanction of a \$10,000 fine and revocation.

(h) Violation of subparagraph 9N-3.013(2)(a)4., F.A.C. Determination that the criteria for independence from any manufacturer set forth in Rule 9N-3.009, F.A.C., has been violated for which the Commission shall impose a minimum sanction of a \$2,500 fine, or probation, or suspension, or any combination thereof; and a maximum sanction of a \$10,000 fine and revocation.

(i) Violation of subparagraph 9N-3.013(2)(a)7., F.A.C. Failure to cooperate with investigations authorized by Rule 9N-3.014, F.A.C., for which the Commission shall impose a minimum sanction of a \$5,000 fine, or probation, or suspension, or any combination thereof; and a maximum sanction of a \$10,000 fine and revocation.

Rulemaking Authority 553.842(1), (7) FS. Law Implemented 553.842(1), (7) FS. History—New 5-5-02, Amended 11-22-06, 4-10-08, Formerly 9B-72.080.