

FLORIDA PRODUCT APPROVAL

Frequently Asked Questions

January 2005

The Florida Product Approval System was implemented on October 1, 2003. Many product manufacturers and building officials are asking questions as to how the system works. In an effort to answer some of these questions, the following information is provided in question and answer format for the building construction industry.

1. Question: Don't building departments and building officials already conduct approvals of products?

Answer: Yes. The Code establishes standards for performance of products, materials and systems of construction. When the designer selects and the contractor installs building products, the building department verifies compliance with the Code through plans review and inspection. The project/site specific use of a product is based upon the product's performance and limitations of use and compared to the design requirements for the project. (For instance, the required design pressure ratings for windows based on the wind speed map in the Florida Building Code.)

2. Question: Then what does the Florida law and Florida Building Commission rule on product approval accomplish?

Answer: Accountability; a higher standard of practice for product evaluations; and uniformity and consistency of enforcement statewide. Evaluations of products covered by the Commission's rule can only be conducted by nationally accredited and state approved entities or by state licensed engineers and architects. These entities must meet national standards for independence from the manufacturers whose products they evaluate. Manufacturers of covered products must also maintain third party monitored quality assurance programs to verify continued compliance of approved products.

In return, building departments must accept Florida Building Commission approved products evaluated by approved entities or Florida P.E.'s and R.A.'s without requiring further testing, evaluation or documentation. Building officials can appeal the required acceptance to the Commission, but must accept the evaluation until the Commission rules on the appeal.

3. Question: Does the building department have to accept all evaluations without question?

Answer: No. Products for which the Code does not establish standard evaluation methods (for instance a standardized test) must still be evaluated by state approved entities or Florida P.E.'s or R.A.'s. The building official can question such evaluations for local product approval.

4. Question: What products are covered by the law and Commission rule?

Answer: The covered products all affect the structural integrity of buildings during hurricanes. These categories of products must be approved either by the local building department for local use or by the Florida Building Commission for statewide use. The categories of products includes:

- Windows
- Skylights
- Exterior doors
- Shutters
- Roofing
- Panel walls
- Structural components
- New and innovative building envelope products

5. Question: What about other products?

Answer: The Commission only approves entities for evaluation of the seven categories of products. So it is recommended that building officials use a similar approach for the other products. Look for test laboratory, certification agency and inspection agency accreditation by nationally recognized accreditation bodies. Ask for a clear statement of compliance with **all** of the standards for which the product has to be evaluated. Remember, if the code adopts a standard method for evaluating a product's performance and it is not a custom one of a kind, it must be evaluated according to that method.

Reports from parties independent of the manufacturer which provide a clear statement of compliance with all of the standards, are typically more reliable. However, except where the Code requires products to be listed or labeled or where a product is covered by the Commission rule, building departments may still accept the manufacturer's evaluation.

6. Question: Can a local building department require a manufacturer to get state approval by the Florida Building Commission for their product?

Answer: No. There is no mandate for state product approval in the law or the rule. Local building officials must offer local product approval to a manufacturer when requested. The manufacturer has the "OPTION" of getting approval by the state.

Applications for state approval by the Florida Building Commission must be made on-line at www.floridabuilding.org. **Once the Commission approves a product, it must be accepted by local jurisdictions.**

7. Question: How much will the "OPTIONAL" state approval cost a manufacturer?

Answer: The fee is \$300 per product group (or sub-category) application. For example, if a window manufacturer has 15 series of single hung windows, they would enter each

series on the application, and the fee for this group would be \$300. They would then enter all of their sliding windows as another group and pay an additional fee of \$300.

9. Question: What must be done for local approval?

Answer:

- The manufacturer must have the product evaluated for compliance with standards established by the Code by a Commission approved entity or Florida licensed P.E. or R.A.
- The manufacturer must also contract with a Commission approved quality assurance entity to monitor manufacturing production or have the product listed and labeled by a Commission approved certification program.
- The manufacturer must submit: (1) documentation on the evaluation to the building department demonstrating compliance, (2) demonstration of active monitoring of production by an approved QA entity, and (3) the installation instructions.

10. Question: What must the local building official verify/validate?

Answer:

- That the product evaluation was conducted by a Commission approved entity or Florida licensed P.E. or R.A.;
- That the manufacturer has a QA program in place monitored by a state approved QA entity or that the product is listed under a Commission approved certification program; and
- That installation instructions are provided consistent with the evaluation document.

11. Question: Is there a fee for the local approval option?

Answer: Currently, the majority of local building departments will not be charging a fee for local product approval. However, there may be some jurisdictions that will begin charging fees.

12. Question: What must be done for “OPTIONAL” state approval of a product?

Answer: The requirements for “OPTIONAL” state approval of the manufacturer’s product are the same as for local approval.

- The product must be evaluated by a Commission approved entity or Florida licensed P.E. or R.A.
- The manufacturer must have a QA program in place monitored by a state approved QA entity or the product must be listed under a Commission approved certification program
- The manufacturer must submit installation instructions that are consistent with the evaluation document.

- A Commission approved validator must review the application and documentation and certify compliance with the Code.

Remember, approval of a product by the Commission means that the product may only be used within its limits or conditions of use. The local building department must still approve the product's use in site specific building projects.

13. Question: What documentation is required to demonstrate a product's compliance with standards adopted by the Code?

Answer:

Where the Code adopts a standard method of evaluating a product's compliance with the Code, documentation may be:

- A test report from an approved laboratory;
- A listing or label from an approved certification agency; or
- An evaluation report from an approved evaluation entity or Florida licensed P.E. or R.A.

Where the Code does not adopt a standard method of evaluating a product's compliance with the Code, documentation may be:

- An evaluation report prepared by an approved evaluation entity or Florida licensed P.E. or R.A.

14. Question: When can the building official question the product evaluation from an approved entity or state licensed P.E. or R.A.?

Answer: Only when:

- An evaluation is not conducted by a standard method adopted by the Code.
- There is a request for local product approval.

15. Question: Do I have to label my products?

Answer: Per section 1707.4.2 of the Florida Building Code, **exterior windows, sliding and patio glass doors** are required to be labeled. Section 1707.4.3 only requires exterior door assemblies to be tested. There is no specific requirement for labeling of exterior doors.

16. Question: What information is required on my label?

Answer: For exterior windows, sliding and patio glass doors, Chapter 17, Section 1707.4.2.1, of the FBC says: "You must identify the manufacturer, performance characteristics and approved product certification agency, testing laboratory, evaluation entity or Miami-Dade Notice of Acceptance to indicate compliance with the requirements of one of the following specifications: ANSI/AAMA/NWDA 101/I.S. 2-97 or TAS 202 (HVHZ shall comply with TAS 202)."

17. Question: Does my label have to be approved, if so, by whom?

Answer: Yes. Chapter 17 of the FBC requires that all windows, glass doors and skylights to be labeled with an approved label. Only entities approved by the Florida Building Commission can provide labels and labeling must be in accordance with the definition of the term “labeled” in Rule 9B-72 and Chapter 2 of the FBC. The definitions read as follows: “Labeled means devices, equipment or materials to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.”

18. Question: If I self label my products with a Miami-Dade Notice of Acceptance, can I continue to do this?

Answer: Yes. Miami-Dade is an approved Certification Agency under Rule 9B-72, therefore a Notice of Acceptance/label in compliance with the criteria as stated above will be acceptable. As long as the label is issued by an approved entity, self-labeling is not an issue.

19. Question: If I have tested my products to the HVHZ test requirements at an FBC approved testing laboratory or have been evaluated or certified by an FBC approved agency, can I submit my products for “OPTIONAL” statewide approval?

Answer: Yes.

20. Question: If my products receive state approval to the HVHZ test requirements, can I sell my products in Miami-Dade and Broward Counties without having to submit and pay additional fees to the Miami-Dade Office of Product Approval or any other government agency?

Answer: Yes.

21. Question: Is there an advantage to using the state approval option vs. the local approval?

Answer: Yes. State approval by the Florida Building Commission shows builders, architects, building officials and inspectors that your products have completed rigorous testing requirements and meet the standards specified in the Florida Building Code. **No further documentation is required.** However, the local approval option requires the same level of documentation and the local approval is good in that local jurisdiction only.

22. Question: Where can I find a list of the state approved product entities?

Answer: Go to the Building Code Information System at www.floridabuilding.org and click on the link “organization search”, then click on the drop down for “organization type” and select the appropriate product entity you’re looking for (product evaluation entity, test lab, certification agency, quality assurance agency or validation).

23. Question: Where can I find the list of state approved products?

Answer: Same as above, go to www.floridabuilding.org and click on “product approval”, then click on “product search” to search for approved products by manufacturer, category or sub-category.