



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

MEMORANDUM

Florida Building Commission
Raul L. Rodriguez, AIA, Chairman

Date: December 6, 2006

Re: Acceptance of State Approved Products and Verification of Compliance with
"Limitations of Use"

Florida Statutes, section 553.842, govern local and state approval of building products directly related to the structural wind resistance of buildings. The law establishes specific methods for manufacturers to demonstrate compliance with the Florida Building Code but gives the manufacturer the option of obtaining either local or state approval. State approved products must be accepted by local jurisdictions within the limitations of use established by the state approval without requirement for further testing, evaluation or submission of evidence. (Florida Statute, section 553.842(4) Products or methods or systems of construction requiring approval under s. 553.77 must be approved by one of the methods established in subsection (5) before their use in construction in this state. Products may be approved by the commission for statewide use. Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.) When a product is state approved the local jurisdiction's authority extends only to determining the product is being used within the conditions established by the approval.

Determination that a product complies with the Code is a two step process. The first step is performed one time and provides the basis for the second step which is repeated for each building. The first step is verification that a performance evaluation has been conducted according to the standards adopted by the Code or approved equivalent standards and by either a certification agency, test laboratory, evaluation entity or Florida registered Engineer or Architect as required by law. The second step is verification that the product selected and installed in a building meets the Code performance requirements for that specific building. The first step may be conducted by the local jurisdiction unless the manufacturer elects to obtain State approval in which case the performance rating and limitations of use provided in the State approval documentation must be accepted by local jurisdictions when conducting the second step. The second step is always conducted by the permitting jurisdiction. (Note: Local jurisdictions may only require additional testing, calculations or other additional demonstration of compliance for State approved products when determining whether to allow use of the product outside of the limitations of use established by the State approval.)

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