



FLORIDA ADMINISTRATIVE CODE RULE 9B- 72 STATE PRODUCT APPROVAL

9B-72.005 Scope.

(1) Products in the following categories as defined by subcategories of subsection 9B-72.010(31), F.A.C., shall be available for approval by the Commission pursuant to Rule 9B-72.090, F.A.C., for use in the state:

- (a) Panel Walls;
- (b) Exterior Doors;
- (c) Roofing Products;
- (d) Skylights;
- (e) Windows;
- (f) Shutters; and
- (g) Structural Components.

(2) This rule applies to approval of products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5) FS. History--New 11-22-06.

9B-72.010 Definitions.

The following terms have the meanings indicated:

(1) Accreditation means a procedure by which a Commission approved body gives formal recognition that a body or person is competent to carry out specific tasks.

(2) Approved accreditation entity body means a Commission approved, third party entity, which initially accredits and subsequently monitors, on a continuing basis, the competency and performance of an agency related to carrying out specific tasks.

(3) Approved certification agency means an organization approved by the Commission pursuant to subsection 9B-72.100(4), F.A.C., to certify products.

(4) Approved product evaluation entity means an organization recognized by Florida law or approved by the Commission pursuant to subsection 9B-72.100(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.

(5) Approved testing laboratory means a laboratory approved by the Commission pursuant to subsection 9B-72.100(3), F.A.C., to test products for compliance with the standards specified in the Code.

(6) Approved quality assurance entity means an entity approved by the Commission pursuant to subsection 9B-72.100(5), F.A.C., to provide oversight and determine that the product or system is being manufactured or assembled, per the submitted description, test results, or calculations to establish continual product performance.

(7) Approved validation entity means a third party entity approved by the Commission pursuant to subsection 9B-72.100(2), F.A.C., which shall certify to the Commission the product's compliance with the standards specified in the Code or intent of the Code for use in state approval.

(8) Category of products means the type of products identified in Rule 9B-72.060, F.A.C.

(9) Certification means the act of certifying.

(10) Certification mark means a protected mark, applied or issued under the rules of a certification system, indicating that confidence is provided that the relevant product, process or service is in compliance with a specific standard or other normative document.

(11) Certify means the act of providing a written statement or labeling or listing confirming

that a standard or criteria is met.

(12) Code means the Florida Building Code.

(13) Commission means the Florida Building Commission.

(14) Comparative analysis means an engineering analysis that may include interpolation based on testing of a product.

(15) Evaluation means an assessment of product conformance to the Code by comparing against standards or intent of the Code using testing or comparative analysis or rational analysis or a combination thereof.

(16)(a) Evaluation report means a report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity or a licensed Florida professional engineer or architect indicating that the product was evaluated to be in compliance with the Code or the intent of the Code and that the product complies with the Code or is, for the purpose intended, at least equivalent to that required by the Code.

(b) Legacy report means an evaluation report that was originally issued by the National Evaluation Service (NES), Building Official Council of America Evaluation Services (BOCA ES), International Council of Building Officials Evaluation Service (ICBO ES), or Southern Building Code Congress International Incorporated Public Safety Testing and Evaluation Services (SBCCI PST & ES), and that was in good standing at the time these organizations came together to form the International Code Council Evaluation Services (ICC ES); or an evaluation report issued as a result of an application received by one of the above-noted organizations prior to March 1, 2003, with the application being approved by March 1, 2004.

(17) Inspection means conformity evaluation to the applicable Code section by observation and judgment accompanied as appropriate by measurement, testing or gauging or any other method that will allow for determination of compliance with the Code.

(18) Intent of the Code means required performance by the code where no standardized method for evaluating compliance by test; or comparative analysis or rational analysis; or a combination thereof is specified by the code.

(19) 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.

(20) Listed means equipment or materials included in a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The means for identifying listed equipment may vary for each testing laboratory, inspection agency or other organization concerned with product evaluation, some of which do not recognize equipment as listed unless it is also labeled. The building official should use the system employed by the listing organization to identify a listed product.

(21) Panel (part of a structure) means the section of a floor, wall or roof comprised between the supporting frame of two adjacent rows of columns and girders or column bands of floor or roof construction.

(22) Product means any individual type of manufactured goods, system or method of construction.

(23) Product Approval:

State product approval means the approval of a product or system of construction by the Commission for acceptance of a product on a state or regional basis consistent with an evaluation conducted pursuant to Rule 9B-72.070, F.A.C.

(24) Product Model means a method of identification of products that is more specific than its

subcategory or individual units as utilized in the field.

(25) Program System Administrator means a public or private entity qualified to review product approval and product entity documentation for compliance with this rule.

(26) Rational analysis means a standardized or non-standardized method by which a Florida Registered Architect or a licensed Florida Professional Engineer or approved evaluation entity uses mathematical or scientific analysis to evaluate the product behavior and to demonstrate that the product evaluated complies with the code for which the evaluation or engineering report is issued. Rational analysis shall be performed in accordance with well-established principles of mechanics and sound engineering practices.

(27) Scope of Accreditation means the specific standard test method, calibration services or other functions for which the organization is accredited.

(28) Standard means a prescribed set of rules, conditions, or requirements concerning: definition of terms; classification of components; specification of materials, performance, or operation; delineation of procedures for measuring the quantity or quality of materials, products, systems, services, or practices referenced in the Code.

(29) Standard test method means a specified technical procedure for performing a test.

(30) Structural component means any part or assembly of buildings that comprises the main wind force resisting system and components or cladding.

(31) Subcategory of product or construction system means a specific functionality:

(a) For exterior door:

1. Exterior door assemblies: roll-up, sectional, sliding, swinging, automatic; pre-engineered roof access hatches; and products introduced as a result of new technology;

2. Exterior door components and products introduced as a result of new technology;

(b) For windows: awning, casement, dual action, double hung, single hung, fixed, horizontal slider, projected, pass through, mullions, and products introduced as a result of new technology;

(c) For panel walls: siding, soffits, exterior insulation finish system (EIFS), storefronts, curtain walls, wall louver, glass block, and products introduced as a result of new technology;

(d) For roofing products: built up roofing, modified bitumen roof system, single ply roof systems, spray applied polyurethane roof system, roofing fasteners, roofing insulation, asphalt shingles, wood shingles and shakes, roofing slate, roof tile adhesives, cements-adhesives-coatings, liquid applied roof systems, underlayments, metal roofing, roofing tiles, waterproofing, roofing accessories that are an integral part of the roofing system and products introduced as a result of new technology;

(e) For shutters: accordion, Bahama, storm panels, fabric storm panel, colonial, roll-up, pre-engineered equipment, protection, and products introduced as a result of new technology;

(f) For skylights: skylight, and products introduced as a result of new technology; and

(g) For structural components: truss plates, wood connectors, anchors, exterior coolers-freezers, insulation form systems, engineered lumber, pre-engineered air conditioner stands, structural wall components, and roof deck, and products introduced as a result of new technology.

(32) Test means a technical operation that consists of the determination of one or more characteristics of a given product, process or service according to a specified procedure.

(33) Test report means a report from an approved testing laboratory which provides performance data showing compliance with a code requirement as determined by a referenced standard test method or equivalent standard test method pursuant to Rule 9B-72.180, F.A.C., and which identifies products covered by the report and limitations on the products' use.

(34) Third party means an entity independent of the manufacturer (first Party) and the buyer (second party) certified in accordance with Rule 9B-72.110, F.A.C.

(35) Validation means determination of compliance pursuant to Rule 9B-72.080, F.A.C., for

state approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03, 11-22-06, _____

9B-72.030 Exceptions.

Products listed in Rule 9B-72.005, F.A.C., shall be approved according to the provisions of this rule.

(1) Prescriptive. Products that have prescriptive specification standards and are manufactured under quality assurance procedures as specified in the Code will be deemed approved. Such products shall include but not be limited to the following:

(a) Structural components covered by United States Department of Commerce Product Standards;

(b) Structural components comprised of products that are assembled or placed in the field and are subject to standardized field testing procedures contained within nationally recognized standards adopted within the Code may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement; and

(c) Custom (one of a kind) pre-engineered buildings.

(2) Performance. Products, methods and systems of construction specifically addressed in the Code through performance criteria shall demonstrate compliance pursuant to Rule 9B-72.070, F.A.C., and shall be approved pursuant to Rule 9B-72.090, F.A.C.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (7) FS. History—New 5-5-02, Amended 9-4-03, 3-9-04, 11-22-06.

9B-72.040 Product Evaluation and Quality Assurance for Local Approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History—New 5-5-02, Amended 9-4-03, Repealed 11-22-06.

9B-72.060 Optional Statewide Approval Generally.

State approval of products listed in Rule 9B-72.005, F.A.C., and not covered by subsection 9B-72.030(1), F.A.C., or revisions to existing statewide product approvals require evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New 5-5-02, Amended 9-4-03, 11-22-06.

9B-72.070 Product Evaluation and Quality Assurance for State Approval.

(1) Method 1. Products specifically addressed in the Code through performance criteria and standard test methods or standard comparative or rational analysis methods, which cannot be approved through the plan review and inspection process, shall demonstrate compliance with the Code through one of the following:

(a) A certification mark or listing from an approved certification agency indicating that the product is in compliance with the Code. Indication of compliance shall be by certification to standards adopted by the Code.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product tested complies with the Code.

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based upon standard tests or standard comparative or rational analysis, or a combination thereof, indicates that the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a licensed Florida Professional Engineer developed and signed and sealed, based upon standard tests or standard comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(e) Rational engineering analysis cannot be used in lieu of a standard test required by the Code for approval of products within the scope of the standard, except that project specific approval by the local authorities having jurisdiction in accordance with alternate methods and materials authorized in the Code.

(f) A legacy report from a nationally recognized model code organization may be used if the report demonstrates compliance with the Code.

(g) Products required to demonstrate compliance using referenced testing standard(s) and also requiring rational analysis that falls outside the scope of the agency certificate designating product certification, must demonstrate compliance using an evaluation report from an approved evaluation entity.

(2) Method 2. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) An evaluation report from an approved product evaluation entity and provides verifiable documentation indicating the product complies with the intent of the Code.

(b) An evaluation report from a Florida Registered Architect or a licensed Florida Professional Engineer based on testing or comparative or rational analysis or combination thereof, which provides verifiable documentation indicating the product complies with the intent of the Code.

(c) Rational engineering analysis cannot be used in lieu of a standard test required by the Code for approval of products within the scope of the standard, except that project specific approval by the local authorities having jurisdiction in accordance with alternate methods and materials authorized in the Code.

(d) A legacy report from a nationally recognized model Code organization may be used if the report demonstrates compliance with the code.

(3) Products listed in Rule 9B-72.005, F.A.C., shall be manufactured under a quality assurance program audited by an approved quality assurance entity.

(4) Evaluation Report and Test Report Documentation Requirements. All reports and documentation required in subsections 9B-72.070(1) and (2), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not to be construed to be an evaluation report and do not require this information. When the Code requires a standard test as a component of a product approval using the evaluation methods, the test lab must be accredited by an approved accreditation body for the test performed. The entity issuing the evaluation report or certification is responsible to ensure that the test lab is accredited.

(a) Name and address of the manufacturer, evaluation entity, engineer or architect or testing laboratory.

(b) Statement of compliance with the appropriate section or standard of the Code.

(c) Complete description of the product, including all drawings, manufacturer's product designations and materials, except materials specifications identified as proprietary.

(d) Technical documentation, including all substantiating data, supporting the compliance statement. Substantiating data shall include all test reports and calculations which may be referenced within the evaluation report.

(e) Installation requirements. Installation instructions including attachments shall be developed by an evaluation entity, test lab or by the manufacturer's licensed design professional. Exception: Installation instructions for windows including attachment, at minimum shall include the following:

1. Type, and grade of anchor, and/or manufacturer's anchor specifications, including minimum nominal size, minimum penetration into substrate and minimum edge distances;
2. Type, physical dimensions, material and grade of any accessory item or strap, if applicable;
3. Spacing of anchors, shims, accessory items and straps; and
4. Illustrated diagrams of the attachment of the product to the structure.

(f) Limitations and conditions of use.

(g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.

(h) Name, title and signature of person authorized to sign on behalf of entity or signature, registration number and seal in the case of architects and engineers.

(5) The following documents shall be submitted for approval of listed products or products bearing a certification mark or an approved certification agency as complying with the standards established by the Code:

(a) Name and address of manufacturer and certification agency.

(b) Manufacturer's product model number or identifier and product description.

(c) Indication of the standard the product was tested to.

(d) Performance level of the product and conditions or limitations of use.

(e) Installation requirements. Exception: Installation instructions for windows including attachment at minimum shall include the following:

1. Type, and grade of anchor, and/or manufacturer's anchor specifications, including minimum nominal size, minimum penetration into substrate and minimum edge distances;
2. Type, physical dimensions, material and grade of any accessory item or strap, if applicable;

3. Spacing of anchors, shims, accessory items and straps; and

4. Illustrated diagrams of the attachment of the product to the structure.

(f) Agency certificate designating product certification.

(6) Review and verification of installation instructions required under paragraph 9B-72.070(4)(e), F.A.C. Prior to posting installation instructions, including anchorage requirements, on the Building Codes Information System on the Internet, www.floridabuilding.org, they shall be reviewed or verified by the evaluation entity, test lab, the architect or engineer of record, or by a manufacturer's licensed design professional.

(7) Review and verification of installation instructions required under paragraph 9B-72.070(5)(e), F.A.C. Prior to posting installation instructions, including anchorage requirements, on the Building Codes Information System, www.floridabuilding.org, they shall be reviewed or verified by the certification agency or by a manufacturer's licensed design professional.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New 5-5-02, Amended 9-4-03, 11-22-06, _____

9B-72.080 Product Validation by Approved Validation Entity for State Approval.

Validation of compliance with the Code shall be performed by approved validation entities through the following steps:

(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 an approved validation entities through the following steps:

(a) Verification that the certification, testing, evaluation and quality assurance requirements established by Rule 9B-72.070, 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 9B-72.130(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 9B-72.160(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 9B-72.100(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 9B-72.080(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 9B-72.130(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 9B-72.080(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 9B-72.080(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 9B-72.160(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 9B-72.160(2)(a)3., F.A.C. Determination that any provision of Chapter 9B-72, 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 9B-72.160(2)(a)4., F.A.C. Determination that the criteria for independence from any manufacturer set forth in Rule 9B-72.110, 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 9B-72.160(2)(a)7., F.A.C. Failure to cooperate with investigations authorized by Rule 9B-72.170, 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.

Specific Authority 553.842(1), (7) FS. Law Implemented 553.842(1), (7) FS. History—New 5-5-02, Amended 11-22-06, _____

9B-72.090 Product Approval by the Commission.

(1) Approval of a product or system of construction for state acceptance shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for approval by filing an application in accordance with subsection 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

(b) The applicant submits all documentation required and fees in accordance with Rule 9B-72.070 and subsection 9B-72.090(2), F.A.C., respectively.

(c) Upon Commission acceptance of the required documentation pursuant to Rule 9B-72.070, F.A.C., and validation of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., the Commission may approve the product for use statewide in accordance with its approval and limitations of use unless credible evidence is provided questioning the validity of the documentation submitted in support of the application for approval.

(d) Approval shall be valid until such time as the product changes decreasing the product's performance, the standards or provisions of the Code affecting the product change, or the approval is otherwise suspended, revoked, or superseded by a Commission approved revision to the approval. Changes to the Code shall not be construed as voiding the approval of products previously installed in existing buildings provided such products met building code requirements at the time the product was installed.

(e) When a new edition of the Code does not require a material or substantive change for an approved product, the manufacturer of the approved product shall affirm that his or her approved product meets the new edition of the Code. Self-affirmation is subject to review and verification by the Program Administrator.

(f) Manufacturer or the manufacturer's designee shall notify the Commission if it makes changes to the product which decrease the product's performance.

(g) Manufacturer shall notify the Commission when the quality assurance requirements of subsection 9B-72.070(3), F.A.C., are no longer in place.

(2) Fees for state approval of products.

(a) Fee for approval, Three Hundred Dollars (\$300.00) per subcategory or product. The Commission shall review annually and adjust fees accordingly.

(b) Fee for reinstatement after suspension, Fifty Dollars (\$50.00) per product, plus billable staff hours at Fifty Dollars (\$50.00) per hour, plus consultant fees.

(c) Fees for approval of evaluation entities, certification agencies, testing laboratories and validation entities; for first time approval, Five Hundred Dollars (\$500.00), annual renewal fee, One Hundred Dollars (\$100.00), revision fee, One Hundred Dollars (\$100.00).

(d) Fee for revision of an existing approval, Three Hundred Dollars (\$300.00) for a revision that results in a material change to the performance of a product or product design specification or both, and which may include addition of products within the same subcategory.

(e) Fee for editorial revisions of an existing product approval that does not result in material change to the performance of a product or product design specification or both, One Hundred Dollars (\$100.00).

(f) Fee for affirmation of an existing product approval for compliance with a new edition of the standards adopted by the Code, Fifty Dollars (\$50.00).

(3) Applications, affirmations and revisions shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

Specific Authority 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02,

Amended 9-4-03, 11-22-06.

9B-72.100 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 International Conference of Building Officials Evaluation Services (ICBO ES);
3. The Building Officials and Code Administrators International Evaluation Services (BOCA ESI);
4. The Southern Building Code Congress International Evaluation Services (PST ESI);
5. The Miami-Dade County Building Code Compliance Office Product Control Division (MDCBCCOPCD); and
6. The International Code Council, International Evaluation Services (IES).

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

(c) Evaluation entities, other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by filing an application in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C.

(2) Approved Validation Entities.

An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity or certification agency, and it certifies to the Commission compliance with standards established by the Code or intent of the Code. Architects and engineers licensed in this State are also approved to conduct validation for the state approval. Testing Laboratories are not allowed to conduct validations.

(b) An entity may be approved as a validation entity after applying to the Commission for approval. Applications must be submitted in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and fees submitted pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

(c) Approvals shall be valid until such time as Commission approval requirements change, the entity no longer qualifies under current requirements or the approval is suspended or revoked.

(3) Approved Testing Laboratory 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 an approved testing laboratory 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. Testing laboratories accredited by American Association for Laboratory Accreditation (A2LA) that meet the requirements of the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

2. Testing laboratories accredited by National Voluntary Laboratory Accreditation Program

(NVLAP) that meet the requirements of ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

3. Testing laboratories accredited by approved product evaluation entities that meet the requirements of ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

4. Testing laboratories accredited by other approved accreditation bodies that meet the requirements of ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

(b) Testing laboratories shall apply to the Commission for approval by filing and application in accordance with subsections 9B-72.130(1) and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the testing laboratory 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.

(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 9B-72.180, 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 9B-72.180, F.A.C., and approved by the Commission.

3. Lumber grading or inspection agencies approved by the American Lumber Standards Committee (ALSC) or other agency approved by the Commission as equivalent, in accordance with United States Department of Commerce "Voluntary Product Standard: DOC PS 20-99," "American Softwood Lumber Standard."

(b) Certification Agencies shall apply to the Commission for approval by filing an application as provided by subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(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.

(5) Approved Quality Assurance 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 quality assurance agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation issued by the accreditation body. Architects and engineers licensed in this state are exempt from the requirements for independent audits of financial accounts and records required by ISO/IEC Guide TR 17020.

1. Quality assurance agencies accredited as meeting the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or other standard certified as equivalent by an approved product evaluation entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

2. Quality assurance agencies accredited as meeting the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or other standard certified as equivalent by an approved certification agency pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

3. Quality assurance agencies accredited as meeting the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or other standard certified as equivalent by an approved accreditation body pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission.

(b) Quality assurance agencies shall apply to the Commission for approval by filing an application in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

(c) Approvals shall be valid until such time as Commission approval requirements change, the quality assurance 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.

(d) Quality assurance agencies shall audit the quality assurance program of manufacturers and audit production quality of products. Auditing of a quality assurance program shall be by one or more of the following methods: visits to manufacturing facilities, inspection of products at construction sites, inspection of products at state distribution facilities or testing of regular production items. Such auditing shall be performed at intervals not to exceed 12 months.

(e) Commission approved certification agencies are also approved as quality assurance entities for the products covered by their certification program.

(6) Approved Accreditation Body Criteria.

(a) The following are recognized by the Commission as approved accreditation bodies for accrediting testing laboratories, certification programs and quality assurance program auditors/inspection bodies:

1. Entities accrediting testing laboratories, certification agencies and quality assurance agencies pursuant to subsections 9B-72.100(3), (4) and (5), F.A.C.

2. Bodies operating acceptance/accreditation programs for testing bodies pursuant to ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

3. Bodies operating acceptance/accreditation programs for certification programs pursuant to ISO/IEC Guide 61, General Requirements for Assessment and Accreditation of Certification/Registration Bodies.

4. Bodies operating acceptance/accreditation programs for quality assurance/inspection bodies pursuant to ISO/IEC Guide TR 17010: 1998, General Requirements for Bodies Providing Accreditation of Inspection Bodies.

(b) Where accrediting bodies utilize standards other than the ISO accreditation standards referenced in Rule 9B-72.100, F.A.C., they shall provide a certification of equivalence pursuant to Rule 9B-72.180, F.A.C., to the Commission for approval pursuant to subsection 9B-72.180(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the accreditation body no longer qualifies under current requirements or the approval is suspended or revoked.

(d) A Commission approved accreditation body shall not perform the functions of a testing body.

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History—New 5-5-02, Amended 9-4-03, 3-9-04, 11-22-06, _____

9B-72.110 Criteria for Certification of Independence.

A certification of independence shall be provided by a Florida registered architect or licensed professional engineer as applicable or by an officer of the entity, agency or laboratory who is responsible for operation of said entity, agency or laboratory that attests to the following:

(1) The entity, agency or laboratory does not have, nor does it intend to acquire or will it acquire, a financial interest in any company manufacturing or distributing products tested or labeled by the agency.

(2) The entity, agency or laboratory is not owned, operated or controlled by any company manufacturing or distributing products it tests or labels.

(3) The Florida registered architect or licensed professional engineer performing an evaluation does not have nor will acquire, a financial interest in any company manufacturing or distributing products for which the reports are being issued.

(4) The Florida registered architect or licensed professional engineer performing an evaluation does not have, nor will acquire, a financial interest in any other entity involved in the approval process of the product.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1), (8) FS. History—New 5-5-02, Amended 11-22-06.

9B-72.120 List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

The Commission shall make available a current list of approved product evaluation entities, testing laboratories, certification agencies, quality assurance agencies and accreditation bodies on its website, the Building Codes Information System, www.floridabuilding.org.

Specific Authority 553.842(13) FS. Law Implemented 553.842(13) FS. History—New 5-5-02, Amended 11-22-06.

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, and via the Building Codes Information System on the Internet, www.floridabuilding.org.

(1) Florida Building Commission, Application for Organization/Entity Approval, Form No. 9B-72.130(1), updated October 11, 2005 (electronic version).

(2) Florida Building Commission, Application for State Product Approvals, Form No. 9B-72.130(2), updated October 11, 2005 (electronic version).

(3) Validation Checklists for State Approval, updated January 15, 2007 (electronic version);

(a) Form 9B-72.130(3)(a) Validation checklist for certification method;

(b) Form 9B-72.130(3)(b) Validation checklist for test report method;

(c) Form 9B-72.130(3)(c) Validation checklist for evaluation report from an architect or engineer;

(d) Form 9B-72.130(3)(d) Evaluation report from an evaluation entity.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03,

9B-72.135 Revisions to Product Approvals or Entity Approvals.

Approval of revisions to state approved products or approved entities shall be performed by the Commission as follows:

(1) A product manufacturer or approved entity shall submit a revision for approval by filing an application in accordance with subsection 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Revisions shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check. The revision will carry the same Florida Product Approval number as the original approval with the addition of a revision number assigned, R1, R2, as applicable.

(2) Revisions to all data will be allowed.

(3) Once a revision is approved by the Commission, the approved revision will supersede the original approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New 11-22-06.

9B-72.160 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 9B-72.160(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 other than

those specifically identified in Section 553.842(9)(a), F.S., 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 9B-72.100 and 9B-72.180, 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 9B-72.110, F.A.C., has been violated.
5. Determination that the entity is not independent pursuant to Rule 9B-72.110, 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 9B-72.170, 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 9B-72.100(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 9B-72.160(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.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History—New 5-5-02, Amended 11-22-06.

9B-72.170 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 9B-72.160, 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 9B-72.160(2), F.A.C., as applicable.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History—New 5-5-02.

9B-72.180 Equivalence of Standards.

(1) Equivalence of product standards. Where conformance to the Code is based on standards, then product evaluation shall rely on national and international consensus standards referenced in the Code. Other standards which meet or exceed standards referenced by the 2001 edition of the Code and recognized as equivalent for determining Code compliance are:

(a) ASTM E 330-97 equivalent to ASTM E 330-84;

(b) ASTM E 330-02 equivalent to ASTM E 330-84;

(c) ANSI/AAMA/NWWDA 101/I.S.2/NAFS-02 equivalent to ANSI/AAMA/NWWDA 101/I.S.2-97;

(d) DASMA 108-02 Standard Method for Testing Sectional Garage Doors equivalent to ASTM E 330-84, ASTM E 330-97, and ASTM E 330-02; and

(e) ANSI 250.13 Testing and Rating of Severe Wind-Storm Resistant Components for Swinging Doors Assemblies equivalent to ASTM E 330-84, ASTM E 1886-97 and ASTM E 1996-99 except for the High Velocity Hurricane Zone (HVHZ).

(2) Standards that meet or exceed standards referenced by the 2004 edition of the Code and recognized as equivalent for determining Code compliance are:

(a) AAMA/CSA/WDMA 101/I.S. 2/A440-05 is equivalent to AAMA/WDMA/101/I.S./NAFS-02 and AAMA/WDMA 1600/I.S. 7-00 for skylights only;

(b) ASTM D 5055-2000 is equivalent to ASTM D 5055-02;

(c) AAMA 501-94 is equivalent to AAMA 501-05; and

(d) AAMA 103.3-83 is equivalent to AAMA 103.3-05.

(3) Equivalence of product standards for specific product application. Standards which meet or exceed standards referenced by the Code and certified as equivalent for determining code compliance by one of the following entities shall be considered as equivalent by the Commission:

(a) An approved certification agency;

(b) An approved test lab;

(c) An approved evaluation entity;

(d) Florida licensed professional engineer or architect; or

(e) A nationally recognized standard writing organization.

(4) Equivalence of accreditation standards. Where approved evaluation entities and accreditation bodies accredit testing laboratories, certification agencies and quality assurance agencies to standards other than the referenced ISO standards in Rule 9B-72.100, F.A.C., the accrediting body shall certify to the Commission that its standard is equivalent to the ISO standard. Such certification shall contain:

(a) A sworn statement by the officer of the accrediting body; and

(b) A comparison of the accrediting body's standard to each criteria of the ISO reference standard with an explanation of why it is considered equivalent.

(5) Organizations:

- (a) ANSI – American National Standards Institute;
- (b) AAMA – American Architectural Manufacturers Association;
- (c) ASTM – American Society of Testing and Materials;
- (d) DASMA – Door Access Systems Manufacturers Association; and
- (e) NWWDA – National Wood Window and Door Association.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History–New 5-5-02, Amended 3-9-04, 11-22-06.

9B-72.190 Reference Standards.

(1) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide 61, General Requirements for Assessment and Accreditation of Certification/Registration Bodies.

(2) International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 65: 1996, General Requirements for Bodies Operating Product Certification Systems.

(3) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide TR 17010: 1998, General Requirements for Bodies Providing Accreditation of Inspection Bodies.

(4) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection.

(5) International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 17025: 1999, General Requirements for the Competence of Testing and Calibration Laboratories.

(6) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History–New 5-5-02.