

FLORIDA PRODUCT APPROVAL
Fact Sheet and
Frequently Asked Questions

August 2003

The implementation date for the new Florida Product Approval Systems is October 1, 2003. Many product manufacturers and building officials are asking questions as to how the system will work. 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 specific use of a product is based upon the product's performance and limitations of use per the product's evaluation of compliance documentation and compared to the design requirements for the project. (For instance colt/amp ratings for electric circuits and pressure resistance ratings for windows.)

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 independent, third party monitored quality assurance programs to verify continued compliance of manufactured products.

In return, building departments must accept evaluations of code compliance conducted by state approved entities or Florida P.E.'s and R.A.'s without requiring further testing, evaluation of 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 standard test) must still be evaluated by state approved entities or Florida P.E.'s or R.A.'s. Building officials can question such "custom" evaluations.

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 departments for local use or by the Florida Commission for statewide use. The categories of products include:

- 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 will only approve 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: Is there any option to local approval?

Answer: Yes. The manufacturer has the "OPTION" of getting approval by the state. Applications for 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: If a manufacturer chooses to apply for "OPTIONAL" statewide product approval, when can they begin entering products into the State database?

Answer: The on-line system is now ready to begin accepting applications and payments.

8. Question: How much will the “OPTIONAL” statewide 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. They would follow this same process for the rest of their product categories. The groupings are material neutral!

9. Question: What must be done for the 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 evaluation was conducted by a Commission approved entity or Florida licensed P.E. or R.A.
- That the evaluation was conducted using the standard method adopted by the Code or a Commission approved alternate.
- That the manufacturer has demonstrated that a QA program monitored by a state approved QA entity is in place or that the product is labeled and listed under a Commission approved certification program.
- That the installation instructions consistent with the evaluation of compliance are provided.

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

Answer: Currently the majority of local building departments have not indicated that they will charge a fee for this type of approval. However, there may be some jurisdictions that will begin charging fees for local approval.

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 manufacturer must have the product evaluated for compliance with standards established by the Code by a Commission approved entity of Florida licensed P.E. or R.A.
- The manufacturer must demonstrate that a QA program monitored by a state approved QA entity is in place or that the product is labeled and listed under a Commission approved certification program.
- The manufacturer must submit: (1) documentation on the evaluation of the product to the Commission demonstrating compliance, (2) demonstration of active monitoring of production by an approved QA entity, and (3) the installation instructions.

A Commission approved validator reviews the application and documentation and certifies compliance for “OPTIONAL” state approval. The Commission approves based on the validator’s certification. Remember, approval of a product by the Commission means that the product may only be used under the specified conditions of use. The building department must still approve the product’s use in 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

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 approval and the product does not already have state 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 requires exterior door assemblies to be only tested. There is no specific requirement for labeling of exterior doors. However, approval of exterior doors using an approved certification agency

would require that such doors to have a certification mark or listing from that certification agency indicating the product is in compliance with standards referenced in the Code.

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).”

However, when approval of exterior door assemblies using an approved certification agency, the new product approval system requires the following information to be provided in a listing or a label:

- (a) Name, address and phone number 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.

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. After October 1, 2002, only entities approved by The Florida Building Commission can provide labels. Labeling must be in accordance with the definition of the term “labeled” as defined in Rule 9B-72 and Chapter 2, of the FBC 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: 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 and 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 statewide 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 statewide approval option vs. the local approval?

Answer: Yes. The statewide 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. Using the local approval option will require providing the local specific documentations as detailed in Rule 9B-72. However, the level of such documentations will vary based on the compliance option used.

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 (evaluation, test lab, certification, quality assurance 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 “search” to search for approved products by manufacturer, category or sub-category. Manufacturers may submit an application for approval of their products by the state on this site. See question #6 above.

24. Question: What information is required on an application for the local product approval option?

Answer:

City of West Palm Beach
Application for Site Specific / Local Product Approval (circle one)

Address of Job: (Required) _____ **Building Permit # (if known)** _____

1. Application for Approval by Method 1 / Method 2 (**circle one**) for the following category of product:

2. Name of Applicant (Company) _____

3. Mailing Address _____

4. Telephone No. (_____) _____ Fax No. (_____) _____

5. E-Mail Address _____

6. Name and title of applicant's technical representative (if any)

Address (if different from address of applicant)

Telephone No. (_____) _____ Fax No. (_____) _____

E-Mail Address _____

Florida Professional Registration Number (if any) _____

Florida Professional Firm Registration Number (if any) _____

7. Name of approved third party quality assurance entity (**Listed by the State of Florida**)

Address _____

Telephone No. (_____) _____ Fax No. (_____) _____

E-Mail Address _____

Name of authorized representative _____

Florida Professional Registration Number (if any) _____

Florida Professional Firm Registration Number (if any) _____

8. Provide the following information on a separate sheet:

Product name and model number (if any)

Name, address, reports, and applicable report numbers of: (**Listed by the State of Florida**)

Testing entity

Evaluation entity

Certification entity

Quality Assurance Agencies

List of requirements the product complies with including Code section numbers and reference standards

List of limitations on product's compliance and use

Installation instructions for the product

9. Other information

Give any other information that may be of assistance to the local jurisdiction in considering this application.

(Attach a separate sheet, if needed.)

10. Name and title of person authorized to sign on behalf of applicant

Signature _____

Date: _____

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CHECK LIST ON REVERSE

Florida Building Commission
Validation Checklist For Local Product Approval
By Method 1 or 2

- 1. Verify the submission and completeness of product approval application form.

- 2. Verify the method of demonstrating compliance is from an entity approved by the Florida Building Commission.

- 3. Verify submission of the evaluator's certification of independence. Note: Evaluator may be a test lab, certification agency, evaluation entity or Florida Registered Architect or Florida Professional Engineer which produced the test report, certification listing or evaluation report required by Rule 9B-72.040(5).

- 4. Verify the method of demonstrating compliance is current and has not been suspended, recalled or revoked.

- 5. Verify the product has not been recalled or revoked by the Florida Building Commission.

- 6. Verify the Code sections and reference standards for which the evaluation demonstrates compliance.

- 7. Verify the method of demonstrating compliance indicates any limitations on the use of the product, as intended.

- 8. Verify manufacturer's installation instructions are provided, if required.

- 9. Verify that a quality assurance program audited by a Florida Building Commission approved third party quality assurance agency is in place.