OVERVIEW

At the June 2004 Commission meeting, and at the request of stakeholder groups among them BOAF, the Florida Building Commission voted unanimously to convene a work group tasked with reviewing issues related to the local product approval process. In order to initiate the process, Chairman Rodriguez appointed 13 members to the group and tasked them with developing a package of consensus recommendations for consideration by the full Commission at their August 31, 2004 meeting in Miami.

At August 31, 2004 Commission meeting, the Chair indicated that after reviewing the report and recommendations from the Workgroup, and based on the Workgroup’s recommendations and the Commission’s discussions during the August 2, 2004 teleconference meeting, he decided to expand the charge of the workgroup to include developing recommendations for clarifications and refinements to the entire product approval system, for local and state approval. The Chair indicated that state and local approval are linked and should be reviewed together. He also decided to expand the representation on the workgroup to include roofing and exterior doors.

Chairman Rodriguez announced that the workgroup’s meetings will be a facilitated process, and there will be between 4 and 6 meetings, held approximately once a month.

The Chair appointed the following members to the group and charged them with representing their respective interest groups during the course of their meetings:

MEMBERS AND REPRESENTATION

Architects
Larry Schneider
Pete Tagliarini

Building Officials
Dale Greiner
Christ Sanidas
Ronnie Spooner

Certification Agencies
John Hill

Door Manufacturer
Tim Collum
Engineers
Steve Bassett

Evaluation Entities
Herminio Gonzalez

General Contractors
Ed Carson

Local Government
George Wiggins

Product Manufacturers
Dave Olmstead
Craig Parrino

Residential Contractors
Dick Browdy

Roofing Contractors
Chris Schulte

MEETING SCHEDULE

August 11, 2004 (Local Product Approval Workgroup)
October 20, 2004
December 14 – 15, 2004
January 12, 2004
February 9, 2004
OVERVIEW OF WORK GROUP’S KEY DECISIONS

WEDNESDAY, OCTOBER 20, 2004

Agenda Review and Work Group Plan Overview
The Work Group voted unanimously, 13 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for Meeting II:

- To Approve Regular Procedural Topics (Agenda, Report, and Workplan)
- To Identify Additional Issues Requiring Clarification and/or Revision Related to Existing Process
- To Propose Options for Identified Issues
- To Evaluate and Rank Proposed Options
- To Refine Options Enjoying a High Level of Acceptability
- To Consider Public Comment
- To Identify Needed Next Steps and Agenda Items For Next Meeting

Member Attendance
The following members attended Meeting II:


DCA Staff Attendance
Buster Case, Rick Dixon, Mo Madani, and Jim Richmond.

Facilitation
The meeting was facilitated by Jeff Blair.
Overview of Meeting Process
The facilitator prepared a worksheet for use during the meeting. The worksheet listed the issues and options as identified by BOAF and the Local Product Approval Workgroup for local approval, and the current rule draft for issue related to state approval.

Under each option there was a four-point acceptability ranking scale designed to gauge the level of support for each of the proposed options. The facilitator explained that members and the public were free to pose additional issues and to propose additional options for each of the identified issues. The following scale was used to gauge the level of support for each of the options:

<table>
<thead>
<tr>
<th>Acceptability Ranking Scale</th>
<th>4 = acceptable I agree</th>
<th>3 = acceptable, I agree with minor reservations</th>
<th>2 = not acceptable, I don’t agree unless major reservations addressed</th>
<th>1 = not acceptable</th>
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During the course of the meeting and prior to any acceptability ranking of options, members of the public were offered an opportunity to comment on each of the proposals evaluated by the Work Group in turn.

Members agreed that rather than deciding on specific language for revisions to rule and or law, they would reach agreement on key concepts related to each of the issues and allow legal staff to draft rule language for review at subsequent meetings. Further, the workgroup agreed that they would take no formal motions until all of the issues were evaluated, and the Work Group was prepared to approve a package of recommendations for submittal to the Commission.

Assignments and items needed for the next meeting:

Relevant declaratory statements (see report for specifics).
Staff should provide the reference standards and evaluation entity found in the Code (provide electronic versions for use during the meetings).
Provide product approval rule and draft version at meetings for members (provide electronic versions for use during the meetings).
Provide copies of the evaluation checklist.
Provide rule and POC definitions of “Structural”.
Assign Structural TAC to review canopies in the code.
Work Group’s Evaluation of Issues and Options
Following are the acceptability rankings by for each of the options evaluated by Work Group members. In addition, member’s reservations are noted as comments.

During the meeting, members were asked to develop and rank options, and following discussions and refinements, to do additional ranking of the options as refined. The following scale was utilized for the ranking exercises:

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In addition, members may have been asked to evaluate options and proposals using a non-binding straw poll of support/non-support. The following scale was used for straw polls:

<table>
<thead>
<tr>
<th>Straw Poll</th>
<th>Support</th>
<th>Prefer Changes</th>
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</table>

PRODUCT APPROVAL (LOCAL AND STATE)
Options have been re-lettered

Should the law on product approval only apply to state product approval?

<table>
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<tbody>
<tr>
<td>7</td>
<td>0</td>
<td>4</td>
<td>2</td>
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The above option was not acceptable to six members, and was modified to clarify how local product approval is accomplished. Below is the revised option and the associated rankings:
A. Revised Option for how local product approval is accomplished:

Clarify that local approval may be accomplished by one of five ways, the four compliance methods (certification mark or listing, test report, evaluation report by evaluation entity and evaluation report by A or E) currently in the Rule, or by state approval using Commission approved entities.

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</thead>
<tbody>
<tr>
<td>Initial Ranking</td>
<td>9</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Revised/Amend</td>
<td>11</td>
<td>1</td>
<td>1</td>
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Products demonstrating compliance shall be manufactured under a Q.A. program audited by an approved Q.A. entity. (Added to above option and re-ranked)

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</thead>
<tbody>
<tr>
<td>Revised/Amend</td>
<td>12</td>
<td>1</td>
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Determine and require the necessary criteria for the evaluation of the above documents be provided for review of the approval. (Added to above refined option and re-ranked)

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<td>13</td>
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Products bearing a certification mark or listing or label by an approved certification agency require no further documentation to establish compliance. (Added to above refined option and re-ranked)

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COMMENTS/AMENDMENTS/ADDITIONAL OPTIONS:

Minor reservations:
- In smaller jurisdictions, who verifies? (Both “3” votes had the same reservation.)

Major reservations:
- We’re doing away with third party quality assurance. If Q.A. is dealt with, this option would be acceptable.
- Concerned about a method of accountability and consistency.

Comments to address member’s concerns:
- Provide training to local building departments for reviewing evaluation and test reports per the validation checklist currently in the Rule.
- Q.A. is currently required for each method of demonstrating compliance.
B. Which products should be subject to product approval.

Limited to products and systems which comprise the building envelope and structural frame, for compliance with the structural wind load requirements of the Florida Building Code as related to Rule 9B-72.

(Add scoping language to clarify that the Rule applies to wind related structural properties of the seven (7) product categories listed in law; and, amend subcategories of the covered products to eliminate products outside the defined scope.)

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COMMENTS/AMENDMENTS/ADDITIONAL OPTIONS:

Minor Reservations:
- Prefer this be mandatory for these products (building envelope and structural frame) and voluntary for all other products.
- Consider delayed implementation of voluntary product approval for expanded list of all products.

Comments to address member’s concerns:
- It would be best to start with this process (limited products) and refine it before broadening the scope to include all other products.

C. Definition of Structural Components

It was agreed that the workgroup will review the definition for refinements. Staff will bring the original rule definition and the POC’s proposed revisions to the next meeting.
D. Exemptions for third party quality assurance for certain products for both local and state approval.

Clarify how standardized products and products from foreign countries are dealt with in the rule, for example glue lam beams, dimensional lumber, nails, re-bar, CMU’s, etc.

OPTION:
Products that have prescriptive specification standards and Q.A. procedures as specified in the Code will be deemed approved. (STAFF WILL REVIEW THE CODE FOR PRODUCTS WITH PRESCRIPTIVE SPECIFICATIONS. LIST ACTUAL STANDARDS IN ADDITION TO PRODUCTS.)

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COMMENTS/AMENDMENTS/ADDITIONAL OPTIONS:

Comments:
- Prescriptive vs. performance standards are required to determine whether third party Q.A. is required (prescriptive standards would not be required to have third party Q.A.).
- Must determine how Q.A. will be handled for materials with a prescriptive specification standards.
- Products that are manufactured under specific criteria (to be specified) are deemed approved.
- Group will identify the products or materials that are automatically accepted.

Responsibility of Local Jurisdictions.
(Members unanimously agreed that this issue is covered by the revised option A).

Allow for Automatic Acceptance for Certain Product Approval Methods.
(Members unanimously agreed that this issue is covered by the revised option A).

Validation of Performance Evaluations at Local Approval.
(Members unanimously agreed that this issue is covered by the revised option A).

Forms and Checklists.
(Members unanimously agreed that this issue is covered by the revised option A).
E. Non-conditioned Appurtenant Structures

- Clarify whether non-conditioned appurtenant structures should be treated as canopies/structural components or roofs in the Code.

Workgroup agreed this issue should be referred to the Structural TAC for consideration.

COMMENTS/AMENDMENTS/ADDITIONAL OPTIONS:

Comments:
- Attached should be handled differently than unattached.
- Do these types of products have to comply with the wind provisions and the roofing provisions of the Code?
- Habitable vs. non-habitable.
- There are differences in the safety factors of these types of products in the Code.
- These are Code issues vs. product approval issues, refer to the structural TAC.
- How do these products relate to local land development and zoning regulations?

F. Prefabricated Building Components

- Add the components of prefabricated buildings to the appropriate product categories (consistent with the FBC’s declaratory statement decision).

Workgroup agreed that staff should bring the relevant declaratory statement/s to the next PAWG meeting for consideration.

G. Pre-engineered AC Stands

- Add pre-engineered AC stands as a subcategory under the structural components category (consistent with the FBC’s declaratory statement decision).

Workgroup agreed that staff should bring the relevant declaratory statement/s to the next PAWG meeting for consideration.
Products with No Wind Related Structural Value

(Members unanimously agreed that this issue is covered by the revised option B).

H. How Should the Rule Link Approved Certification entity labels with the State Approval.

• *Require the FL # to be cross-linked to the product in the BCIS.*

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COMMENTS/AMENDMENTS/ADDITIONAL OPTIONS:

Comments:
• This is related to tracking the certification mark or listing to the FL approval number on the BCIS.
• Provide a consistent method for tying the FL approval number to the installation instructions for certification mark or listing.
• This issue should be considered in conjunction with the installation instructions and limitations of use issues.

I. Should Installation Instructions be Required for All Compliance Options.

• *Require installation instructions for all compliance options.*
• *How should this be tied back to the inspection process?*

J. How are installation instructions reviewed and approved through the product approval process.

• *Installation instructions should be reviewed, approved, and made available by the certification agency, evaluation entity, and/or test lab.*

K. What specific criteria should be required for identifying product limitations of use.

• *Identify and require specific criteria for limitations of use by category of product.*
L. Testing Products to Correct Standards Related to the Code.
   - Develop a list of standards specific to each category of products and adopt by Rule.
   - Develop method to deal with products tested to editions/standards not in the Code.
   - Develop a method for recognizing equivalency of standards (9B-72.180).
   - Develop a process for reviewing product approval renewals for compliance with the provisions and standards when the new Florida Building Code editions are in place.

M. Enhancements to the BCIS Related to Revising Data on the System.
   - Authorize revisions to all data on an approved product. Adding new product to an approved application should not be allowed in the revision process. Note: the BCIS has been modified to allow revisions and rule amendment must be implemented.
   - Add additional fields in the BCIS to standardize the formatting of the limits of use field.
   - Add help button to the system.

N. Clarify in the Rule what Level of Review is Required for Validation.

O. Issuance of Labels (QA entities, architects and engineers).
   - Revise Rule to be consistent with the FBC’s declaratory statement decision.

Workgroup agreed that staff should bring the relevant declaratory statement/s to the next PAWG meeting for consideration.

P. Should QA Be Required for Site Specific Shop Fabricated Curtain-Wall Systems.

Q. Quality Assurance Entities.
   - Clarify in the Rule that Commission approved Certification Agencies are also approved as Quality Assurance Entities for the products covered by their certification program.

R. Authorization Designation Authority.
   - Change validation checklist button to: person authorized to sign for the designated entity.
S. Terminology for State Approval.
   • *Replace statewide with state in the Rule.*

T. Certification Numbers Applying to More than One Product (BO Review).
   • *Clarify in the Rule how certification numbers apply to more than one product.*

U. Define what constitutes adding a new product.

V. Clarify in Rule whether Q.A. agencies that are ISO rated require additional approval by the Commission.

W. Clarify in Rule the procedure for job specific approvals of products covered by the Rule (when the product is not to be used consistent with its approval).

X. Clarify the role of the quality assurance agency and the criteria manufacturer must meet.

Y. Define applicants responsibilities regarding conditional or deferred applications.

Z. Clarify whether evaluation reports/certifications based on standardized tests adopted by the Code have to be tested by an approved test lab.

AA. Clarify whether rational engineering analysis can be used in lieu of testing to a referenced testing standard in the Code for product approvals.

BB. Determine whether the product approval system for state approval should be limited to approval of entities only.

CC. Clarify how a legacy evaluation report from an nationally recognized model code organization should be treated under Rule 9B-72.
ATTACHMENT 1

PRODUCT APPROVAL WORKGROUP
October 20, 2004—Orlando, Florida

Meeting Evaluation Results

A 0 TO 10 RATING SCALE WHERE A 0 MEANS TOTALLY DISAGREE AND A 10 MEANS TOTALLY AGREE

1. Please assess the overall meeting.
   9.3 The background information was very useful.
   9.3 The agenda packet was very useful.
   9.9 The objectives for the meeting were stated at the outset.
   9.4 Overall, the objectives of the meeting were fully achieved.
   9.7 Identification of Additional Issues Requiring Clarification and/or Revision.
   9.4 Proposal of Options for Identified Issues.
   9.0 Evaluation and Ranking of Proposed Options.
   9.1 Refining of Options Enjoying a High Level of Acceptability.
   9.7 Next Steps and Agenda Items for Next Meeting.

2. Please tell us how well the facilitator helped the participants engage in the meeting.
   9.3 The participants followed the direction of the facilitator.
   9.6 The facilitator made sure the concerns of all participants were heard.
   10 The facilitator helped us arrange our time well.
   10 Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?
   9.0 Overall, I am very satisfied with the meeting.
   9.6 I was very satisfied with the services provided by the facilitator.
   9.0 I am satisfied with the outcome of the meeting.

4. What progress did you make?
   9.6 I know what the next steps following this meeting will be.
   9.7 I know who is responsible for the next steps.

5. Member comments.
   • First meeting was a bit chaotic…I’m sure it will become more focused as we progress through the future.
   • Four days of meetings appeared to take its toll on Jeff. He lost a little gas at the end of day four…as could be expected of anyone!!
   • I hope when all these parts and pieces are put back together that the end result is what we really want and meets our initial goals.