CHAPTER 9B-72 DEPARTMENT OF COMMUNITY AFFAIRS - FLORIDA BUILDING COMMISSION

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 statewide 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.


(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) 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 professional engineer or architect licensed in this state 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.
9B-72.010 Definitions.
9B-72.030 Local Product Approval Generally.
9B-72.040 Product Evaluation and Quality Assurance for Local Approval.
9B-72.045 Validation of Evaluation for Local Approval.
9B-72.050 Product Approval by Local Jurisdiction and Acceptance.
9B-72.060 Optional Statewide Approval Generally.
9B-72.070 Product Evaluation and Quality Assurance for Optional Statewide Approval.
9B-72.080 Product Validation by Approved Validation Entity for Optional Statewide Approval.
9B-72.090 Product Approval by the Commission.
9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.
9B-72.110 Criteria for Certification of Independence.
9B-72.120 List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.
9B-72.130 Forms.
9B-72.160 Revocation or Modification of Product Approvals and Entity Certifications.
9B-72.170 Investigation.
9B-72.180 Equivalence of Standards.
9B-72.190 Reference Standards.
- 145

(17) Inspection means conformity evaluation to the applicable Code section by observation and judgement 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) Material means the elements, constituents, or substances of which something is composed or can be made.
(22) Product means any individual type of manufactured goods, system or method of construction.
(23) Product Approval:
(a) Local product approval and acceptance means an acceptance of the product, material or system of construction for local use.
after an appropriate review, performed by the building official or designee. The review shall verify that either the requirements pursuant to Rules 9B-72.045 and 9B-72.040, F.A.C., have been met or the product, material or system of construction has statewide approval pursuant to Rule 9B-72.070, F.A.C., indicates the product, material or system of construction is suitable for use in the location and project where it is proposed to be used. The issuance of a signed permit denotes approval of any product shown on the approved construction documents on which the permit is based. Approval may be by inspection of the certification marks of approved certification agencies. (b) Statewide product approval means the approval of a product, material or system of construction by the Commission for acceptance of a product on a statewide or regional basis consistent with an evaluation conducted pursuant to Rule 9B-72.070, F.A.C.
(24) Rational analysis means a standardized or non-standardized method by which a Florida Registered Architect or 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.
(25) Scope of Accreditation means the specific test standards, calibration services or other functions for which the organization is accredited.
(26) 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 measure the quantity or quality of materials, products, systems, services, or practices referenced in the Code.
(27) Standardized test means a specified technical procedure for performing a test.
(28) Structural component means any part or assembly of a building or structure used or intended to support or shelter any use or occupancy, and which affects the safety of such building or structure or which supports any dead or designed live load and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse or to fail, or both.
(29) Sub-category of product means a specific functionality:
(a) For exterior doors: roll-up, sectional, sliding, swinging, automatic, or other;
(b) For windows: awning, casement, dual action, double hung, single hung, fixed, horizontal slider, projected, pass through, mullions, wind breaker or other;
(c) For panel walls: siding, soffits, exterior insulation finish system (EIFS), storefronts, curtain walls, wall louver, glass block, membrane, greenhouse, or other;
(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, non-structural metal roofing, roofing tiles, waterproofing, or other;
(e) For shutters: accordion, Bahama, storm panels, colonial, roll-up, equipments, or other;
(f) For skylights: skylight or other;
(g) For structural components: truss plates, wood connectors, anchors, coolers-freezers, sheds, concrete admixtures, insulation forms, engineered lumber, material, plastics, wall, deck-roof, railing, or other; and
(h) For other products as applicable.
(30) 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.
(31) 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 or equivalent pursuant to Rule 9B-72.180, F.A.C., and which identifies products covered by the report and limitations on the products’ use.
(32) 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.
(33) Validation means determination of compliance pursuant to Rule 9B-72.045, F.A.C., for local approval and Rule 9B-72.080, F.A.C., for statewide approval.
Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History–New 5-5-02, Amended 9-4-03.
9B-72.030 Local Product Approval Generally.
Products listed in subsections 9B-72.060(1)-(8), F.A.C., and revisions to an existing product approval shall be approved according to the provisions of this rule.
Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History–New 5-5-02, Amended 9-4-03, 3-9-04.
9B-72.040 Product Evaluation and Quality Assurance for Local Approval.
(1) Compliance of products listed in subsections 9B-72.060(1)-(8), F.A.C., shall be demonstrated through the appropriate method of subsection 9B-72.040(2) or (3), F.A.C., except:
(a) Structural components covered by United States Department of Commerce Product Standards; and
(b) Structural components comprised of materials or 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.
(2) Method 1. Products, materials or system of construction specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods shall demonstrate compliance with the Code through one of the following:
(a) A certification mark or listing from an approved certification agency indicating the product is in compliance with a specific standard or other normative document referenced in 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 standards referenced in the Code.
(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based upon testing or 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 Florida Professional Engineer developed and signed and
sealed, based upon testing or comparative or rational analysis, or a combination thereof which provides verifiable documentation indicating 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.

(3) 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 that covers the subject product based on testing or comparative or rational analysis, or combination thereof, which provides verifiable documentation indicating the product was evaluated to be in compliance with the intent of the Code and the product is, for the purpose intended, at least equivalent to that required by the Code.

(b) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or combination thereof which provides verifiable documentation indicating 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.

(4) Products listed in subsections 9B-72.060(1)-(8), F.A.C., shall be manufactured under a quality assurance program audited by an approved quality assurance entity.

(5) Evaluation Report Documentation Requirements. All evaluation reports required in paragraphs 9B-72.040(2)(c) and (d) and (3)(a) and (b), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not an evaluation report and do not require this information.

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

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

(c) Description of the product, construction method or building system.

(d) Technical documentation supporting the compliance statement.

(e) Installation requirements.

(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.

(6) The following information shall be provided in a listing or on a label for products submitted for approval from certification agencies.

(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.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History–New 5-5-02, Amended 9-4-03.

9B-72.045 Validation of Evaluation for Local Approval.

Validation of compliance with the Code for products subject to subsections 9B-72.040(2) and (3), F.A.C., shall be performed by the authority having jurisdiction or building official through the following steps:
(1) Verification that the testing, evaluation and quality assurance requirements established by Rule 9B-72.040, F.A.C., are met
and that all documentation required by Rule 9B-72.040, F.A.C., is in order.
(2) Validation of the method of compliance using the validation checklist in subsection 9B-72.130(5), F.A.C.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History–New 5-5-02, Amended 9-4-03.

9B-72.050 Product Approval by Local Jurisdiction and Acceptance.

(1) Approval of a product for local use shall be performed by the building code official or his/her designee
by verifying that the
product complies with the Code in accordance with Rule 9B-72.040, F.A.C.
(a) The authority having jurisdiction or building official shall validate the method of compliance pursuant
to Rule 9B-72.040,
F.A.C.
(b) Upon acceptance of required documentation pursuant to subsection 9B-72.040(5), F.A.C., the authority
having jurisdiction
or building official may deem the product approved for use in accordance with its approval and limitation
of use.
(c) Approval shall be valid until such time as the product changes decreasing the product’s performance,
the standards of the
Code change, or the approval is otherwise suspended or revoked. 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.
(d) Manufacturer shall notify the authority having jurisdiction or the building official when the quality
assurance requirements
of subsection 9B-72.040(4), F.A.C., are no longer in place.
(2) Acceptance of a product, material or system of construction is specific to a project and requires
approval by a local
jurisdiction pursuant to Rule 9B-72.050, F.A.C., or statewide approval by the Commission pursuant to Rule
9B-72.090, F.A.C., and
verification that the product is being used consistent with the approved evaluation and limitations of use
established by the
approved evaluation as required by the design specifications.

Specific Authority 553.842(1) FS. Law Implemented 553.842(8) FS. History–New 5-5-02, Amended 9-4-03.

9B-72.060 Optional Statewide Approval Generally.

Statewide approval of products or revisions to existing statewide product approvals requires 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. Approval by the Commission for
statewide use shall be
limited to the following categories of products:
(1) Panel Walls;
(2) Exterior Doors;
(3) Roofing Products;
(4) Skylights;
(5) Windows;
(6) Shutters;
(7) Structural components; and
(8) Products comprising a building’s envelope introduced as a result of new technology.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History–New 5-5-02, Amended 9-4-03.
9B-72.070 Product Evaluation and Quality Assurance for Optional Statewide Approval.

(1) Method 1. Products specifically addressed in the code through performance criteria and standardized
testing or 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 testing or
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 Florida Professional Engineer developed
and signed and
sealed, based upon testing or 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.

(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 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.

(3) Products listed in subsections 9B-72.060(1)-(8), 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.
(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) Description of the product, construction method or building system.
(d) Technical documentation supporting the compliance statement.
(e) Installation requirements.
(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.

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

**9B-72.080 Product Validation by Approved Validation Entity for Optional Statewide Approval.**
Validation of compliance with the Code shall be performed by approved validation entities through the following steps:
(1) Verification that the testing, evaluation and quality assurance requirements established by Rule 9B-72.070, F.A.C., are met and that all documentation is in order.
(2) Validation of the method of compliance using the validation checklist in subsection 9B-72.130(3), F.A.C.
(3) Certification to the Commission that the documentation submitted for the product indicates the product complies with the Code.
(4) Products listed by approved certification agencies as complying with standards established by the Code shall be approved by the Commission absent compliance with this section.

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

**9B-72.090 Product Approval by the Commission.**
(1) Approval of a product, material or system of construction for statewide 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 and payment shall be by credit card.
(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 entity’s certification of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., a Florida Certificate of Product Approval shall be issued by the Commission indicating the product has been approved for use statewide in accordance with its approval and limitations of use.
(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 or revoked. 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) Product approval is void if the manufacturer fails to renew as required in paragraph 9B-72.090(2)(a), F.A.C.
(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 optional statewide approval of products.

(a) Fee for approval, Three Hundred Dollars ($300.00) per sub category of product with renewal every two years. Renewal fee shall be $50.00. 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).

(3) Applications shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

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.

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

(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.

(a) An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity, testing laboratory 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 optional statewide approval. Validation by an approved testing laboratory acting as a validation entity shall be limited to the scope for which they are accredited.

(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 and payment shall be by credit card. (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 approve 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:

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. 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. 
4. 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 and payment shall be by credit card. 

(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.

(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.

(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.

9B-72.110 Criteria for Certification of Independence.

A certification of independence shall be provided by a Florida registered architect or 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 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 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), (9) FS. History--New 5-5-02.

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.

Specific Authority 553.842(14) FS. Law Implemented 553.842(14) FS. History--New 5-5-02.

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.

(1) Florida Building Commission, Application for Entity Approval, Form No. 9B-72.130(1), updated
September 4, 2003
(electronic version).

(2) Florida Building Commission, Application for Statewide Product Approvals, Form No. 9B-72.130(2),
updated September

(3) Validation Checklist for Optional Statewide Approval, Form No. 9B-72.130(3), updated September 4,
2003 (electronic
version).

(4) Florida Building Commission, Application for Local Product Approval, Form No. 9B-72.130(4),
updated September 4,
2003 (electronic version).

(5) Florida Building Commission, Validation Checklist for Local Product Approval by Method 1 or 2,
Form No. 9B-72.130(5),

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

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 approved product approval, suspension or revocation on its website list of approved products and shall notify building code enforcement jurisdictions electronically when there is a change in status.

(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 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.
- 153
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 a 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.

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 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/IL.S.2/NAFS-02 equivalent to ANSI/AAMA/NWWDA 101/IL.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

(2) 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.

(3) 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.

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.
   - 154
Guide TR 17020: 1998,
General Criteria for the Operation of Various Types of Bodies Performing Inspection.
Guide 17025: 1999,
General Requirements for the Competence of Testing and Calibration Laboratories.
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.