



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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Administrative Procedures

SENATOR MICHAEL S. "MIKE" BENNETT
21st District

October 26, 2006

Chairman Raul Rodriguez
Department of Community Affairs
Building Codes and Standards
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Chairman Raul Rodriguez:

It has come to my attention that certain jurisdictions are not accepting state approved products unless those products also have a Dade County Notice of Acceptance (NOA), even though the state-approved products are being used consistent with their approvals. As you know, the law clearly states that a product bearing a Florida product approval does not require any further documentation for use of that product. Specifically, the law states in s.553.842(3) and (4):

(3) Products or methods or systems of construction that require approval under s. [553.77](#), that have standardized testing or comparative or rational analysis methods established by the code, and that are certified by an approved product evaluation entity, testing laboratory, or certification agency as complying with the standards specified by the code shall be approved for statewide use. **Products required to be approved for statewide use shall be approved by one of the methods established in subsection (5) without further evaluation.**

(4) Products or methods or systems of construction requiring approval under s. [553.77](#) must be approved by one of the methods established in subsection (5) before their use in construction in this state. Products may be approved by the commission for statewide use. **Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.**

Jurisdictions such as Parkland and Coral Springs as well as others in the Palm Beach, Broward and Dade County area still believe that an NOA is required for all products. Requiring an NOA is counter to the entire state product approval system and basically negates the exorbitant time and money spent by manufacturers to get their products tested, approved and validated for use within our state. There is a detrimental economic impact to manufacturers when products are delayed in getting to market.

REPLY TO:

- Wildewood Professional Park, Suite 90, 3653 Cortez Road West, Bradenton, Florida 34210 (941) 727-6349
- 216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5078

Senate's Website: www.flsenate.gov

TOM LEE
President of the Senate

CHARLIE CLARY
President Pro Tempore

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I am requesting the department and the Florida Building Commission develop a memorandum that highlights the requirements specified in the law and that clearly indicates that a separate Dade County NOA is NOT required for state-approved products. I also recommend that this memorandum be distributed to all local building officials and posted on the BOAF website.

I look forward to working with you towards a solution to this problem.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Bennett', with a stylized, cursive script.

Michael S. "Mike" Bennett

Cc: Secretary Thaddeus Cohen
Tom Yeatman, Staff Director, Community Affairs