

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
TELECONFERENCE MEETING FROM TALLAHASSEE
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NOVEMBER 22, 2024

10:00 A.M.

Minutes

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
PRESENT:**

Rod Hershberger, Chairman
Brian Swope

David Compton
Tim Tolbert

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
NOT PRESENT:**

STAFF PRESENT:

Melissa Compos
Mo Madani
Sabrina Evans
Marlita Peters

Jim Hammers
Jeff Blair
Justin Vogel

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: facilitatedsolutions.org

Time: 10:00 a.m.

Mr. Blair welcomed everyone to the teleconference meeting of the Product Approval Program Oversight Committee.

Roll Call:

Mr. Blair performed roll call for the Product Approval Program Oversight Committee. A quorum was determined with 4 members present at the time of roll call.

Agenda Approval:

Commissioner Compton entered a motion to approve the agenda as posted for today's meeting. Commissioner Tolbert seconded the motion. The motion was passed unanimously with a vote of 4 to 0.

Approval of the minutes from October 3, 2024:

Commissioner Compton entered a motion to approve the minutes as posted from the October 3, 2024, meeting. Commissioner Tolbert seconded the motion. The motion was passed unanimously with a vote of 4 to 0.

Product Approval Program Issues:

Report on conditional approvals:

Mr. Madani reported all of the relevant conditions were met for each of the conditional approvals except FL 46130 and FL 46616.

Declaratory Statement:

1) DS2024-039 by Chad Villers of Parge Guard LLC.

Chad Villers, of Parge Guard LLC provided the background information on the petition for declaratory statement.

Staff:

Mr. Madani provided an additional statement for the declaratory statement and full staff analysis.

Staff Analysis:

Question:

Do Parge Guard LLC's products, the 2 listed above, need to go through the Florida Product Approval Program, Rule 61 G20.3 from the Florida Building Commission if the products pass up-to-date codes and are not structural?

Answer:

The answer to the Petitioner's question is no. Pursuant to Rule 61G20-3.001 Scope and Rule 61G20-3.002 Definitions, the product(s) in question fall outside the scope of the State product approval program. However, these products must meet the requirements of the Florida Building Code and are subject to approval by the local authority having jurisdiction.

Motion:

Commissioner Compton entered a motion to accept staff analysis. Commissioner Tolbert seconded the motion. The motion was passed unanimously with a vote of 4-0.

2) DS2024-0040 by Jalal Farooq, of Al-Farooq Corporation.

Jalal Farooq, of Al-Farooq Corporation, stated he supports the staff analysis.

Staff:

Mr. Madani provided an additional statement for the declaratory statement and full staff analysis.

Staff Analysis:

Question:

Can an engineer from AFC prepare Method 1D and/or Method 1A product approvals for product manufacturer if the same engineer from AFC signed the test report being used to prepare to product approval, while staying in compliance with Rule 61G20-3.009, excluding products rated for HighVelocity Hurricane Zones?

Answer:

Option #1/Petitioner:

Petitioner respectfully believes the answer to this question is "Yes". Petitioner believes that Rule 61G20-3.009 (1) and (2) are not applicable to this situation, Rule G20-3.009(3) will be maintained and therefore is also not in question. Petitioner also believes that Rule 61G20-3.009(4) does not apply for a number of reasons: A. Petitioner is not an owner, officer, or employee of the laboratory, but will act as an outside consultant, and therefore has no financial interest in the success of the laboratory. B. The testing laboratory is not part of the approval process for Method 1D or Method 1A Florida approval applications. Note that based on TAS 301 Section 7. Independence, petitioner believes that it is not permissible to do the same when considering products to be rated for the High-Velocity Hurricane Zone (HVHZ).

Option #2/Staff:

The answer to the Petitioner's question is yes. Testing laboratory as an entity is not part of the approval process for Method 1D or Method 1A product approval application and therefore, the issue in question is not in conflict with Rule 61G20-3.009(3) and Rule 61G20-3.009(4).

However, pursuant to Section 7 of TAS 301, it is not permissible to do the same when considering products to be rated for the High-Velocity Hurricane Zone (HVHZ.).

Public Comment:

Jaime Gascon, Miami-Dade County, provided a comment.

Motion:

Commissioner Compton entered a motion to accept staff analysis. Commissioner Swope seconded the motion. The motion was passed unanimously with a vote of 4-0.

Product Approval and Entities Statistics Report:

Ms. Campos provided the statistical reports of products and entities as approved for the 2023 Florida Building Code.

Product Approval Entities Statistics Report:

DBPR Report:

Consent Agenda of Entity Approval Application:

Mr. Blair stated there were 10 product approval entities on the consent agenda for approval.

Motion:

Commissioner Compton entered a motion to recommend approval of the 10 product approval entities. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 4 to 0.

Product Approval Application with Comments:

Mr. Blair stated there were 155 products without comment on the consent agenda for approval.

Motion:

Commissioner Compton entered a motion to recommend approval of the 155 products with no comments. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 4 to 0.

With Comments:

Mr. Blair stated there were 7 product approval applications with comments and 3 are recommended for approval. The 3 that are recommended for approval are FL 46874, FL 47056, and FL 47061.

Motion:

Commissioner Compton entered a motion to recommend approval of applications with comments: FL 46874, FL 47056, and FL 47061. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 4 to 0.

Mr. Blair stated there were 4 conditional approval application, FL 33106 R14, FL46665, FL47083, and FL 47089.

Motion:

Commissioner Compton entered a motion to recommend conditional approval of FL 33106 R14, FL46665, FL47083, and FL 47089. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 3 to 0.

DBPR Product Approval Applications Consent Agenda:

Mr. Blair stated there were 138 DBPR product approval applications including three applications with comments, and that there was no action needed.

Other POC Business:

None

Public Comment:

None

POC Member and Staff Comment:

None

Adjourn:

There being no further business before the POC. Chairman Herberger adjourned the meeting at 10:32 a.m.