

## Notice of Proposed Rule

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Housing and Community Development**

RULE NO: RULE TITLE

**9B-72.090**: Product Approval by the Commission

PURPOSE AND EFFECT: Increase product approval fees to a level that generates sufficient revenue to pay for the costs associated with the program.

SUMMARY: Fees are increased as indicated to generate revenue necessary to operate the product approval program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Regulatory Cost has been prepared and is available by contacting Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850) 922-6091.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: **553.77(1)(i)**, **553.842(1) FS.**LAW IMPLEMENTED: **553.842(1) FS.**

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 11, 2009, 8:30 or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Crown Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.090 Product Approval by the Commission.

(1) Approval of a product or system of construction for state 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, [www.floridabuilding.org](http://www.floridabuilding.org), and payment shall be by credit card or electronic check.

(b) through (g) No change.

(2) Fees for state approval of products.

(a) Fee for approval, ~~Five Three Hundred Dollars (\$500.00) (\$300.00)~~ per subcategory of product. 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, ~~Six Five Hundred Dollars (\$600.00) (\$500.00)~~, annual renewal fee, ~~Two One Hundred Fifty Dollars (\$250.00) (\$100.00)~~, revision fee, ~~Two One Hundred Dollars (\$200.00) (\$100.00)~~.(d) Fee for revision of an existing approval, ~~Five Three Hundred Dollars (\$500.00) (\$300.00)~~ for a revision that

results in a material change to the performance of a product or product design specification or both, and which may include addition of products within the same subcategory.

(e) Fee for editorial revisions of an existing product approval that does not result in material change to the performance of a product or product design specification or both, One Hundred ~~Fifty~~ Dollars (~~\$150.00~~) (~~\$100.00~~).

(f) Fee for affirmation of an existing product approval for compliance with a new edition of the standards adopted by the Code, One Hundred ~~Fifty~~ Dollars (~~\$100.00~~) (~~\$50.00~~).

(3) Applications, affirmations and revisions shall be made through the Building Codes Information System on the Internet, [www.floridabuilding.org](http://www.floridabuilding.org), and payment shall be by credit card or electronic check.

Rulemaking 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, 11-22-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator,  
Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009