



Informal Interpretation Report Number 6753



Date May 27, 2011

Edition 2007

Section Product Approval

Question:

Is it the intent of Rule 9N-3 to apply to the following situations: (1) Is a freestanding, ground level AC condensing unit support pad that is not attached to, or a part of the envelope or structure, required to have Product Approval? (2) Can a free standing, ground level AC condensing unit support pad that is not part of the envelope or structure, be approved by a Building Official, if there is signed, raised sealed engineering and a Certificate of Independence by a Licensed Florida PE stating that the product meets both the current edition of the Florida Building Code and the requirements of the Wind-Borne Debris Region, Category 1? (3) Can a free standing, ground level AC condensing unit support pad that is not part of the envelope or structure, be approved by a Building Official for use without third party testing or a listing where no such category, testing or listing exists?

Answer

1. No
2. Yes, if that information is provided, the Building Official is expected to review this information and make a decision.
3. Yes, properly documented engineering data is anticipated as a part of the local product approval process. When sound engineering data is provided showing compliance with the code, it can be accepted by the Building Official.

Product approval is a three step process. The first step in the product approval process starts and stops with the Building Official. The Building Code allows the Building Official to approve any product for any use if it meets the requirements and intent of the Code. Section 104.9 of the 2007 Florida Building Code with the 2009 supplement states, "Approved materials and equipment - Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such

approval."

The Building Official bases this approval on experience, knowledge, documentation, engineering information or reports and discussion with the other knowledgeable persons surrounding them. If they do not feel confident with that, the next step is to require testing data from a recognized entity such as ICC-ES or a Miami-Dade Testing Lab NOA. The final step in the product approval would be the optional Florida Product Approval. It is imperative to note the Florida Product Approval process is ONLY available for those items associated to the envelope. The type of product referenced in this question would not fall into this category and Florida Product Approval is not an option, returning the first or second step as addressed above.

Commentary:

Product approval is a three step process. The first step in the product approval process starts and stops with the Building Official. The Building Code allows the Building Official to approve any product for any use if it meets the requirements and intent of the Code. Section 104.9 of the 2007 Florida Building Code with the 2009 supplement states, "Approved materials and equipment - Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval."

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If the product does not fall under the state product approval rule, that option is not available. It is up to the jurisdiction to determine whether or not the product complies with the code. Florida Statute 553.842 contains provisions related to local product approvals.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.