

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

CENTEX HOMES,

Case #: DCA02-DEC-259

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from CENTEX HOMES, (the "Petitioner"), which was received on September 26, 2002. Based upon the statements in the Petition and the materials subsequently submitted, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to section 120.565, Florida Statutes, and must conform to the requirements of Rule 28-105.002, *Florida Administrative Code*.
2. The Petitioner is a homebuilder performing work within the state of Florida that is subject to the requirements of the Florida Building Code.
3. The Petitioner intends to use a product, Holcim One Coat Stucco System, in new home construction in Manatee County, Florida.
4. The Petitioner inquires whether the product, Holcim One Coat Stucco System, complies with Florida Building Code Section 2509.2, Building Volume and is acceptable for use under the Florida Building Code.

Conclusions of Law

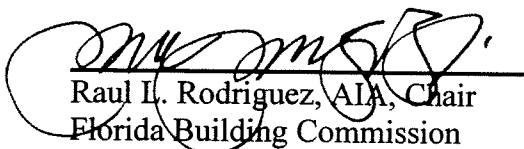
1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entering a declaratory statement.

2. The Petitioner is seeking what is essentially a product approval. Product approvals are governed by Rule 9B-72 of the Florida Administrative Code.

3. The Commission concludes that although the applicability of Evaluation Report No. 9838 can be extended to the Florida Building Code, whether the product is proper for use under the Florida Building Code is within the discretion of the local building official.


Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (1999), and with Fla. R. App. P. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Fla. Stat. (1999).

DONE AND ORDERED this 14th of January, 2003, in Coral Gables,
Miami-Dade County, State of Florida.


Raul I. Rodriguez, AIA, Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to the following by the method indicated on this 15th day of Jan, 2003.


for PAULA P. FORD
Commission Clerk

Via U.S. Mail:

Greg Steers
Centex Homes
301 North Cattleman
Suite 108
Sarasota, Florida 34232

Via Hand Delivery:

Mo Madani, Planning Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged.

 1/15/03
Paula P. Ford Date
Commission Clerk