

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

GRAYSTONE OF FLORIDA, INC.,

Case #: DCA05-DEC-159

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a petition from Ron Lambert, of GrayStone of Florida, Inc., (the Petitioner), which was received on September 8, 2005. 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 manufactures decorative cementitious coating for use in projects subject to the Florida Building Code.
3. The Petitioner inquires whether the decorative cementitious coating that it manufactures is subject to Rule 9B-72, Florida Administrative Code, relating to product approval by the Florida Building Commission.

Conclusions of Law

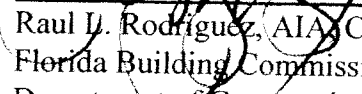
1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.

2. Rule 9B-72.060, Florida Administrative Code, limits the application of the rule for statewide approval to panel walls, exterior doors, roofing products, skylights, windows, shutters, structural components and products comprising an building's envelope introduced as a result of a new technology.

3. The Petitioners' product does not fall within any of the above-cited categories, and therefore is not subject to the rule.


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 18th of January, 2005, in Coral Gables,
Miami-Dade County, State of Florida.


Raul L. 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 20th day of Jan, 2005. 2006


PAULA P. FORD
Commission Clerk

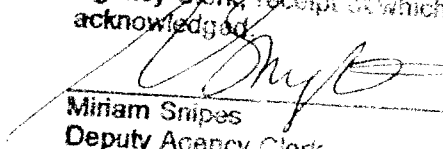
Via U.S. Mail:

Ron Lambert
GrayStone of Florida, Inc.
Post Office Box 521666
Longwood, Florida 32752

Via Hand Delivery:

Mo Madani, C.B.O. 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
Agency Clerk, receipt of which is hereby
acknowledged.


Miriam Snipes
Deputy Agency Clerk

1/20/06
Date