

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

RICHARD MIHALICH,

Case #: DCA08-DEC-193

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Richard Mihalich which was received on July 3, 2008, and subsequently amended on July 29, 2008. Based on the statements in the petition and the material subsequently submitted, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner serves as Plans Examiner and Inspector for the City of South Daytona, Florida, and inspects construction within the State for compliance with the Florida Building Code.
3. The Petitioner has been requested to inspect a new tanning salon to be constructed within the City of South Daytona.
4. The Petitioner asks whether Section 1205, Florida Building Code, Building Volume (2004 as amended 07/06), requires artificial lighting in all tanning salon rooms including its rest rooms where natural lighting is not provided in accordance with Section 1205.2?

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. Section 1205.1, Florida Building Code, Building Volume (2004 as amended 5/21/07), provides:

Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings in accordance with Section 1205.2 or shall be provided with artificial light in accordance with Section 1205.3 . Exterior glazed openings shall open directly onto a public way or onto a yard or court in accordance with Section 1206.

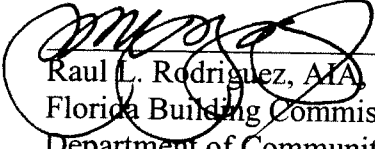
3. Section 1205.3, Florida Building Code, Building Volume (2004 as amended 07/06), requires that "[a]rtificial light shall be provided that is adequate to provide an average illumination of 10 footcandles (107 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level."

4. Based on the foregoing, the answer to Petitioner's question is yes, artificial lighting is required. No exception exists within the Code for spaces such as those described in the Petition relative to general lighting.

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), Florida Statutes, and with Fla. R. App. 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, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of

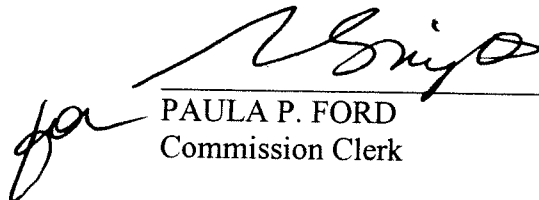
the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 6 of January, 2009, 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 Blvd.
Tallahassee, FL 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 8 day of Jan, 2009.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Richard Mihalich
1229 South Banana River Drive
Merritt Island, Florida 32952

Via Hand Delivery

Mo Madani, C.B.O. Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100