

# BROWARD COUNTY BOARD OF RULES AND APPEALS

## Petition for Declaratory Statement with the Florida Building Commission

One North University Drive  
 Suite 3500-B  
 Plantation, Florida 33324

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 James DiPietro

—Established 1971—

TO: Florida Building Commission  
 Attn: Mo Madani  
 2555 Shumard Oak Blvd.

April 16, 2013

*Via email*

Petitioner:  
 James DiPietro, Administrator Director  
 Broward County Board of Rules and Appeals  
 One North University Drive, Suite 3500-B  
 Plantation, Florida 33324  
 (954) 765-4500 Ext. 9892     (954) 765-4504 Fax

DS 2013-031

Job Address: Aztec RV Resort Condo Association  
 Address: 1-A Aztec Blvd. (Sundial Circle) Margate, FL 33068 (Multiple site locations)

Reference: Petition for Declaratory Statement Reference FBC Section 102.2(h) 2010 Edition

A chickee is installed by the Seminole Indians. There was no permit issued to install the Chickee. It was installed utilizing the exception in 102.2(h). The owner then proposes on installing a bar setup which has electrical, plumbing, gas appliances etc. in such chickee and has a contractor apply for permits. It appears that according to Section 102.2(h) items such as sinks, electrical outlets etc. cannot be incorporated into the Chickee. Additionally, there appears to be conflicting opinions statewide regarding the word "incorporated" as used in the exemption. Some Building Officials interpret this to mean that non wood items cannot be within the footprint of the Chickee while others believe it is OK to have these items if they are not directly attached to the Chickee. Also note it appears to be consistent among Building Officials if you have a contractor pull a permit to install a Chickee you can install any items the owner wants, such as sinks and/or electrical outlets with proper permits.

**QUESTION 1**

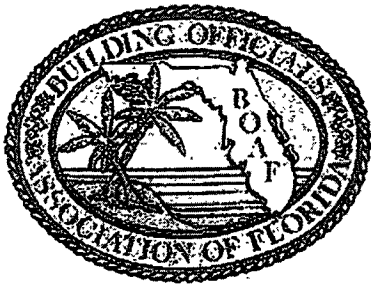
- a. By adding these elements (sinks, electrical outlets, etc.) does that mean that the status of the exemption used to construct the Chickee without a building permit is null and void?
- b. If the answer to question a is yes, does that mean that the Chickee structure must get a building permit and comply with the current building codes?

**QUESTION 2**

Does the fact of whether the utility services; electric; plumbing; propane or natural gas appliances are attached or not attached to any part of the structure/Chickee change the interpretation of Question 1?

\*Note Footprint is defined by the petitioner as anything under the thatched roof or within the perimeter of the Chickee.

See attached Informal Interpretation Report No. 6848 and 7006 issued by Building Officials Association of Florida.



**Informal Interpretation  
Report Number 6848**



**Date:** Tue Oct 25 2011

**Report:** 6848

**Code:** Building      **Code Year:** 2007

**Section:** 102(h)

**Question:**

is it the intent of 102(h) to prevent electric from ever being installed in a chickee hut or does it prevent the Miccosukee or Seminole Indians from doing it with out a permit?

**Comment:**

None.

**Answer:**

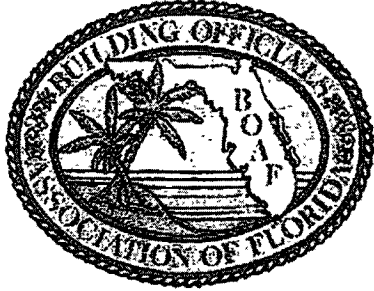
The intent is to NEVER allow electrical wiring at these structures or they no longer meet the definition of a "chickee hut" & thus would no longer be exempted by the FBC

**Commentary:**

None.

**Notice:**

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Community Affairs, 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.



**Informal Interpretation  
Report Number 7006**

Business  
Professional  
Regulation

**Date:** Fri Jul 13 2012

**Report:** 7006

**Code:** Building **Code Year:** 2007

**Section:** 102.2

**Question:**

Is it the intent of section 102.2 (h) to **ONLY** define a "chickee" as a type of building, structure or facility and state it's exception from the Florida Building code? Or is it the intent of this area to describe the items for which are not allowed in the except "chickee" as a building, structure or facility, relating to electric, plumbing, walls or floor?

**Comment:**

Are there **ANY** other areas in the Florida Building code that discuss "chickees" and or the limitation of items such as electric, plumbing, walls or floor which could be interpreted as restricting these items from being added to the "chickee" by way of a permit for such items, and for such items **ONLY**. Meaning a electrical permit for adding electric to the "chickee"?

**Answer:**

The term Chickee as used in 102.2 (h) is describing a structure constructed by either the Seminole or Miccosukee Indians and is exempt from the Florida Building Code. The term is not used elsewhere in the Florida Building Code . A structure constructed under this exemption cannot incorporate any electric, plumbing or other non-wood items.

**Commentary:**

The definition of a chickee speaks for itself; if it has non-natural items it is not a chickee.

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