

For Immediate Release:



This AI-generated image represents a tiki in the Florida Keys.

New state law could affect chickee/tiki construction in Marathon

MARATHON, FL (July 1, 2026) – A new state law that took effect Wednesday, July 1, could have implications for property owners and local development regulations in Marathon, as it limits how cities and counties regulate traditional Native American chickees and the increasingly common tikis found throughout the Florida Keys.



Press Release (#48-26) | CITY OF MARATHON
9805 Overseas Highway Marathon, Florida 33050
305-743-0033

The legislation, signed into law by Gov. Ron DeSantis in April, prohibits local governments from adopting regulations that prevent members of the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida from constructing traditional chickees under certain conditions. The law also prevents local governments from adopting chickee and tiki regulations that are more restrictive than federal floodplain management requirements.

While the legislation specifically applies to chickees built by tribal members, it also affects how the city of Marathon approaches permitting and land-use regulations involving tiki structures.

Under the new law, tribal members may construct chickees in side yards if the structure is at least 10 feet from a property line and may place them within 10 feet of another structure, as long as the required setback is maintained. Local governments may not enact ordinances that prohibit those placements.

The City of Marathon's current policy states tikis must have a 5-foot setback from any permanent structure. Existing city ordinances state 5-foot side setbacks, and 5-foot rear setbacks for landlocked parcels. The law would only apply to new tiki construction and would require permits from the city's Building and Planning departments; however, tribal chickees would only need a permit from the city's Planning Department.

The new law will require the city to redraft its ordinances, possibly including some other sections, to enforce the state requirements, according to city Planning Director Brian Shea. The city already withdrew the recently approved Ordinance 2026-20, adopting the statutory definitions, from state review.

A chickee is typically recognized as an open-sided wooden structure with a thatched roof made from palm, palmetto or other traditional materials. The updated law expands the definition to allow features such as wooden decks, non-wood fasteners and, when properly permitted, electrical and plumbing systems.

For Marathon residents, the law is particularly relevant because tikis are frequently used them as outdoor gathering spaces, shade structures or amenities near docks and pools.

The legislation also establishes new fire-code exemptions. Chickees will be exempt from the Florida Fire Prevention Code if they are located at least 20 feet from another structure subject to the Florida Building Code. If approved fire-protection measures are installed, the 10-foot minimum must still be maintained.

City of

Marathon *Florida*

Press Release (#48-26) | CITY OF MARATHON

9805 Overseas Highway Marathon, Florida 33050
305-743-0033

The law comes as coastal communities throughout Florida, including Marathon, continue to balance property rights, cultural preservation and public safety concerns. By limiting local regulatory authority, lawmakers have shifted some decision-making regarding chickees from local governments to state law.

For most Marathon homeowners, the law will not eliminate existing permitting requirements for non-tribal construction projects. Property owners considering a chickee, dock improvement or other accessory structure should continue to consult with city building and planning officials regarding applicable permits, setbacks, floodplain requirements and development regulations.

Chris Seymour, City of Marathon Public Information Officer

Email: pio@ci.marathon.fl.us Cell: 645-206-4368

For inquiries, contact City of Marathon, 305-743-0033