



185836

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/05/2023	.	
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The Committee on Rules (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 117
and insert:

(c) "Drone delivery service" means a person or entity engaged in a business or profession of delivering goods via drone and who is governed by Title 14 of the Code of Federal Regulations.

(d) "Drone port" means a stand-alone building that does not exceed 1,500 square feet in area or 36 feet in height; is located in a nonresidential area; is used or intended for use by



12 a drone delivery service for the storage, launch, landing, and
13 observation of drones; was constructed using Type I or Type II
14 construction as described in the Florida Building Code; and, if
15 greater than one story in height, includes at least one
16 stairwell that is compliant with the Florida Building Code.

17 (3) REGULATION.—

18 (c) Except as otherwise expressly provided, a political
19 subdivision may not withhold issuance of a business tax receipt,
20 development permit, or other use approval to a drone delivery
21 service or enact or enforce an ordinance or resolution that
22 prohibits a drone delivery service's operation based on the
23 location of its drone port, notwithstanding part II of chapter
24 163 and chapter 205. A political subdivision may enforce minimum
25 setback and landscaping regulations that are generally
26 applicable to permitted uses in the drone port site's zoning
27 district. This paragraph may not be construed to authorize a
28 political subdivision to require additional landscaping as a
29 condition of approval of a drone port.

30 Section 2. Paragraph (1) is added to subsection (10) of
31 section 553.73, Florida Statutes, to read:

32 553.73 Florida Building Code.—

33 (10) The following buildings, structures, and facilities
34 are exempt from the Florida Building Code as provided by law,
35 and any further exemptions shall be as determined by the
36 Legislature and provided by law:

37 (1) A drone port as defined in s. 330.41(2).

38
39 With the exception of paragraphs (a), (b), (c), and (f), in
40 order to preserve the health, safety, and welfare of the public,



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41 the Florida Building Commission may, by rule adopted pursuant to
42 chapter 120, provide for exceptions to the broad categories of
43 buildings exempted in this section, including exceptions for
44 application of specific sections of the code or standards
45 adopted therein. The Department of Agriculture and Consumer
46 Services shall have exclusive authority to adopt by rule,
47 pursuant to chapter 120, exceptions to nonresidential farm
48 buildings exempted in paragraph (c) when reasonably necessary to
49 preserve public health, safety, and welfare. The exceptions must
50 be based upon specific criteria, such as under-roof floor area,
51 aggregate electrical service capacity, HVAC system capacity, or
52 other building requirements. Further, the commission may
53 recommend to the Legislature additional categories of buildings,
54 structures, or facilities which should be exempted from the
55 Florida Building Code, to be provided by law. The Florida
56 Building Code does not apply to temporary housing provided by
57 the Department of Corrections to any prisoner in the state
58 correctional system.

59 Section 3. Paragraphs (a) and (b) of subsection (16) of
60 section 633.202, Florida Statutes, are amended to read:

61 633.202 Florida Fire Prevention Code.—

62 (16) (a) As used in this subsection, the term:

63 1. "Agricultural pole barn" means a nonresidential farm
64 building in which 70 percent or more of the perimeter walls are
65 permanently open and allow free ingress and egress.

66 2. "Drone port" has the same meaning as provided in s.
67 330.41(2).

68 3.2. "Nonresidential farm building" has the same meaning as
69 provided in s. 604.50.



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70 (b) Notwithstanding any other provision of law:
71 1. A nonresidential farm building in which the occupancy is
72 limited by the property owner to no more than 35 persons is
73 exempt from the Florida Fire Prevention Code, including the
74 national codes and Life Safety Code incorporated by reference.
75 2. An agricultural pole barn is exempt from the Florida
76 Fire Prevention Code, including the national codes and the Life
77 Safety Code incorporated by reference.
78 3. Except for an agricultural pole barn, a structure on a
79 farm, as defined in s. 823.14(3)(c), which is used by an owner
80 for agritourism activity, as defined in s. 570.86, for which the
81 owner receives consideration must be classified in one of the
82 following classes:
83 a. Class 1: A nonresidential farm building that is used by
84 the owner 12 or fewer times per year for agritourism activity
85 with up to 100 persons occupying the structure at one time. A
86 structure in this class is subject to annual inspection for
87 classification by the local authority having jurisdiction. This
88 class is not subject to the Florida Fire Prevention Code but is
89 subject to rules adopted by the State Fire Marshal pursuant to
90 this section.
91 b. Class 2: A nonresidential farm building that is used by
92 the owner for agritourism activity with up to 300 persons
93 occupying the structure at one time. A structure in this class
94 is subject to annual inspection for classification by the local
95 authority having jurisdiction. This class is not subject to the
96 Florida Fire Prevention Code but is subject to rules adopted by
97 the State Fire Marshal pursuant to this section.
98 c. Class 3: A structure or facility that is used primarily



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99 for housing, sheltering, or otherwise accommodating members of
100 the general public. A structure or facility in this class is
101 subject to annual inspection for classification by the local
102 authority having jurisdiction. This class is subject to the
103 Florida Fire Prevention Code.

104 4. A drone port is exempt from provisions of the Florida
105 Fire Prevention Code, including national codes and the Life
106 Safety Code incorporated by reference, concerning fire
107 protection systems as defined in s. 633.102.

108

109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete lines 2 - 10

112 and insert:

113 An act relating to drone delivery services; amending
114 s. 330.41, F.S.; defining terms; prohibiting a
115 political subdivision from taking certain actions
116 against a drone delivery service based on the location
117 of its drone port; authorizing a political subdivision
118 to enforce certain regulations relating to setback and
119 landscaping; providing construction; amending s.
120 553.73, F.S.; exempting drone ports from the Florida
121 Building Code; amending s. 633.202, F.S.; defining the
122 term "drone port"; exempting drone ports from certain
123 provisions of the Florida Fire Prevention Code;
124 providing