

By the Committee on Commerce and Tourism; and Senators Collins and Boyd

577-02503-23

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1 A bill to be entitled
2 An act relating to drones; amending s. 330.41, F.S.;
3 defining the terms "drone delivery service" and "drone
4 port"; prohibiting a political subdivision from taking
5 certain actions relating to drone delivery services;
6 amending s. 553.73, F.S.; exempting drone ports from
7 the Florida Building Code; amending s. 633.202, F.S.;
8 defining the term "drone port"; exempting drone ports
9 from the Florida Fire Prevention Code and other
10 specified codes incorporated by reference; providing
11 an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Present paragraph (c) of subsection (2) and
16 present paragraphs (c) and (d) of subsection (3) of section
17 330.41, Florida Statutes, are redesignated as paragraph (e) of
18 subsection (2) and paragraphs (d) and (e) of subsection (3),
19 respectively, and new paragraphs (c) and (d) are added to
20 subsection (2) and a new paragraph (c) is added to subsection
21 (3) of that section, to read:

22 330.41 Unmanned Aircraft Systems Act.—

23 (2) DEFINITIONS.—As used in this act, the term:

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

27 (d) "Drone port" means any area of nonresidential land or
28 water which is used, or intended for use, by a drone delivery
29 service for the landing and takeoff of drones.

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30 (3) REGULATION.—

31 (c) Except as otherwise expressly provided, and
32 notwithstanding part II of chapter 163 and chapter 205, a
33 political subdivision may not withhold issuance of a business
34 tax receipt or enact or enforce an ordinance or resolution that
35 prohibits a drone delivery service's operation based on the
36 location of the delivery service's drone port.

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

39 553.73 Florida Building Code.—

40 (10) The following buildings, structures, and facilities
41 are exempt from the Florida Building Code as provided by law,
42 and any further exemptions shall be as determined by the
43 Legislature and provided by law:

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

45
46 With the exception of paragraphs (a), (b), (c), and (f), in
47 order to preserve the health, safety, and welfare of the public,
48 the Florida Building Commission may, by rule adopted pursuant to
49 chapter 120, provide for exceptions to the broad categories of
50 buildings exempted in this section, including exceptions for
51 application of specific sections of the code or standards
52 adopted therein. The Department of Agriculture and Consumer
53 Services shall have exclusive authority to adopt by rule,
54 pursuant to chapter 120, exceptions to nonresidential farm
55 buildings exempted in paragraph (c) when reasonably necessary to
56 preserve public health, safety, and welfare. The exceptions must
57 be based upon specific criteria, such as under-roof floor area,
58 aggregate electrical service capacity, HVAC system capacity, or

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59 other building requirements. Further, the commission may
60 recommend to the Legislature additional categories of buildings,
61 structures, or facilities which should be exempted from the
62 Florida Building Code, to be provided by law. The Florida
63 Building Code does not apply to temporary housing provided by
64 the Department of Corrections to any prisoner in the state
65 correctional system.

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

68 633.202 Florida Fire Prevention Code.—

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

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

73 2. "Drone port" has the same meaning as in s. 330.41(2).

74 3. "Nonresidential farm building" has the same meaning as
75 provided in s. 604.50.

76 (b) Notwithstanding any other provision of law:

77 1. A nonresidential farm building in which the occupancy is
78 limited by the property owner to no more than 35 persons is
79 exempt from the Florida Fire Prevention Code, including the
80 national codes and Life Safety Code incorporated by reference.

81 2. An agricultural pole barn is exempt from the Florida
82 Fire Prevention Code, including the national codes and the Life
83 Safety Code incorporated by reference.

84 3. Except for an agricultural pole barn, a structure on a
85 farm, as defined in s. 823.14(3)(c), which is used by an owner
86 for agritourism activity, as defined in s. 570.86, for which the
87 owner receives consideration must be classified in one of the

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88 following classes:

89 a. Class 1: A nonresidential farm building that is used by
90 the owner 12 or fewer times per year for agritourism activity
91 with up to 100 persons occupying the structure at one time. A
92 structure in this class is subject to annual inspection for
93 classification by the local authority having jurisdiction. This
94 class is not subject to the Florida Fire Prevention Code but is
95 subject to rules adopted by the State Fire Marshal pursuant to
96 this section.

97 b. Class 2: A nonresidential farm building that is used by
98 the owner for agritourism activity with up to 300 persons
99 occupying the structure at one time. A structure in this class
100 is subject to annual inspection for classification by the local
101 authority having jurisdiction. This class is not subject to the
102 Florida Fire Prevention Code but is subject to rules adopted by
103 the State Fire Marshal pursuant to this section.

104 c. Class 3: A structure or facility that is used primarily
105 for housing, sheltering, or otherwise accommodating members of
106 the general public. A structure or facility in this class is
107 subject to annual inspection for classification by the local
108 authority having jurisdiction. This class is subject to the
109 Florida Fire Prevention Code.

110 4. A drone port is exempt from the Florida Fire Prevention
111 Code, including the national codes and the Life Safety Code
112 incorporated by reference.

113 Section 4. This act shall take effect July 1, 2023.