

By the Committees on Community Affairs; and Commerce and Tourism; and Senators Collins and Boyd

578-02922-23

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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 a stand-alone building that does not
28 exceed 1,500 square feet in area or 36 feet in height; is
29 located in a nonresidential area; is used, or intended for use,

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30 by a drone delivery service for the launch and landing of
31 drones; was constructed using Type I or Type II construction as
32 described in the Florida Building Code; and, if greater than one
33 story in height, includes at least one stairwell that may be
34 used for egress.

35 (3) REGULATION.—

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

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

44 553.73 Florida Building Code.—

45 (10) The following buildings, structures, and facilities
46 are exempt from the Florida Building Code as provided by law,
47 and any further exemptions shall be as determined by the
48 Legislature and provided by law:

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

50
51 With the exception of paragraphs (a), (b), (c), and (f), in
52 order to preserve the health, safety, and welfare of the public,
53 the Florida Building Commission may, by rule adopted pursuant to
54 chapter 120, provide for exceptions to the broad categories of
55 buildings exempted in this section, including exceptions for
56 application of specific sections of the code or standards
57 adopted therein. The Department of Agriculture and Consumer
58 Services shall have exclusive authority to adopt by rule,

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59 pursuant to chapter 120, exceptions to nonresidential farm
60 buildings exempted in paragraph (c) when reasonably necessary to
61 preserve public health, safety, and welfare. The exceptions must
62 be based upon specific criteria, such as under-roof floor area,
63 aggregate electrical service capacity, HVAC system capacity, or
64 other building requirements. Further, the commission may
65 recommend to the Legislature additional categories of buildings,
66 structures, or facilities which should be exempted from the
67 Florida Building Code, to be provided by law. The Florida
68 Building Code does not apply to temporary housing provided by
69 the Department of Corrections to any prisoner in the state
70 correctional system.

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

73 633.202 Florida Fire Prevention Code.—

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

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

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

79 3. "Nonresidential farm building" has the same meaning as
80 provided in s. 604.50.

81 (b) Notwithstanding any other provision of law:

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

86 2. An agricultural pole barn is exempt from the Florida
87 Fire Prevention Code, including the national codes and the Life

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88 Safety Code incorporated by reference.

89 3. Except for an agricultural pole barn, a structure on a
90 farm, as defined in s. 823.14(3)(c), which is used by an owner
91 for agritourism activity, as defined in s. 570.86, for which the
92 owner receives consideration must be classified in one of the
93 following classes:

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

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

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

115 4. A drone port is exempt from the Florida Fire Prevention
116 Code, including the national codes and the Life Safety Code

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117 incorporated by reference.

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