

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

595-03566-23

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1                   A bill to be entitled  
2       An act relating to drone delivery services; amending  
3       s. 330.41, F.S.; defining terms; prohibiting a  
4       political subdivision from taking certain actions  
5       against a drone delivery service based on the location  
6       of its drone port; authorizing a political subdivision  
7       to enforce certain regulations relating to setback and  
8       landscaping; providing construction; amending s.  
9       553.73, F.S.; exempting drone ports from the Florida  
10      Building Code; amending s. 633.202, F.S.; defining the  
11      term "drone port"; exempting drone ports from certain  
12      provisions of the Florida Fire Prevention Code;  
13      providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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

24       330.41 Unmanned Aircraft Systems Act.—

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

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

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30        (d) "Drone port" means a stand-alone building that does not  
31 exceed 1,500 square feet in area or 36 feet in height; is  
32 located in a nonresidential area; is used or intended for use by  
33 a drone delivery service for the storage, launch, landing, and  
34 observation of drones; was constructed using Type I or Type II  
35 construction as described in the Florida Building Code; and, if  
36 greater than one story in height, includes at least one  
37 stairwell that is compliant with the Florida Building Code.

38        (3) REGULATION.—

39        (c) Except as otherwise expressly provided, a political  
40 subdivision may not withhold issuance of a business tax receipt,  
41 development permit, or other use approval to a drone delivery  
42 service or enact or enforce an ordinance or resolution that  
43 prohibits a drone delivery service's operation based on the  
44 location of its drone port, notwithstanding part II of chapter  
45 163 and chapter 205. A political subdivision may enforce minimum  
46 setback and landscaping regulations that are generally  
47 applicable to permitted uses in the drone port site's zoning  
48 district. This paragraph may not be construed to authorize a  
49 political subdivision to require additional landscaping as a  
50 condition of approval of a drone port.

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

53        553.73 Florida Building Code.—

54        (10) The following buildings, structures, and facilities  
55 are exempt from the Florida Building Code as provided by law,  
56 and any further exemptions shall be as determined by the  
57 Legislature and provided by law:

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

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60 With the exception of paragraphs (a), (b), (c), and (f), in  
61 order to preserve the health, safety, and welfare of the public,  
62 the Florida Building Commission may, by rule adopted pursuant to  
63 chapter 120, provide for exceptions to the broad categories of  
64 buildings exempted in this section, including exceptions for  
65 application of specific sections of the code or standards  
66 adopted therein. The Department of Agriculture and Consumer  
67 Services shall have exclusive authority to adopt by rule,  
68 pursuant to chapter 120, exceptions to nonresidential farm  
69 buildings exempted in paragraph (c) when reasonably necessary to  
70 preserve public health, safety, and welfare. The exceptions must  
71 be based upon specific criteria, such as under-roof floor area,  
72 aggregate electrical service capacity, HVAC system capacity, or  
73 other building requirements. Further, the commission may  
74 recommend to the Legislature additional categories of buildings,  
75 structures, or facilities which should be exempted from the  
76 Florida Building Code, to be provided by law. The Florida  
77 Building Code does not apply to temporary housing provided by  
78 the Department of Corrections to any prisoner in the state  
79 correctional system.

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

82 633.202 Florida Fire Prevention Code.—

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

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

87 2. "Drone port" has the same meaning as provided in s.

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88 330.41(2).

89 ~~3.2.~~ "Nonresidential farm building" has the same meaning as  
90 provided in s. 604.50.

91 (b) Notwithstanding any other provision of law:

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

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

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

104 a. Class 1: A nonresidential farm building that is used by  
105 the owner 12 or fewer times per year for agritourism activity  
106 with up to 100 persons occupying the structure at one time. A  
107 structure in this class is subject to annual inspection for  
108 classification by the local authority having jurisdiction. This  
109 class is not subject to the Florida Fire Prevention Code but is  
110 subject to rules adopted by the State Fire Marshal pursuant to  
111 this section.

112 b. Class 2: A nonresidential farm building that is used by  
113 the owner for agritourism activity with up to 300 persons  
114 occupying the structure at one time. A structure in this class  
115 is subject to annual inspection for classification by the local  
116 authority having jurisdiction. This class is not subject to the

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117 Florida Fire Prevention Code but is subject to rules adopted by  
118 the State Fire Marshal pursuant to this section.

119 c. Class 3: A structure or facility that is used primarily  
120 for housing, sheltering, or otherwise accommodating members of  
121 the general public. A structure or facility in this class is  
122 subject to annual inspection for classification by the local  
123 authority having jurisdiction. This class is subject to the  
124 Florida Fire Prevention Code.

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

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