

26 Regulations.

27 (d) "Drone port" means a stand-alone building that does
 28 not 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 by
 30 a drone delivery service for the storage, launch, landing, and
 31 observation of drones; was constructed using Type I or Type II
 32 construction as described in the Florida Building Code; and
 33 includes at least one stairwell that is compliant with the
 34 Florida Building Code.

35 (3) REGULATION.—

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

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,
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 provided in s.
 79 330.41(2).

80 ~~3.2.~~ "Nonresidential farm building" has the same meaning
 81 as provided in s. 604.50.

82 (b) Notwithstanding any other provision of law:

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

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

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

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

101 subject to rules adopted by the State Fire Marshal pursuant to
 102 this section.

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

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

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

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