

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.