

CHAPTER 2023-137

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1068

An act relating to drone delivery services; amending s. 330.41, F.S.; defining terms; prohibiting a political subdivision from taking certain actions against a drone delivery service based on the location of its drone port; authorizing a political subdivision to enforce certain regulations relating to setback and landscaping; providing construction; amending s. 553.73, F.S.; exempting drone ports from the Florida Building Code; amending s. 633.202, F.S.; defining the term “drone port”; exempting drone ports from certain provisions of the Florida Fire Prevention Code; providing an effective date.

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

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

330.41 Unmanned Aircraft Systems Act.—

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

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

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

(3) REGULATION.—

(c) Except as otherwise expressly provided, a political subdivision may not withhold issuance of a business tax receipt, development permit, or other use approval to a drone delivery service or enact or enforce an ordinance or resolution that prohibits a drone delivery service’s operation based on the location of its drone port, notwithstanding part II of chapter 163 and chapter 205. A political subdivision may enforce minimum setback and landscaping regulations that are generally applicable to permitted uses in the drone port

site's zoning district. This paragraph may not be construed to authorize a political subdivision to require additional landscaping as a condition of approval of a drone port.

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

553.73 Florida Building Code.—

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

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

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

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

633.202 Florida Fire Prevention Code.—

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

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

2. “Drone port” has the same meaning as provided in s. 330.41(2).

3.2. “Nonresidential farm building” has the same meaning as provided in s. 604.50.

(b) Notwithstanding any other provision of law:

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

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

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

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

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

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

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

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

Approved by the Governor May 25, 2023.

Filed in Office Secretary of State May 25, 2023.