

26 engaged in a business or profession of delivering goods via
27 drone and who is governed by Title 14 of the Code of Federal
28 Regulations.

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

37 (3) REGULATION.—

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

50 Section 2. Paragraph (1) is added to subsection (10) of

51 section 553.73, Florida Statutes, to read:

52 553.73 Florida Building Code.—

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

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

58

59 With the exception of paragraphs (a), (b), (c), and (f), in
60 order to preserve the health, safety, and welfare of the public,
61 the Florida Building Commission may, by rule adopted pursuant to
62 chapter 120, provide for exceptions to the broad categories of
63 buildings exempted in this section, including exceptions for
64 application of specific sections of the code or standards
65 adopted therein. The Department of Agriculture and Consumer
66 Services shall have exclusive authority to adopt by rule,
67 pursuant to chapter 120, exceptions to nonresidential farm
68 buildings exempted in paragraph (c) when reasonably necessary to
69 preserve public health, safety, and welfare. The exceptions must
70 be based upon specific criteria, such as under-roof floor area,
71 aggregate electrical service capacity, HVAC system capacity, or
72 other building requirements. Further, the commission may
73 recommend to the Legislature additional categories of buildings,
74 structures, or facilities which should be exempted from the
75 Florida Building Code, to be provided by law. The Florida

76 Building Code does not apply to temporary housing provided by
 77 the Department of Corrections to any prisoner in the state
 78 correctional system.

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

81 633.202 Florida Fire Prevention Code.—

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

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

86 2. "Drone port" has the same meaning as provided in s.
 87 330.41(2).

88 ~~3.2.~~ "Nonresidential farm building" has the same meaning
 89 as provided in s. 604.50.

90 (b) Notwithstanding any other provision of law:

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

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

98 3. Except for an agricultural pole barn, a structure on a
 99 farm, as defined in s. 823.14(3)(c), which is used by an owner
 100 for agritourism activity, as defined in s. 570.86, for which the

101 owner receives consideration must be classified in one of the
102 following classes:

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

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

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

124 4. A drone port is exempt from provisions of the Florida
125 Fire Prevention Code, including national codes and the Life

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126 | Safety Code incorporated by reference, concerning fire
127 | protection systems as defined in s. 633.102.

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