

By the Committee on Community Affairs; and Senators Perry and Baxley

578-02661-21

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1 A bill to be entitled
 2 An act relating to home-based businesses; creating s.
 3 559.955, F.S.; providing legislative findings and
 4 intent; specifying conditions under which a business
 5 is considered a home-based business; providing
 6 requirements for home-based businesses; authorizing a
 7 home-based business to operate in a residential zone
 8 under certain circumstances; specifying that home-
 9 based businesses are subject to certain business
 10 taxes; prohibiting a local government from taking
 11 certain actions relating to home-based businesses;
 12 providing construction; providing an effective date.

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

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 16 Section 1. Section 559.955, Florida Statutes, is created to
 17 read:

18 559.955 Home-based businesses; legislative findings and
 19 intent; preemption.—

20 (1) It is the intent of the Legislature to encourage small
 21 and home-based business enterprises. To that end, the
 22 Legislature finds that:

23 (a) Small and home-based businesses are a critical part of
 24 the economy of this state and provide unique and valuable
 25 benefits to the communities in which they are located.

26 (b) Residential property is often the most valuable asset
 27 owned by a potential small business entrepreneur.

28 (c) Residential property can be put to beneficial use by
 29 potential small business entrepreneurs in ways that are

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30 consistent with residential use.

31 (2) (a) For purposes of this section, a business is
32 considered a home-based business if:

33 1. The business is consistent with the residential
34 character of the dwelling unit;

35 2. The business is subordinate to the use of the dwelling
36 unit for residential purposes and requires no external
37 modifications that detract from the residential appearance of
38 the dwelling unit; and

39 3. The business uses no equipment or process that creates
40 noise, vibration, heat, smoke, dust, glare, fumes, odors, or
41 electrical or electronic interference detectable by neighbors.

42 (b) A home-based business must meet all of the following
43 requirements:

44 1. The employees of the home-based business who work at the
45 residential dwelling must also reside in the residential
46 dwelling, except that up to a total of two employees or
47 independent contractors who do not reside at the residential
48 dwelling may work at the business.

49 2. Parking related to the business activities of the home-
50 based business must comply with all local or state parking
51 regulations.

52 3. Business activities related to hours of operation and
53 business activities conducted outside of the primary residential
54 structure, including exterior signage displays or exterior
55 storage, must comply with all local regulations.

56 4. The activities of the home-based business must be
57 secondary to the property's use as a residential dwelling.

58 5. All home-based business activities must comply with any

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59 relevant local, state, and federal regulations with respect to
60 the use, storage, or disposal of any corrosive, combustible, or
61 other hazardous or flammable materials or liquids.

62 (3) A home-based business that operates from a residential
63 property as provided in subsection (2):

64 (a) May operate in an area zoned for residential use;

65 (b) May not be prohibited, restricted, regulated, or
66 licensed in a manner that is different from other businesses in
67 a local government's jurisdiction; and

68 (c) Is only subject to applicable business taxes under
69 chapter 205 in the county and municipality in which the home-
70 based business is located.

71 (4) Local governments may not enact or enforce any
72 ordinance, regulation, or policy, or take any action to
73 otherwise regulate a home-based business, other than as provided
74 in this section.

75 (5) This section does not supersede any current or future
76 declaration of condominium adopted pursuant to chapter 718,
77 cooperative document adopted pursuant to chapter 719, or
78 declaration of covenants adopted pursuant to chapter 720.

79 Section 2. This act shall take effect July 1, 2021.