

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Giallombardo offered the following:

Amendment to Amendment (355386) (with title amendment)

Remove lines 8-96 of the amendment and insert:

559.955 Home-based businesses; local government
restrictions.-

(1) Local governments may not enact or enforce any
ordinance, regulation, or policy or take any action to license
or otherwise regulate a home-based business in violation of this
section.

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

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

493311

Approved For Filing: 4/29/2021 4:08:08 PM

Amendment No.

14 (b) May not be prohibited, restricted, regulated, or
15 licensed in a manner that is different from other businesses in
16 a local government's jurisdiction, except as otherwise provided
17 in this section.

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

21 (3) For purposes of this section, a business is considered
22 a home-based business if it operates, in whole or in part, from
23 a residential property and meets the following criteria:

24 (a) The employees of the business who work at the
25 residential dwelling must also reside in the residential
26 dwelling, except that up to a total of two employees or
27 independent contractors who do not reside at the residential
28 dwelling may work at the business. The business may have
29 additional remote employees that do not work at the residential
30 dwelling.

31 (b) Parking related to the business activities of the
32 home-based business complies with local zoning requirements and
33 the need for parking generated by the business may not be
34 greater in volume than would normally be expected at a similar
35 residence where no business is conducted. Local governments may
36 regulate the use of vehicles or trailers operated or parked at
37 the business or on a street right-of-way, provided that such
38 regulations are not more stringent than those for a residence

493311

Approved For Filing: 4/29/2021 4:08:08 PM

Amendment No.

39 where no business is conducted. Vehicles and trailers used in
40 connection with the business must be parked in legal parking
41 spaces that are not located within the right-of-way, on or over
42 a sidewalk, or on any unimproved surfaces at the residence.
43 Local governments may regulate the parking or storage of heavy
44 equipment at the business which is visible from the street or
45 neighboring property. For purposes of this paragraph, the term
46 "heavy equipment" means commercial, industrial, or agricultural
47 vehicles, equipment, or machinery.

48 (c) As viewed from the street, the use of the residential
49 property is consistent with the uses of the residential areas
50 that surround the property. External modifications made to a
51 residential dwelling to accommodate a home-based business must
52 conform to the residential character and architectural
53 aesthetics of the neighborhood. The home-based business may not
54 conduct retail transactions at a structure other than the
55 residential dwelling; however, incidental business uses and
56 activities may be conducted at the residential property.

57 (d) The activities of the home-based business are
58 secondary to the property's use as a residential dwelling.

59 (e) The business activities comply with any relevant local
60 or state regulations with respect to signage and equipment or
61 processes that create noise, vibration, heat, smoke, dust,
62 glare, fumes, or noxious odors. Any local regulations on a
63 business with respect to noise, vibration, heat, smoke, dust,

493311

Approved For Filing: 4/29/2021 4:08:08 PM

Amendment No.

64 glare, fumes, or noxious odors may not be more stringent than
65 those that apply to a residence where no business is conducted.

66 (f) All business activities comply with any relevant
67 local, state, and federal regulations with respect to the use,
68 storage, or disposal of any corrosive, combustible, or other
69 hazardous or flammable materials or liquids. Any local
70 regulations on a business with respect to the use, storage, or
71 disposal of any corrosive, combustible, or other hazardous or
72 flammable materials or liquids may not be more stringent than
73 those that apply to a residence where no business is conducted.

74 (4) Any adversely affected current or prospective home-
75 based business owner may challenge any local government action
76 in violation of this section. The prevailing party in a
77 challenge may recover reasonable attorney fees and costs
78 incurred in challenging or defending the action, including
79 reasonable appellate attorney fees and costs.

80 Section 2. The application of this act does not supersede:

81 (1) Any current or future declaration or declaration of
82 condominium adopted pursuant to chapter 718, Florida Statutes,
83 cooperative document adopted pursuant to chapter 719, Florida
84 Statutes, or declaration or declaration of covenant adopted
85 pursuant to chapter 720, Florida Statutes.

86 (2) Local laws, ordinances, or regulations related to
87 transient public lodging establishments, as defined in s.

493311

Approved For Filing: 4/29/2021 4:08:08 PM

Amendment No.

88 509.013(4)(a)1., Florida Statutes, that are not otherwise
89 preempted under chapter 509, Florida Statutes.

90
91 -----

T I T L E A M E N D M E N T

92 Remove lines 105-119 of the amendment and insert:
93 559.955, F.S.; prohibiting local governments from
94 taking certain actions relating to the licensure and
95 regulation of home-based businesses; specifying
96 conditions under which a business is considered a
97 home-based business; defining the term "heavy
98 equipment"; authorizing home-based businesses to
99 operate in areas zoned for residential use; specifying
100 that home-based businesses are subject to certain
101 business taxes; authorizing adversely affected current
102 or prospective home-based business owners to challenge
103 certain local government actions; authorizing the
104 prevailing party in such challenge to recover
105 specified attorney fees and costs; providing that
106 certain existing and future residential association
107 declarations and documents are not superseded by the
108 act; providing that certain local laws, ordinances, or
109 regulations are not are not superseded by the act;
110 providing an effective date.
111

493311

Approved For Filing: 4/29/2021 4:08:08 PM