

1                                   A bill to be entitled  
 2           An act relating to home-based businesses; creating s.  
 3           559.955, F.S.; specifying conditions under which a  
 4           business is considered a home-based business;  
 5           authorizing a home-based business to operate in a  
 6           residential zone under certain circumstances;  
 7           prohibiting a local government from certain actions  
 8           relating to the licensure and regulation of home-based  
 9           businesses; authorizing specified business owners to  
 10          challenge certain local government actions;  
 11          authorizing the prevailing party to recover specified  
 12          attorney fees and costs; providing that certain  
 13          existing and future residential association  
 14          declarations and documents are not superseded by this  
 15          act; providing an effective date.

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

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 19           Section 1. Section 559.955, Florida Statutes, is created  
 20 to read:

21           559.955 Home-based businesses; local government  
 22 restrictions.-

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

26 (a) The employees of the home-based business who work at  
 27 the residential dwelling also reside in the residential  
 28 dwelling, except that up to two employees who do not reside at  
 29 the residential dwelling may work at the residential dwelling.  
 30 However, employees of the home-based business who do not  
 31 primarily work at the residential dwelling are not required to  
 32 reside in the dwelling.

33 (b) Parking related to the business activities of the  
 34 home-based business complies with local zoning requirements.

35 (c) As viewed from the street, the use of the residential  
 36 property is consistent with the uses of the residential areas  
 37 that surround the property. However, incidental and short-term  
 38 business uses and activities may be conducted at the residential  
 39 property.

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

42 (2) A home-based business that operates from a residential  
 43 property as provided in subsection (1):

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

45 (b) May not be prohibited, restricted, regulated, or  
 46 licensed in a manner that is different from other businesses in  
 47 a local government's jurisdiction.

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

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

55       (4) Any adversely affected current or prospective home-  
56 based business owner may challenge any local government action  
57 in violation of this section. The prevailing party in a  
58 challenge may recover reasonable attorney fees and costs  
59 incurred in challenging or defending the action, including  
60 reasonable appellate attorney fees and costs.

61       Section 2. The application of this act shall not supersede  
62 any current or future declaration or declaration of condominium  
63 adopted pursuant to chapter 718, Florida Statutes, cooperative  
64 document adopted pursuant to chapter 719, Florida Statutes, or  
65 declaration or declaration of covenant adopted pursuant to  
66 chapter 720, Florida Statutes.

67       Section 3. This act shall take effect July 1, 2021.