

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; providing an effective date.

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

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13           Section 1. Section 559.955, Florida Statutes, is created  
14   to read:

15           559.955 Home-based businesses; local government  
16   restrictions.-

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

20           (a) The employees of the home-based business who work at  
21   the residential dwelling also reside in the residential  
22   dwelling, except that up to two employees who do not reside at  
23   the residential dwelling may work at the residential dwelling.  
24   However, other employees of the home-based business who do not  
25   primarily work at the residential dwelling are not required to

26 reside in the dwelling.

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

29 (c) As viewed from the street, the use of the residential  
30 property is consistent with the uses of the residential areas  
31 that surround the property. However, incidental and short-term  
32 business uses and activities may be conducted at the residential  
33 property.

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

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

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

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

42 (c) Shall only be subject to applicable business taxes  
43 under chapter 205 in the county and municipality in which the  
44 home-based business is located.

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

49 (4) A party may challenge any local government action in  
50 violation of this section. The prevailing party in a challenge

51 | is entitled to recover reasonable attorney fees and costs  
52 | incurred in challenging or defending the action, including  
53 | reasonable appellate attorney fees and costs.

54 |       Section 2. This act shall take effect July 1, 2020.