

By Senator Perry

8-00638-21

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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; authorizing a
6 home-based business to operate in a residential zone
7 under certain circumstances; preempting to the state
8 the ability to regulate or license home-based
9 businesses; prohibiting a local government from
10 certain actions relating to the licensure and
11 regulation of home-based businesses; providing an
12 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) For purposes of this section, a business is considered
32 a home-based business if it operates, in whole or in part, from
33 a residential property and meets the following criteria:

34 (a) The employees of the home-based business reside in the
35 residential dwelling or are immediate family members of
36 residents of the dwelling, except that up to two employees are
37 not required to be related to a resident of or reside in the
38 dwelling.

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

41 (c) The business activities of the home-based business do
42 not generate a substantial increase in any of the following:

43 1. Traffic.

44 2. Noise.

45 3. Waste or recycling.

46 (d) As viewed from the street, the use of the residential
47 property is consistent with the uses of the residential areas
48 that surround the property.

49 (e) The activities of the home-based business are secondary
50 to the property's use as a residential dwelling.

51 (3) (a) A home-based business that operates from a
52 residential property as provided in subsection (2) may operate
53 in an area zoned for residential use.

54 (b) A residential dwelling that is used as a home-based
55 business must meet the applicable standards of the Florida
56 Building Code.

57 (4) The licensure and regulation of home-based businesses
58 is preempted to the state, and local governments may not enact

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59 or enforce any ordinance, regulation, or policy or take any
60 action to license or otherwise regulate a home-based business.

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