

By the Committees on Rules; and Community Affairs; and Senators Perry and Baxley

595-04175-21

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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; defining the
7 term "heavy equipment"; authorizing a home-based
8 business to operate in an area zoned for residential
9 use; specifying that home-based businesses are subject
10 to certain business taxes; providing prohibitions and
11 authorizations for local governmental actions relating
12 to home-based businesses; providing construction;
13 providing an effective date.

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

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

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

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

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

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

29 (c) Residential property can be put to beneficial use by

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30 potential small business entrepreneurs in ways that are
31 consistent with residential use.

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

34 1. The business is subordinate to the use of the dwelling
35 unit for residential purposes and requires no external
36 modifications that detract from the residential appearance of
37 the dwelling unit and that are visible from the street or
38 neighboring properties; and

39 2. The business uses no equipment or process that creates
40 noise, vibration, heat, smoke, dust, glare, fumes, or odors that
41 are plainly detectable from the street or neighboring
42 properties.

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

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

50 2. Traffic and the need for parking generated by the
51 business may not be greater in volume than would normally be
52 expected at a similar residence where no business is conducted.
53 Local governments may regulate the use of vehicles or trailers
54 operated or parked at the business or on a street right-of-way,
55 provided that such regulations are not more stringent than those
56 for a residence where no business is conducted. Vehicles and
57 trailers used in connection with the business must be parked in
58 legal parking spaces that are not located within the right-of-

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59 way, on or over a sidewalk, or on any unimproved surfaces at the
60 residence. Local governments may regulate the parking or storage
61 of heavy equipment at the business which is visible from the
62 street or neighboring property. For purposes of this
63 subparagraph, the term "heavy equipment" means commercial,
64 industrial, or agricultural vehicles, equipment, or machinery.
65 The term includes, but is not limited to, semi-trailers,
66 tractors, construction equipment, earth-moving equipment, cement
67 mixers, and any other similar equipment or machinery classified
68 as commercial by the manufacturer.

69 3. Business activities related to hours of operation and
70 business activities conducted outside of the primary residential
71 structure, including exterior signage displays or exterior
72 storage, must comply with all local regulations. However, a
73 local government may not impose any restriction on hours of
74 operation between 9 a.m. and 6 p.m.

75 4. The activities of the business must be secondary to the
76 property's use as a residential dwelling.

77 5. All business activities must comply with any relevant
78 local, state, and federal regulations with respect to the use,
79 storage, or disposal of any corrosive, combustible, or other
80 hazardous or flammable materials or liquids. Any local
81 regulations on a business with respect to the use, storage, or
82 disposal of any corrosive, combustible, or other hazardous or
83 flammable materials or liquids may not be more stringent than
84 those that apply to a residence where no business is conducted.

85 6. Any business transactions conducted at the business must
86 not take place in view of the street.

87 (3) A home-based business:

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

89 (b) Is subject to applicable business taxes under chapter

90 205 in the county and municipality in which the home-based

91 business is located.

92 (4) Local governments may not enact or enforce any

93 ordinance, regulation, or policy or take any action to otherwise

94 regulate a home-based business, other than as provided in this

95 section.

96 (5) (a) This section does not supersede any current or

97 future declaration of condominium adopted pursuant to chapter

98 718, cooperative document adopted pursuant to chapter 719, or

99 declaration of covenants adopted pursuant to chapter 720.

100 (b) This section does not prohibit local governments from

101 enacting or enforcing noise ordinances.

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