



355386

LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/AD/2R	.	Floor: CA
04/28/2021 10:37 AM	.	04/30/2021 11:41 AM
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Senator Perry moved the following:

1           **Senate Substitute for Amendment (809848) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Section 559.955, Florida Statutes, is created to  
7 read:

8           559.955 Home-based businesses; legislative findings and  
9 intent; preemption.-

10           (1) It is the intent of the Legislature to encourage small  
11 and home-based business enterprises. To that end, the



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12 Legislature finds that:

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

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

18 (c) Residential property can be put to beneficial use by  
19 potential small business entrepreneurs in ways that are  
20 consistent with residential use.

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

23 1. The business is subordinate to the use of the dwelling  
24 unit for residential purposes. External modifications made to a  
25 residential dwelling to accommodate a home-based business must  
26 conform to the residential character and architectural  
27 aesthetics of the neighborhood; and

28 2. The business activities comply with any local or state  
29 regulations with respect to signage and equipment or processes  
30 that create noise, vibration, heat, smoke, dust, glare, fumes,  
31 or noxious odors.

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

34 1. The employees of the business who work at the  
35 residential dwelling must also reside in the residential  
36 dwelling, except that up to a total of two employees or  
37 independent contractors who do not reside at the residential  
38 dwelling may work at the business.

39 2. Traffic and the need for parking generated by the  
40 business may not be greater in volume than would normally be



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41 expected at a similar residence where no business is conducted.  
42 Local governments may regulate the use of vehicles or trailers  
43 operated or parked at the business or on a street right-of-way,  
44 provided that such regulations are not more stringent than those  
45 for a residence where no business is conducted. Vehicles and  
46 trailers used in connection with the business must be parked in  
47 legal parking spaces that are not located within the right-of-  
48 way, on or over a sidewalk, or on any unimproved surfaces at the  
49 residence. Local governments may regulate the parking or storage  
50 of heavy equipment at the business which is visible from the  
51 street or neighboring property. For purposes of this  
52 subparagraph, the term "heavy equipment" means commercial,  
53 industrial, or agricultural vehicles, equipment, or machinery.  
54 The term includes, but is not limited to, semi-trailers,  
55 tractors, construction equipment, earth-moving equipment, cement  
56 mixers, and any other similar equipment or machinery classified  
57 as commercial by the manufacturer.

58 3. Business activities related to hours of operation and  
59 business activities conducted outside of the primary residential  
60 structure, including exterior signage displays or exterior  
61 storage, must comply with all local regulations. However, a  
62 local government may not impose any restriction on hours of  
63 operation between 9 a.m. and 6 p.m.

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

66 5. All business activities must comply with any local,  
67 state, and federal regulations with respect to the use, storage,  
68 or disposal of any corrosive, combustible, or other hazardous or  
69 flammable materials or liquids. Any local regulations on a



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70 business with respect to the use, storage, or disposal of any  
71 corrosive, combustible, or other hazardous or flammable  
72 materials or liquids may not be more stringent than those that  
73 apply to a residence where no business is conducted.

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

76 (3) A home-based business:

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

78 (b) Is subject to applicable business taxes under chapter  
79 205 in the county and municipality in which the home-based  
80 business is located.

81 (4) Local governments may not enact or enforce any  
82 ordinance, regulation, or policy or take any action to otherwise  
83 regulate a home-based business, other than as provided in this  
84 section.

85 (5) Any adversely affected current or prospective home-  
86 based business owner may challenge any local government action  
87 in violation of this section. The prevailing party in a  
88 challenge may recover reasonable attorney fees and costs  
89 incurred in challenging or defending the action, including  
90 reasonable appellate attorney fees and costs.

91 (6) (a) This section does not supersede any current or  
92 future declaration of condominium adopted pursuant to chapter  
93 718, cooperative document adopted pursuant to chapter 719, or  
94 declaration of covenants adopted pursuant to chapter 720.

95 (b) This section does not prohibit local governments from  
96 enacting or enforcing noise ordinances.

97 Section 2. This act shall take effect July 1, 2021.  
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99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:

101 Delete everything before the enacting clause

102 and insert:

103 A bill to be entitled

104 An act relating to home-based businesses; creating s.  
105 559.955, F.S.; providing legislative findings and  
106 intent; specifying conditions under which a business  
107 is considered a home-based business; providing  
108 requirements for home-based businesses; defining the  
109 term "heavy equipment"; authorizing a home-based  
110 business to operate in an area zoned for residential  
111 use; specifying that home-based businesses are subject  
112 to certain business taxes; providing prohibitions and  
113 authorizations for local governmental actions relating  
114 to home-based businesses; authorizing adversely  
115 affected current or prospective home-based business  
116 owners to challenge certain local government actions;  
117 authorizing the prevailing party in such challenge to  
118 recover specified attorney fees and costs; providing  
119 construction; providing an effective date.