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LEGISLATIVE ACTION

Senate

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House

Floor: WD/2R

04/28/2021 10:37 AM

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Senator Polsky moved the following:

1           **Senate Amendment to Amendment (809848) (with title**  
2 **amendment)**

3  
4           Delete lines 7 - 88

5 and insert:

6           559.955 Home-based businesses; legislative findings and  
7 intent; preemption.-

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

10 Legislature finds that:

11           (a) Small and home-based businesses are a critical part of



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12 the economy of this state and provide unique and valuable  
13 benefits to the communities in which they are located.

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

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

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

21 1. The business is subordinate to the use of the dwelling  
22 unit for residential purposes and requires no external  
23 modifications that detract from the residential appearance of  
24 the dwelling unit and that are visible from the street or  
25 neighboring properties; and

26 2. The business uses no equipment or process that creates  
27 noise, vibration, heat, smoke, dust, glare, fumes, or odors that  
28 are plainly detectable from the street or neighboring  
29 properties.

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

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

37 2. Traffic and the need for parking generated by the  
38 business may not be greater in volume than would normally be  
39 expected at a similar residence where no business is conducted.  
40 Local governments may regulate the use of vehicles or trailers



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

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

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

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



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70 flammable materials or liquids may not be more stringent than  
71 those that apply to a residence where no business is conducted.

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

74 (3) A home-based business:

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

76 (b) Is subject to applicable business taxes under chapter  
77 205 in the county and municipality in which the home-based  
78 business is located.

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

83 (5) (a) This section does not supersede any current or  
84 future declaration of condominium adopted pursuant to chapter  
85 718, cooperative document adopted pursuant to chapter 719, or  
86 declaration of covenants adopted pursuant to chapter 720.

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

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

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91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete lines 96 - 110

94 and insert:

95 559.955, F.S.; providing legislative findings and  
96 intent; specifying conditions under which a business  
97 is considered a home-based business; providing  
98 requirements for home-based businesses; defining the



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99 term "heavy equipment"; authorizing a home-based  
100 business to operate in an area zoned for residential  
101 use; specifying that home-based businesses are subject  
102 to certain business taxes; providing prohibitions and  
103 authorizations for local governmental actions relating  
104 to home-based businesses; providing construction;  
105 providing an effective