

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; authorizing specified business owners to
 10 challenge certain local government actions;
 11 authorizing the prevailing party to recover specified
 12 attorney fees and costs; providing an 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
 17 to read:

18 559.955 Home-based businesses; local government
 19 restrictions.-

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

23 (a) The employees of the home-based business who work at
 24 the residential dwelling also reside in the residential
 25 dwelling, except that up to two employees who do not reside at

26 | the residential dwelling may work at the residential dwelling.
27 | However, employees of the home-based business who do not
28 | primarily work at the residential dwelling are not required to
29 | reside in the dwelling.

30 | (b) Parking related to the business activities of the
31 | home-based business complies with local zoning requirements.

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

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

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

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

42 | (b) May not be prohibited, restricted, regulated, or
43 | licensed in a manner that is different from other businesses in
44 | a local government's jurisdiction.

45 | (c) Is only subject to applicable business taxes under
46 | chapter 205 in the county and municipality in which the home-
47 | based business is located.

48 | (3) Local governments may not enact or enforce any
49 | ordinance, regulation, or policy, or take any action to license
50 | or otherwise regulate a home-based business in violation of this

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51 section.

52 (4) Any adversely affected current or prospective home-
53 based business owner may challenge any local government action
54 in violation of this section. The prevailing party in a
55 challenge may recover reasonable attorney fees and costs
56 incurred in challenging or defending the action, including
57 reasonable appellate attorney fees and costs.

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