



# City of Port St. Lucie

## "A City for All People"

May 12, 2021

The Honorable Ron DeSantis  
Governor, State of Florida  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

### City Council

**Gregory J. Oravec**  
Mayor

**Shannon Martin**  
Vice Mayor  
District 3

**Stephanie Morgan**  
District 1

**David Pickett**  
District 2

**Jolien Caraballo**  
District 4

Re: Veto Request for CS/HB 403 Home-Based Businesses

Dear Governor DeSantis:

This letter is sent on behalf of the City of Port St. Lucie City Council and serves to request that you veto CS/HB 403.

Please let there be no question of our City's support for entrepreneurship, as it and small business form a cornerstone of our community's prosperity. At the same time, let us also acknowledge another cornerstone of our community and so many others—the quality and character of our platted single family neighborhoods—and recognize that insufficiently regulated commercial uses in those single family homes can change the very nature of a single family residential neighborhood. In fact, we can share all kinds of examples, including cabinet shops in garages, automobile spray painting and many more.

As you know, zoning is a fundamental function of local government, and local governments should have the ability to balance the desire to operate a home-based business with the potential impacts on residential neighborhoods and residential property values. The primary purpose of zoning is to minimize incompatible uses and balance competing property rights. In practice, zoning is used to prevent new development or uses from unfairly interfering with existing uses.

The City of Port St. Lucie has crafted common-sense requirements regarding commercial uses of residential properties. Local ordinances account for the differing impacts on residential uses posed by specific business uses within a community. For example, low-intensity uses such as professional offices may be compatible with residential neighborhoods in some cases, while high-intensity uses such as a repair yard or a 24-hour gym may not be compatible under any condition.

During this session, the Florida League of Cities engaged in good faith negotiations with legislators and interested stakeholders to reach a reasonable compromise on home-based businesses. The result of those efforts was reflected in the Senate bill CS/CS/SB 266.

Unfortunately, the language before you in CS/HB 403 drastically departs from this compromise. The bill was amended on the last day of session to remove essential

elements needed to properly balance the desire to operate a home-based business with the potential adverse impacts on the property rights of surrounding homeowners.

Key provisions supported by the League of Cities that were included in CS/CS/SB 266 but were not included in CS/HB 403 include:

- The ability for local governments to set common-sense limitations on hours of operation. CS/HB 403 prohibits local governments from regulating a home-based business differently from other businesses in a commercial zone. The hours of operation for a business in a commercial district may not be appropriate for a business in a residential neighborhood.
- The ability for local governments to place limits on business signs, exterior storage and traffic generated by a home-based business. Again, these types of matters should be tailored to the residential setting where a home-based business operates rather than defaulting to the same regulations used in commercial or industrial zones.
- The ability for local governments to prohibit business activities from occurring within view of the street.

The passage of CS/HB 403 was extremely contentious in the Florida Senate, where on the last day of the 2021 Session, the bill narrowly passed on a 19-18 vote. In what appears to be a clear violation of Senate rules, three senators who were present in the Senate chamber failed to record a vote. The Senate subsequently requested the House return the bill to allow the Senate to take a valid vote. The House adjourned sine die prior to responding to the Senate's request.

If allowed to become law, CS/HB 403 will be a significant preemption of Home Rule powers and the ability of local government to balance competing property rights. Additionally, the bill will void existing local ordinances or regulations that have tailored unique solutions to homeowner and business concerns. For these reasons, the City of Port St. Lucie requests you veto CS/HB 403.

Thank you for your leadership and your consideration on this matter.

Sincerely



Gregory J. Oravec  
Mayor

cc: Vice Mayor & City Council  
City Manager  
City Attorney