

By Senator Brodeur

9-01409-21

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1 A bill to be entitled
2 An act relating to cottage food operations; providing
3 a short title; amending s. 500.03, F.S.; revising the
4 definition of "cottage food operation"; amending s.
5 500.80, F.S.; increasing the annual gross sales
6 limitation for exempting cottage food operations from
7 certain food and building permitting requirements;
8 authorizing the sale, offer for sale, acceptance of
9 payment, and delivery of cottage food products by
10 mail; preempting the regulation of cottage food
11 operations to the state; prohibiting local governments
12 from prohibiting or regulating cottage food
13 operations; providing an effective date.

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

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17 Section 1. This act may be cited as the "Home Sweet Home
18 Act."

19 Section 2. Paragraph (j) of subsection (1) of section
20 500.03, Florida Statutes, is amended to read:

21 500.03 Definitions; construction; applicability.-

22 (1) For the purpose of this chapter, the term:

23 (j) "Cottage food operation" means a natural person or an
24 entity that ~~who~~ produces or packages cottage food products at
25 the his or her residence of the natural person or at the
26 residence of a natural person who has an ownership interest in
27 the entity, and sells such products in accordance with s.
28 500.80.

29 Section 3. Paragraph (a) of subsection (1) and subsections

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30 (2) and (6) of section 500.80, Florida Statutes, are amended to
31 read:

32 500.80 Cottage food operations.—

33 (1) (a) A cottage food operation must comply with the
34 applicable requirements of this chapter but is exempt from the
35 permitting requirements of s. 500.12 if the cottage food
36 operation complies with this section and has annual gross sales
37 of cottage food products that do not exceed \$250,000 ~~\$50,000~~.

38 (2) A cottage food operation may sell, offer for sale, and
39 accept payment for cottage food products over the Internet or by
40 mail order. ~~Such, but such~~ products may ~~must~~ be delivered in
41 person directly to the consumer, ~~or~~ to a specific event venue,
42 or by mail. A cottage food operation may not sell, offer for
43 sale, or deliver cottage food products ~~by mail order or~~ at
44 wholesale.

45 (6) The regulation of cottage food operations is preempted
46 to the state. A local law, ordinance, or regulation may not
47 prohibit a cottage food operation or regulate ~~must comply with~~
48 ~~all applicable county and municipal laws and ordinances~~
49 ~~regulating~~ the preparation, processing, storage, and sale of
50 cottage food products by a cottage food operation or from a
51 person's residence.

52 Section 4. This act shall take effect July 1, 2021.