

By the Committee on Rules; and Senator Brodeur

595-04535-21

20211294c1

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 the term "cottage food operation";
5 amending s. 500.80, F.S.; increasing the annual gross
6 sales limitation for exempting cottage food operations
7 from certain food and building permitting
8 requirements; authorizing the sale, offer for sale,
9 acceptance of payment, and delivery of cottage food
10 products by mail; preempting the regulation of cottage
11 food operations to the state; prohibiting local
12 governments from prohibiting cottage food operations
13 or regulating cottage food products by cottage food
14 operations; requiring cottage food operations to
15 comply with certain applicable county and municipal
16 laws and ordinances; providing an effective date.

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

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20 Section 1. This act may be cited as the "Home Sweet Home
21 Act."

22 Section 2. Paragraph (j) of subsection (1) of section
23 500.03, Florida Statutes, is amended to read:

24 500.03 Definitions; construction; applicability.—

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

26 (j) "Cottage food operation" means a natural person or an
27 entity that ~~who~~ produces or packages cottage food products at
28 the ~~his or her~~ residence of the natural person or at the
29 residence of a natural person who has an ownership interest in

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30 the entity, and sells such products in accordance with s.
31 500.80.

32 Section 3. Paragraph (a) of subsection (1) and subsections
33 (2) and (6) of section 500.80, Florida Statutes, are amended to
34 read:

35 500.80 Cottage food operations.—

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

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

48 (6) The regulation of cottage food operations is preempted
49 to the state. A local law, ordinance, or regulation may not
50 prohibit a cottage food operation or regulate ~~must comply with~~
51 ~~all applicable county and municipal laws and ordinances~~
52 ~~regulating~~ the preparation, processing, storage, or and sale of
53 cottage food products by a cottage food operation; however, a
54 cottage food operation must comply with all applicable county
55 and municipal laws and ordinances regulating traffic, parking,
56 noise, signage, and hours of retail operation ~~or from a person's~~
57 ~~residence.~~

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