

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, and delivery of
 9 cottage food products by mail; preempting the
 10 regulation of cottage food operations to the state;
 11 prohibiting local governments from prohibiting cottage
 12 food operations or regulating cottage food products by
 13 cottage food operations; requiring cottage food
 14 operations to comply with certain conditions for the
 15 operation of home-based businesses; providing a
 16 contingent 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
 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 United States Postal Service or commercial mail delivery
 46 service. A cottage food operation may not sell, offer for sale,
 47 or deliver cottage food products ~~by mail order or~~ at 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 the conditions for the~~
55 ~~operation of a home-based business under s. 559.955 ~~or from a~~~~
56 ~~person's residence.~~

57 Section 4. This act shall take effect on the same date
58 that HB 403 or similar legislation takes effect, if such
59 legislation is adopted in the same legislative session or an
60 extension thereof and becomes a law.