

ENROLLED

CS/HB 663, Engrossed 1

2021 Legislature

1  
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.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
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:

ENROLLED

CS/HB 663, Engrossed 1

2021 Legislature

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~~

ENROLLED

CS/HB 663, Engrossed 1

2021 Legislature

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.