

CHAPTER 2021-211

Committee Substitute for House Bill No. 663

An act relating to cottage food operations; providing a short title; amending s. 500.03, F.S.; revising the definition of “cottage food operation”; amending s. 500.80, F.S.; increasing the annual gross sales limitation for exempting cottage food operations from certain food and building permitting requirements; authorizing the sale, offer for sale, and delivery of cottage food products by mail; preempting the regulation of cottage food operations to the state; prohibiting local governments from prohibiting cottage food operations or regulating cottage food products by cottage food operations; requiring cottage food operations to comply with certain conditions for the operation of home-based businesses; providing a contingent effective date.

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

Section 1. This act may be cited as the “Home Sweet Home Act.”

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

500.03 Definitions; construction; applicability.—

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

(j) “Cottage food operation” means a natural person or an entity that who produces or packages cottage food products at the his or her residence of the natural person or at the residence of a natural person who has an ownership interest in the entity, and sells such products in accordance with s. 500.80.

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

500.80 Cottage food operations.—

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

(2) A cottage food operation may sell, offer for sale, and accept payment for cottage food products over the Internet or by mail order. ~~Such, but such~~ products may ~~must~~ be delivered in person directly to the consumer, ~~or to a specific event venue, or by United States Postal Service or commercial mail delivery service.~~ A cottage food operation may not sell, offer for sale, or deliver cottage food products ~~by mail order or~~ at wholesale.

(6) The regulation of cottage food operations is preempted to the state. A local law, ordinance, or regulation may not prohibit a cottage food operation or regulate must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, or and sale of cottage food products by a cottage food operation; however, a cottage food operation must comply with the conditions for the operation of a home-based business under s. 559.955 or from a person's residence.

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.