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Cottage Food Law Statutes:

*Florida*



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# A National Agricultural Law Center Research Publication

## Cottage Food Laws: Florida

### Florida Statutes § 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 produces or packages cottage food products at the 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.

(k) “Cottage food product” means food that is not a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

...

**History.**—s. 2, ch. 19656, 1939; CGL 1940 Supp. 4151(666); s. 7, ch. 22858, 1945; s. 1, ch. 59-302; s. 1, ch. 63-259; s. 1, ch. 67-345; ss. 14, 19, 35, ch. 69-106; s. 1, ch. 71-261; s. 186, ch. 71-377; s. 134, ch. 73-333; s. 415, ch. 77-147; s. 4, ch. 82-225; s. 119, ch. 83-218; s. 3, ch. 87-388; s. 8, ch. 92-180; s. 3, ch. 94-180; s. 2, ch. 95-314; s. 16, ch. 97-220; s. 20, ch. 2000-364; s. 54, ch. 2004-64; s. 2, ch. 2007-67; s. 1, ch. 2010-25; s. 19, ch. 2011-205; s. 32, ch. 2014-150; s. 4, ch. 2016-61; s. 2, ch. 2021-211.

### § 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.

(b) For purposes of this subsection, a cottage food operation’s annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation’s annual gross sales.

(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



products may be delivered in person directly to the consumer, 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 at wholesale.

- (3) A cottage food operation may only sell cottage food products which are prepackaged with a label affixed that contains the following information:
  - (a) The name and address of the cottage food operation.
  - (b) The name of the cottage food product.
  - (c) The ingredients of the cottage food product, in descending order of predominance by weight.
  - (d) The net weight or net volume of the cottage food product.
  - (e) Allergen information as specified by federal labeling requirements.
  - (f) If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.
  - (g) The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: “Made in a cottage food operation that is not subject to Florida’s food safety regulations.”
- (4) A cottage food operation may only sell cottage food products that it stores on the premises of the cottage food operation.
- (5) This section does not exempt a cottage food operation from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations.
- (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 the preparation, processing, storage, or 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.
- (7)
  - (a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.
  - (b) Only upon receipt of a complaint, the department’s authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules, as applicable. A cottage food operation’s refusal to permit the department’s authorized officer or employee



entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to s. 500.121.

(8) This section does not apply to a person operating under a food permit issued pursuant to s. 500.12.

**History.**—s. 21, ch. 2011-205; s. 1, ch. 2017-32; s. 3, ch. 2021-211.

