

Florida Cottage Food Act

November 27, 2012





Florida Cottage Food Act

- Cottage Food Act Overview
- Orange County Code
- Recommendation





Florida Cottage Food Act

- **House Bill 7209 passed during the 2011 Legislative session**
- **Allows individuals to make, sell and store certain types of “Cottage Food” products in an unlicensed home kitchen**
- **Defined as non-hazardous foods only - breads, cookies, baked goods, candies, jellies, jams, honey, granola, fruit pies, etc.**



Florida Cottage Food Act

- Cannot exceed \$15,000 in gross annual sales
- Must be from kitchen of single family domestic primary residence using non-commercial equipment
- Proper labeling is required





Florida Cottage Food Act

- **Products may be sold at farmer's markets, roadside stands, or directly to the consumer from the producer's home**
- **May not sell to restaurants, grocery stores, wholesale, or via the internet**
- **Florida Department of Agriculture & Consumer Services (FDACS) may investigate any complaint**



Florida Cottage Food Act

- **Currently being adopted in Florida with County Cooperative Extension Services providing education in food safety and requirements of the law**
- **Act is popular with local food producers and supplements incomes**
- **Orange County code prohibits implementation without Board action**



Florida Cottage Food Act: Zoning Status

- Cottage Food is governed by the County's definition of a home occupation
- State Law did not pre-empt local zoning regulation
- Definition of Home Occupation currently prohibits "Food Processing"



Florida Cottage Food Act: Zoning Amendment

- Amend Zoning Code to permit Cottage Food as a Home Occupation
- Update definition of Home Occupation
 - Cottage Food use permitted pursuant to standards established in State Statute
 - All other County Code requirements for Home Occupation continue to apply
 - No outdoor display of merchandise at the home
 - Only cottage food made on premises sold on premises
 - Owner/operator resides on premise
 - Maximum 25% floor area



Florida Cottage Food Act: Zoning Amendment Process

- **If County Commission directs staff to move this amendment forward:**
 - **Public hearing on amendment to Local Planning Agency/Planning & Zoning Commission (tentatively scheduled for December 20)**
 - **Adoption public hearing before Board of County Commissioners (January/February 2013)**



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Board Action Requested:

Board direction regarding amending the Zoning Code to allow for the implementation of the Florida Cottage Food Act

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