

# UF/IFAS Extension

## The Journey to Sustainability Begins with Education



# COTTAGE FOODS 101

## A Local Foods Enterprise Course

### Part #1



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# Course's Outline

## Part # 1

- Introduction & history of Cottage Food Laws in FL & U.S.
- Requirements of FL Cottage Foods Law
- Local foods availability for cottage foods enterprises
- Food safety for cottage foods production using canning and dehydration methods

# Course's Outline

## Part # 2

- Labeling requirements
- Overview of food safety issues
- Food safety in the home kitchen
- Marketing plans and requirements
- Beyond Cottage Foods

# Course Objectives

- Small business incubation of Cottage Foods enterprises for the greater Sarasota region
- Implementation of proper food safety protocols by Cottage Foods entrepreneurs
- Develop business & entrepreneurial skills
- Encouragement to be part of emerging local foods movement of greater Sarasota region

# Cottage Foods Images



# Cottage Foods Entrepreneurs Images



# FL Cottage Food Law



- 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



- See the video at

<http://www.abcactionnews.com/dpp/lifestyle/food/honey-added-to-the-list-of-cottage-foods-that-can-be-sold-without-licensing>



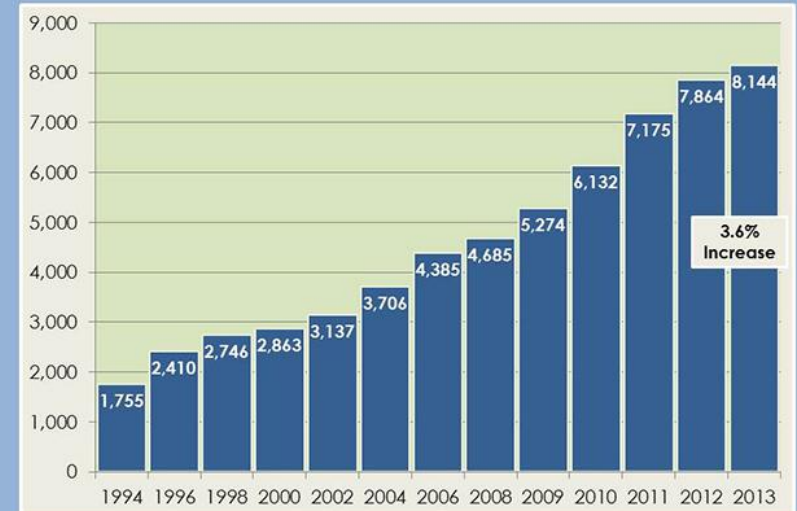
# Cottage Food Law Images



# Cottage Food Laws Nationwide

- ❖ Recent increase of cottage food laws nationwide parallels growth of local foods movement and farmers markets nationwide
- ❖ Resulted from grassroots based push to allow production & sales of non-potentially hazardous foods by individuals, outside expensive permitting & licensing procedures

National Count of Farmers Market Directory Listings



Source: USDA-AMS-Marketing Services Division

Farmers Market information is voluntary and self-reported to USDA-AMS-Marketing Services Division

# Cottage Food Laws Nationwide (2013)

## States that Allow Cottage Food Operations

Alabama	Maine	Ohio
Alaska	Maryland	Oregon
Arizona	Massachusetts	Pennsylvania
Arkansas	Michigan	Rhode Island
California	Minnesota	South Carolina
Colorado	Mississippi	South Dakota
Delaware	Missouri	Tennessee
Florida	Montana	Texas
Georgia	Nebraska	Utah
Illinois	Nevada	Vermont
Indiana	New Hampshire	Virginia
Iowa	New Mexico	Washington
Kentucky	New York	Wisconsin
Louisiana	North Carolina	Wyoming

## States that Do Not Allow Cottage Food Operations

Connecticut
District of Columbia
Hawaii
Idaho
Kansas
New Jersey
North Dakota
Oklahoma
West Virginia

# Cottage Food Laws Nationwide

- The type of foods approved by any state cottage food law may vary from those in other states.

## Broad List of Allowed Foods

e.g., “non-potentially hazardous foods, including...” or “non-potentially hazardous foods” generally

Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Iowa, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming

## Limited List of Allowed Foods

e.g., “non-potentially hazardous foods, limited to...”

Arkansas, Colorado, Illinois, Montana, Nevada, New Hampshire, Ohio

## Other (More Restrictive)

e.g., no home canned goods made using pressure cooker, primary ingredients must be grown by microprocessor, pickled products only

Indiana, Kentucky, Louisiana, Maine, Maryland, Minnesota, Oregon, Vermont, Wisconsin

# Cottage Food Laws Nationwide

- ❖ The type of sales approved by any state cottage food law may vary from those in other states.

## Direct to Consumer Sales Only

Alabama <sup>2</sup>	Mississippi
Alaska	Missouri
Arizona	Nebraska <sup>2</sup>
Arkansas <sup>1,2</sup>	Nevada <sup>1,2</sup>
Colorado <sup>2</sup>	New Mexico <sup>1,2</sup>
Delaware <sup>2</sup>	Oregon <sup>2</sup>
Florida <sup>1</sup>	Rhode Island <sup>2</sup>
Georgia	South Carolina
Illinois <sup>2</sup>	South Dakota
Indiana <sup>2</sup>	Tennessee
Iowa	Texas <sup>1,2</sup>
Kentucky <sup>1,2</sup>	Vermont <sup>2</sup>
Maryland <sup>2</sup>	Virginia <sup>2</sup>
Michigan <sup>1</sup>	Washington <sup>1,2</sup>
Minnesota <sup>2</sup>	Wisconsin <sup>2</sup>
	Wyoming <sup>2</sup>

## Indirect Sales Allowed e.g., restaurants, retail, wholesale

California  
Maine  
New Hampshire<sup>2</sup>  
Ohio  
Pennsylvania<sup>2</sup>

## No Information/No Requirement

Louisiana  
Massachusetts  
New York  
North Carolina  
Utah

**Key:** 1 (internet sales expressly prohibited); 2 (site limitation: e.g., farmers markets, producers' premises)

# Cottage Food Laws Nationwide

- ❖ The type of permits required by any state cottage food law may vary from those in other states.

## States that Have Some Sort of Registration, Permit, or License Requirement

Alaska  
Arizona  
California  
Colorado  
Delaware  
Georgia  
Illinois  
Kentucky  
Maine  
Massachusetts  
Nevada  
New Mexico  
Oregon  
Pennsylvania  
Rhode Island  
Tennessee  
Utah  
Washington

## States that Have No Registration, Permit, or License Requirement

Alabama  
Arkansas  
Florida  
Indiana  
Iowa  
Louisiana  
Maryland  
Michigan  
Minnesota  
Mississippi  
Missouri  
Montana  
Nebraska  
New Hampshire  
New York  
North Carolina  
Ohio  
South Carolina  
South Dakota  
Texas  
Vermont  
Virginia  
Wisconsin  
Wyoming

# Cottage Food Laws Nationwide

State	States with Sales Limits			
	\$500 to \$15,000	\$15,000 to \$25,000	\$25,000 and above	Other
Alaska			█	
California			█	
Colorado				█
Delaware			█	
Florida	█			
Illinois			█	
Indiana		█		
Iowa				█
Kentucky			█	
Louisiana	█			
Maryland				█
Michigan		█		
Minnesota	█			
Mississippi		█		
Nevada			█	
New Hampshire	█			
Oregon		█		
South Carolina				█
Tennessee				█
Texas			█	
Vermont	█			
Washington	█			
Wisconsin	█			

❖ The limits of sales approved by any state cottage food law may vary from those in other states.

# Cottage Food Laws Nationwide

- ❖ The limits of sales approved by any state cottage food law may vary from those in other states.

States with No Sales Limit		
Alabama Arizona Arkansas Georgia Indiana Maine Massachusetts	Missouri Montana Nebraska New Mexico New York North Carolina Ohio	Pennsylvania Rhode Island South Dakota Utah Virginia Wyoming



# Cottage Food Laws Nationwide

❖ The labeling required by any state cottage food law may vary from those in other states.

## States with Labeling Requirements

Alabama  
Alaska  
Arizona  
Arkansas  
California  
Colorado  
Delaware  
Florida  
Georgia  
Illinois  
Indiana  
Iowa  
Kentucky

Maine  
Maryland  
Massachusetts  
Michigan  
Minnesota  
Mississippi  
Missouri  
Nebraska  
Nevada  
New Hampshire  
New Mexico  
New York  
North Carolina  
Ohio

Oregon  
Pennsylvania  
Rhode Island  
South Carolina  
South Dakota  
Tennessee  
Texas  
Utah  
Virginia  
Washington  
Wisconsin  
Wyoming

## States with NO Labeling Requirements

Louisiana  
Montana  
Vermont

# FL Cottage Foods Law Overview

- Allows individuals to make, sell and store certain types of “Cottage Food” products in an unlicensed home kitchen using non-commercial equipment
- Defined as ‘non-hazardous’ foods only - breads, cookies, baked goods, candies, jellies, jams, honey, granola, fruit pies, etc.
- Proper labeling is required

# FL Cottage Foods Law Overview

- Products may be sold at farmer's markets, roadside stands, or directly to the consumer from the producers home
- Cannot exceed \$15,000 in gross annual sales
- Exempt from state permits but Florida Department of Agriculture & Consumer Services (FDACS) may investigate any complaint

# FL Cottage Foods Law Background

❖ Implementation of  
recommendations  
from a FDACS  
report in response  
to demands by FL  
small farmers

## SMALL FARMS: Recommendations to Minimize Costs While Ensuring Food Safety

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Presented to  
The President of the Senate  
and Speaker of the House  
December 31, 2010

Charles H. Bronson  
Commissioner of Agriculture

corrected January, 2011

# FDACS Small Farms Report Background

- ❖ 2010 legislation directed FL Dept of Agriculture & Consumer Services (FDACS) to
  - ❖ assess federal, state & local regulations that affect small farms sales of agricultural products
  - ❖ form the FL Food Safety & Food Defense Advisory Council to assess the food safety requirements of food permits that affect small farms facilities as food establishments
  - ❖ Develop recommendations based on a report from the Advisory Council by December 31, 2010

# FDACS Small Farms Report Background

- ❖ 2010 status of small farms which process, distribute or sell food products under FL Food Safety Act (Chapter 500 FL Statutes)
  - ❖ Must have a general food permit to operate
  - ❖ Permit fees based upon both risk & size of processing, e.g., supermarkets, convenience stores, etc
  - ❖ Under current regulations, small farms as food establishments subject to same requirements of other establishments

# FDACS Small Farms Report Background

- ❖ Advisory Council identified 4 foods of highest interest for recommendations of regulatory relief for small farmers
  - ❖ fresh eggs
  - ❖ poultry
  - ❖ honey
  - ❖ low risk jams, jellies, and preserves
- ❖ FL Cottage Food Law resulted from these recommendations

# FL Cottage Foods Law Details

## Florida Department of Agriculture and Consumer Services

Adam H. Putnam, Commissioner

## Division of Food Safety

January 2013

### Cottage Food Legislation Signed Into Law



The 2011 Florida Legislature enacted House Bill 7209 allowing individuals to manufacture, sell and store certain types of "cottage food" products in an unlicensed home kitchen.

Cottage food products include such items as breads, cakes, cookies, candies, jams, jellies, and fruit pies.

"Cottage food operations" as they are called require no license or permit from the Florida Department of Agriculture and Consumer Services (FDACS), and are



not inspected by any state government entity.

Gross sales for a cottage food operation must not exceed \$15,000 annually. Products must be sold directly by the cottage food operator to the consumer. Sales by Internet, mail order, consignment or at wholesale are prohibited.

Cottage food products must be labeled in accordance with the requirements as outlined in Section 500.80(5), Florida Statutes, and United States Code of Federal Regulations Title 21, Part 101.

All cottage food products, offered for sale to the general public, must be labeled: "Made in a cottage food operation that is not subject to Florida's food safety regulations."

The FDACS may investigate any complaint received against a cottage food operation.

The Division of Food Safety is pleased to provide cottage food op-

erators with general and specific information contained in this document.

If you are a prospective cottage food operator, please take some time to review this guidance document so that you are better informed about cottage food operation requirements.



### INSIDE

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### Quick Reference Definitions

**Cottage Food Operation** means a person who produces or packages cottage food products at his or her residence and sells such products in accordance with Section 500.80, Florida Statutes.

**Cottage Food Product** means food that is not a potentially hazardous food as defined by FDACS rule which is sold by a cottage food operation in accordance with Section 500.80, Florida Statutes.

**Residence** is defined to mean a primary residence that is occupied by an individual who operates a cottage food operation and that contains a single kitchen with appliances designed for common residential usage. The residence may only contain one stove or oven, which may be a double oven designed for non-commercial use.

**Potentially Hazardous Food** means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation; An animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.





# Definitions

- **Cottage food operation:** person who produces or packages cottage food products at their residence
- **Cottage food product:** Food that is not a potentially hazardous food and sold by a cottage food operation.

# Definitions

- **Potentially hazardous food (TCS):**  
Requires time and/or temperature control to limit microorganism growth or toxin formation
- **Residence:** Primary residence of an individual who operates a cottage food operation. Single kitchen with appliances designed for common residential use.

# Cottage Foods Requirements

- Exempt from FDACS permit
- \$15,000 gross sales limit
- Written documentation of sales
- Direct sales only
- Must meet local requirements

# Cottage Foods Requirements

- **Direct sales only:**
  - Cottage Food Operation
  - Roadside stands
  - Farmer's markets
- **No internet, mail order, wholesale, or restaurant sales**

# Cottage Foods Requirements

- Must meet all other local, federal, state requirements regulating cottage food operations
- Complaint-based inspections only
- Enforcement for non-compliance

# FL Cottage Foods Law Details

## Approved Foods

Loaf breads, rolls, biscuits
Cakes, pastries and cookies
Candies and confections
Honey
Jams, jellies and preserves
Fruit pies and dried fruits
Dry herbs, seasonings and mixtures
Homemade pasta
Cereals, trail mixes and granola
Coated or uncoated nuts
Vinegar and flavored vinegars
Popcorn, popcorn balls

## Not Approved Foods

Fresh or dried meat or meat products including jerky
Canned fruits and vegetables, chutneys, vegetable butters and jellies, flavored oils, hummus, garlic dip, salsas etc.
Fish or shellfish products
Canned pickled products such as corn relish, pickles, sauerkraut
Raw seed sprouts
Bakery goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings
Milk and dairy products including hard, soft and cottage cheeses and yogurt
Cut fresh fruits and/or vegetables. Juices made from fresh fruits or vegetables
Ice and/or ice products
Barbeque sauces, ketchups and/or mustards
Foccaccia-style breads with vegetables and/or cheeses

# Cottage Foods Requirements

## Labeling Requirements

- Name/Address of cottage operator
- Name of cottage food product
- Weight / Volume
- Ingredients list, descending order
- Allergen information\*
- Compliance statement\*\*

# Cottage Foods Requirements

- Allergen information

  - \* milk, egg, fish, shellfish, tree nuts, wheat, peanuts, soybeans*

- Compliance statement

  - \*\* Made in a cottage food operation that is not subject to Florida's food safety regulations.*

- MUST be in 10 point font and clear contrast to the label background.



# When Do I Have To Collect Sales Tax?

- Most food products are exempt from sales tax.
- FL Department of Revenue – Tax Information Publication: <http://tinyurl.com/FLtaxes>
- Exceptions
  - 1) Food sold for immediate consumption
  - 2) Candy or confections

# Examples of Tax Exempt Food Products

- Cereal and cereal products, baked goods, vegetables and vegetable products, fruit and fruit products, spices, honey, jams, jellies and preserves, salad dressing and dressing mixes, syrups, cake mixes
- \*Other items: pretzels, nuts, popcorn and crackers
  - \*For consumption off seller's premises

# Examples of Taxable Food Products

- Ice cream and frozen desserts, soft drinks, candy apples, candy/sugar/honey coated pretzels, grains or nuts, etc.

**Some food products are taxable when sold under various conditions**

## For Example:

- 1) Sold as complete meals on or off premises (Catering)
- 2) Sold for immediate consumption
- 3) Bakery products sold in a facility that has eating facilities

# Do I Need A Business Tax? Yes

- AKA business license or occupational license
- Step 1:
  - Register with the State of Florida as a Corporation or as a sole proprietor (DBA) - \$35 fee
  - Do that online at the Florida Department of State: ([www.sunbiz.org](http://www.sunbiz.org)) or call:
    - Doing Business As: 850-245-6058
    - Corporations: 850-245-6052
- Will need a Certificate of Registration (DBA) or Certificate of Status (Corporations)

# Check: Local Zoning Ordinances

- Home-based businesses are termed 'home occupations' in the Zoning Code.
- Home occupations meeting certain criteria are permitted in any residential district.
- Home occupations do not allow outside employees, exterior signage, stockpiling of materials.
- Business operating hours.

# Do I Need A Business Tax License?

- Step 2:

- Zoning Section

- Contact - Planning and Development Department in your city, or county.

- Let them know you are operating as a home occupation – will need to sign a disclosure form

- **Should receive a certificate of use from them**

# Do I Need A Business Tax License?

- Step 3:
- Take the copy of your **Certificate of Registration (DBA) or Certificate of Status (Corporations)** from the State
- Take a copy of your **Certificate of Use** from Planning and Zoning
- Go to your local Tax Collector's Office- **MUST APPLY IN PERSON** for Business Tax Receipt.

# Online Business Tax Receipt Resources

## ❖ Sarasota County

- [http://www.sarasotataxcollector.com/OL\\_PAGES/OL\\_GeneralInfo.htm](http://www.sarasotataxcollector.com/OL_PAGES/OL_GeneralInfo.htm)

## ❖ City of Venice

- [http://www.venicegov.com/Files/Forms/Plan\\_Zoning/Home\\_Occ\\_Brochure.pdf](http://www.venicegov.com/Files/Forms/Plan_Zoning/Home_Occ_Brochure.pdf)

## ❖ City of Sarasota

- [http://www.sarasotagov.com/NDS/Building/LBTR/Home\\_occ\\_license\\_app.pdf](http://www.sarasotagov.com/NDS/Building/LBTR/Home_occ_license_app.pdf)

## ❖ City of Northport

- <http://www.cityofnorthport.com/Modules/ShowDocument.aspx?documentid=6032>



# Local Foods Sources for Ingredients



## Four Seasons of FRESHNESS Florida Produce Availability *at a glance*

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
AVOCADOS												
BLUEBERRIES												
CABBAGE												
CARAMBOLA												
CARROTS												
CAULIFLOWER												
CELERY												
CHINESE CABBAGE												
CUCUMBERS												
EGGPLANT												
ENDIVE/ESCAROLE												
GRAPEFRUIT												
GREEN BEANS												
GREEN PEPPERS												
LIMES												
MANGOES												
ORANGES												
PARSLEY												
RADISHES												
SQUASH												
STRAWBERRIES												
SWEET CORN												
TANGERINES												
TOMATOES												

[www.Florida-Agriculture.com](http://www.Florida-Agriculture.com)



# Local Foods Sources for Ingredients

- **Online guides to local farms**

- **Sarasota Co Extension Website**

<http://sarasota.extension.ufl.edu/>

- See the “Local & Organic Foods Guide of Farms & Markets in Greater Sarasota Area”
- Guide includes numerous web-based search engines for local and organic farms in greater Sarasota area, such as



<http://fl.marketmaker.uiuc.edu/>



<http://eatlocalguide.com/sarasota/>



Local Farm Guide

<http://onlinedigeditions.com/publication/?i=177929&p=37>



<http://www.localharvest.org/>

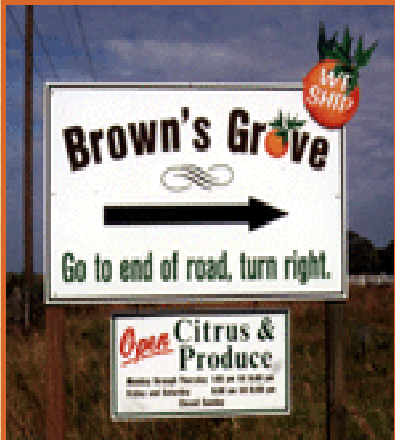
# Sarasota Local Foods Sources Examples



## Farmers Markets:

- Phillippi Farmhouse
- Downtown Sarasota
- Venice
- Englewood
- Siesta Key
- North Port
- Newtown

## Produce Stands



## On-Farm Sales

# FL Cottage Food Law

## Honey Production/Sales Example

### ❖ Exemptions:

- food permit requirements by the Florida Department of Agriculture and Consumer Services
- must bottle honey in a certified food establishment
- must include a nutritional food label on their honey should refer to the United States Code (USC) of Federal Regulations, Title 21, Part 101

# FL Cottage Food Law Honey Production/Sales Example

## ❖ In addition:

- 2012 Bee Preemption/Apiculture Bill allows backyard honey beekeeping and honey production now
- Still requires annual bee hive inspection and registration

<http://floridabeekeepers.org/CottageFoods.htm>

<http://www.flsenate.gov/Laws/Statutes/2012/586.10>

# 2012 Bee Preemption/Apiculture Bill

## Honey Beekeeping Zoning Regulations

### \* Rules\*

- 15' from property line
- Six foot flyover
- Fenced in yard
- ¼ acre or less three hives
- Special permit for parks
- Follow best management practices

# BEST MANAGEMENT PRACTICES FOR MAINTAINING EUROPEAN HONEY BEE COLONIES

1. This is a voluntary program designed to minimize the threat of Africanized Honey Bees (AHB) in Florida and to dilute any feral AHB populations that may become established in Florida as our gentle managed colonies are our best line of defense against AHB.
2. Beekeepers participating in this program must sign a compliance agreement with the Florida Department of Agriculture and Consumer Services.
3. Beekeepers will maintain a valid registration with the Florida Department of Agriculture and Consumer Services/Division of Plant Industry (FDACS/DPI), and be current with any and all special inspection fees.
4. A Florida apiary may be deemed as EHB (European Honey Bee) with a minimum 10% random survey of colonies using the FABIS (Fast African Bee Identification System) and/or the computer-assisted morphometric procedure, ie. universal system for the detection of Africanized Honey Bees (AHB) (USDA-ID), or other approved methods by FDACS on a yearly basis or as requested.
5. Honey bee colony divisions or splits should be queened with production queens or queen cells from EHB breeder queens following Florida's Best Management Practices.
6. Florida beekeepers are discouraged from collecting swarms that cannot be immediately re-queened from EHB queen producers.
7. Florida Beekeepers should practice good swarm prevention techniques to prevent an abundance of virgin queens and their ready mating with available AHB drones that carry the defensive trait.

# BEST MANAGEMENT PRACTICES FOR MAINTAINING EUROPEAN HONEY BEE COLONIES

8. Maintain all EHB colonies in a strong, healthy, populous condition to discourage usurpation (take over) swarms of AHB.
9. Do not allow any weak or empty colonies to exist in an Apiary, as they may be attractive to AHB swarms.
10. Recommend re-queening with European stock every six months unless using marked or clipped queens and having in possession a bill of sale from a EHB Queen Producer.
11. Immediately re-queen with a European Queen if previously installed clipped or marked queen is found missing.
12. Maintain one European drone source colony (250 square inches of drone comb) for every 10 colonies in order to reduce supercedure queens mating with AHB drones.
13. To protect public safety and reduce beekeeping liability do not site apiaries in proximity of tethered or confined animals, students, the elderly, general public, drivers on public roadways, or visitors where this may have a higher likelihood of occurring.
14. Treat all honey bees with respect.





# References

- Cottage Food Laws.com - <http://cottagefoodlaws.com/>
- Condra, A. 2013. Cottage Food Laws in the U.S. Harvard Law School Food Law Policy Clinic - [http://blogs.law.harvard.edu/foodpolicyinitiative/files/2013/08/FINAL\\_Cottage-Food-Laws-Report\\_2013.pdf](http://blogs.law.harvard.edu/foodpolicyinitiative/files/2013/08/FINAL_Cottage-Food-Laws-Report_2013.pdf)
- FL Department of State: Starting a Business - <http://www.sunbiz.org/startbus.html>
- FL Statutes: Cottage Food Operations - <http://www.flsenate.gov/Laws/Statutes/2012/500.80>
- Simone, A. 2013. 2011 Cottage Food Legislation. UF/IFAS Department of Family, Youth and Consumer Sciences.