

By Senator Garcia

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1 A bill to be entitled
2 An act relating to food delivery platforms; creating
3 s. 501.144, F.S.; defining terms; requiring food
4 delivery platforms to itemize and prominently and
5 clearly disclose certain costs and order information
6 to customers; prohibiting a food delivery platform
7 from taking certain actions regarding a public food
8 service establishment without prior written consent;
9 requiring a food delivery platform to provide certain
10 information to a public food service establishment;
11 prohibiting a food delivery platform from limiting
12 disputes by a public food service establishment under
13 certain circumstances; providing an effective date.

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

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17 Section 1. Section 501.144, Florida Statutes, is created to
18 read:

19 501.144 Food delivery platforms.—

20 (1) As used in this section, the term:

21 (a) "Alcoholic beverage" includes any beverage with more
22 than 1 percent of alcohol by weight.

23 (b) "Food delivery platform" means an online business that
24 acts as an intermediary between a customer and a public food
25 service establishment by allowing the customer to submit food
26 and beverage orders, including orders for alcoholic beverages,
27 to the participating public food service establishment and to
28 arrange for the delivery of the order from the public food
29 service establishment to the customer.

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30 (c) "Public food service establishment" has the same
31 meaning as in s. 509.013(5).

32 (d) "Purchase price" means the price, as listed on a public
33 food service establishment's menu, for the items contained in an
34 order, excluding fees, gratuities, and taxes that may make up
35 the total amount charged to the customer for an order.

36 (2) A food delivery platform shall:

37 (a) Itemize and prominently and clearly disclose the cost
38 breakdown of each transaction to a customer, including, but not
39 limited to, all of the following information:

40 1. The purchase price of the food or beverage.

41 2. Any commission, delivery fee, or promotional fee charged
42 to the customer by the food delivery platform.

43 3. Any tip or gratuity applied to the customer's order.

44 (b) Clearly and regularly disclose the status of the order
45 to a customer by providing, at a minimum, all of the following
46 information:

47 1. The method of delivery, including, if applicable, the
48 identification of the individual performing the delivery.

49 2. The anticipated date and time the order will be
50 delivered.

51 3. The address to which the order will be delivered.

52 4. Confirmation that the order has been successfully
53 delivered or that the delivery cannot be completed.

54 (3) (a) A food delivery platform may not list, promote, or
55 accept orders from a public food service establishment without
56 the prior written consent of that public food service
57 establishment.

58 (b) A food delivery platform shall provide, at a minimum,

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59 all of the following information to the public food service
60 establishment regarding each customer's order:

61 1. The customer's name and other identifying information
62 provided to the food delivery platform by the customer,
63 including, but not limited to, the customer's contact
64 information. For purposes of this subparagraph, the term
65 "identifying information" does not include a customer's bank
66 account number, credit card number, debit card number, or social
67 security number.

68 2. The date and content of the customer's order, including
69 whether the order is from a new or repeat customer.

70 3. The origination of the order, including, but not limited
71 to, whether the order was tied to a promotion and whether the
72 order was placed through the food delivery platform's
73 application or website.

74 4. The length of time it takes to deliver an order after
75 the order leaves the public food service establishment.

76 5. Any information relating to the status of the order
77 which the food delivery platform receives from the individual
78 performing the delivery or the customer.

79 (c) A food delivery platform shall clearly provide to each
80 public food service establishment its terms and conditions,
81 including, but not limited to:

82 1. The fees charged by the food delivery platform,
83 including, but not limited to, the specific rates for marketing,
84 delivery, and order processing.

85 2. The policies of the food delivery platform, including,
86 but not limited to, policies related to alcoholic beverages,
87 marketing, menus and prices, payment, and prohibited conduct.

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88 3. The insurance requirements for delivery partners of the
89 food delivery platform and the identification of the party
90 responsible for the cost of such insurance.

91 4. The identification of the party responsible for
92 collecting and remitting applicable sales taxes.

93 5. The penalties that may be assessed for violations of the
94 food delivery platform's policies, rules, or other requirements,
95 including the penalty rate and the process for appeal of the
96 penalty.

97 (d) A food delivery platform may not limit the value or
98 number of transactions that a public food service establishment
99 may dispute with respect to an order, goods, or delivery errors
100 to determine the responsibility for any errors and the
101 reconciliation of such errors.

102 Section 2. This act shall take effect July 1, 2023.