

1 A bill to be entitled  
2 An act relating to food delivery platforms; creating  
3 s. 509.103, F.S.; providing definitions; prohibiting  
4 food delivery platforms from processing orders from a  
5 food service establishment without the food service  
6 establishment's consent; requiring food delivery  
7 platforms to disclose certain information to the  
8 consumer; requiring food delivery platforms to provide  
9 food service establishments with a method of  
10 contacting and responding to consumers by a specified  
11 date; providing circumstances under which a food  
12 delivery platform must remove a food service  
13 establishment's listing on its platform; prohibiting  
14 certain actions by a food delivery platform; providing  
15 requirements for agreements between food delivery  
16 platforms and food service establishments; preempting  
17 regulation of food service platforms to the state;  
18 providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Section 509.103, Florida Statutes, is created  
23 to read:

24 509.103 Food delivery platforms.—

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

26        (a)1. "Food delivery platform" means a business that acts  
 27 as a third-party intermediary by taking and arranging for the  
 28 delivery or pickup of orders from multiple food service  
 29 establishments for the consumer.

30        2. The term does not include:

31        a. Delivery or pickup orders placed directly with, and  
 32 fulfilled by, a food service establishment.

33        b. Websites, mobile applications, or other electronic  
 34 services that do not post food service establishment menus,  
 35 logos, or pricing information on their platforms.

36        (b) "Food service establishment" has the same meaning as  
 37 the term "public food service establishment" as defined in s.  
 38 509.013(5).

39        (c) "Purchase price" means the price, as listed on the  
 40 menu, for the items contained in an order, excluding fees, tips  
 41 or gratuities, and taxes.

42        (2) A food delivery platform may not take and arrange for  
 43 the delivery or pick up of orders from a food service  
 44 establishment without the express consent of such food service  
 45 establishment. Such consent must be in either written or  
 46 electronic format.

47        (3) A food delivery platform shall itemize and clearly  
 48 disclose the cost breakdown of each transaction to the consumer,  
 49 including, but not limited to, the following information:

50        (a) The purchase price of the food and beverage.

51 (b) Any commission, delivery fee, or promotional fee  
 52 charged to the customer by the food delivery platform.

53 (c) Any tip or gratuity.

54 (d) Any taxes due on the transaction.

55 (4) A food delivery platform shall clearly provide to the  
 56 consumer:

57 (a) The anticipated date and time of the delivery of the  
 58 order.

59 (b) The address to which the order will be delivered.

60 (c) Confirmation that the order has been successfully  
 61 delivered or that the delivery cannot be completed.

62 (d) A mechanism for the consumer to express order concerns  
 63 directly to the food delivery platform.

64 (5) By July 1, 2025, a food delivery platform shall  
 65 provide a food service establishment with:

66 (a) A method of contacting the consumer while preparing  
 67 the order, during delivery of the order, and for up to 2 hours  
 68 after the order is picked up from the food service establishment  
 69 for delivery to the consumer.

70 (b) A method to respond to ratings or reviews that are  
 71 left by the consumer.

72 (6) A food delivery platform shall remove a food service  
 73 establishment's listing on the food delivery platform within 10  
 74 days after receiving the food service establishment's request  
 75 for removal, unless there is an existing agreement between the

76 two parties which includes the provisions specified in  
 77 subsection (8) that states otherwise.

78 (7) A food delivery platform may not, without an agreement  
 79 with the food service establishment, intentionally inflate,  
 80 decrease, or alter a food service establishment's pricing.

81 (8) An agreement between a food delivery platform and a  
 82 food service establishment must:

83 (a) Clearly state all fees, commissions, and charges that  
 84 the food service establishment will be expected to pay or  
 85 absorb.

86 (b) Clearly state the policies of the food delivery  
 87 platform, including, but not limited to, policies related to  
 88 alcoholic beverages, marketing, menus and pricing, payment, and  
 89 prohibited conduct.

90 (c) Include the insurance requirements for delivery  
 91 partners of the food delivery platform and identify the party  
 92 responsible for the cost of such insurance.

93 (d) Identify the party responsible for collecting and  
 94 remitting applicable sales taxes.

95 (e) Clearly disclose policies regarding disputed  
 96 transactions and the procedure for resolving those transactions.

97  
 98 An agreement may not include a provision that requires a food  
 99 service establishment to indemnify the food delivery platform,  
 100 or any employee, contractor, or agent of the food delivery

HB 1099

2024

101 platform, for any damage or harm caused by the acts or omissions  
102 of the food delivery platform or any employee, contractor, or  
103 agent of the food delivery platform.

104 (9) A food delivery platform may not unreasonably limit  
105 the value or number of transactions that may be disputed by a  
106 public food service establishment with respect to orders, goods,  
107 or delivery errors for determining responsibility and  
108 reconciliation with respect to such errors.

109 (10) Regulation of food delivery platforms is expressly  
110 preempted to the state.

111 Section 2. This act shall take effect upon becoming a law.