



181142

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2024	.	
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The Committee on Regulated Industries (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete line 108

and insert:

(10) If the division has probable cause to believe that a food delivery platform has violated this section or any rule adopted pursuant to this section, the division may issue to the food delivery platform a notice to cease and desist from the violation. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or



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11 s. 120.57 may be sought. For the purpose of enforcing a cease
12 and desist notice, the division may file a proceeding in the
13 name of the state seeking the issuance of an injunction or a
14 writ of mandamus against any person who violates the notice. If
15 the division is required to seek enforcement of the notice for a
16 penalty pursuant to s. 120.569, it is entitled to collect
17 attorney fees and costs, together with any cost of collection.

18 (11) The division may impose a civil penalty on a food
19 delivery platform in an amount not to exceed \$1,000 per offense
20 for each violation of this section or of a division rule. For
21 purposes of this subsection, the division may regard as a
22 separate offense each day or portion of a day in which there has
23 been a violation of this section or rules of the division. The
24 division shall issue to the food delivery platform a written
25 notice of any violation and provide the food delivery platform 7
26 business days in which to cure the violation before imposing a
27 civil penalty under this subsection or commencing any legal
28 proceeding under subsection (10).

29 (12) Regulation of food delivery platforms is expressly
30

31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 17

34 and insert:

35 service establishments; authorizing the Division of
36 Hotels and Restaurants of the Department of Business
37 and Professional Regulation to issue a notice to cease
38 and desist to a food delivery platform for violations;
39 providing that such notice does not constitute agency



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40 action; authorizing the division to enforce such
41 notice and collect attorney fees and costs under
42 certain circumstances; authorizing the division to
43 impose a specified civil penalty; requiring the
44 division to allow a food delivery platform to cure any
45 violation within a specified timeframe before imposing
46 such a civil penalty; preempting regulation of food