

By the Committee on Regulated Industries; and Senator Bradley

580-02345-24

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1 A bill to be entitled
2 An act relating to food delivery platforms; creating
3 s. 509.103, F.S.; defining terms; prohibiting food
4 delivery platforms from taking or arranging for the
5 delivery or pickup of orders from a food service
6 establishment without the food service establishment's
7 consent; requiring food delivery platforms to disclose
8 certain information to the consumer; requiring food
9 delivery platforms to provide food service
10 establishments with a method of contacting and
11 responding to consumers by a specified date; providing
12 circumstances under which a food delivery platform
13 must remove a food service establishment's listing on
14 its platform; prohibiting certain actions by food
15 delivery platforms; providing requirements for
16 agreements between food delivery platforms and food
17 service establishments; authorizing the Division of
18 Hotels and Restaurants of the Department of Business
19 and Professional Regulation to issue a notice to cease
20 and desist to a food delivery platform for violations;
21 providing that such notice does not constitute agency
22 action; authorizing the division to enforce such
23 notice and collect attorney fees and costs under
24 certain circumstances; authorizing the division to
25 impose a specified civil penalty; requiring the
26 division to allow a food delivery platform to cure any
27 violation within a specified timeframe before imposing
28 such a civil penalty; preempting regulation of food
29 delivery platforms to the state; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Section 509.103, Florida Statutes, is created to
35 read:

36 509.103 Food delivery platforms.-

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

38 (a) "Food delivery platform" means a business that acts as
39 a third-party intermediary for the consumer by taking and
40 arranging for the delivery or pickup of orders from multiple
41 food service establishments. The term does not include:

42 1. Delivery or pickup orders placed directly with, and
43 fulfilled by, a food service establishment.

44 2. Websites, mobile applications, or other electronic
45 services that do not post food service establishment menus,
46 logos, or pricing information on their platforms.

47 (b) "Food service establishment" has the same meaning as
48 the term "public food service establishment" as defined in s.
49 509.013(5).

50 (c) "Purchase price" means the price, as listed on the
51 menu, for the items in a consumer's order, excluding fees, tips
52 or gratuities, and taxes.

53 (2) A food delivery platform may not take and arrange for
54 the delivery or pickup of orders from a food service
55 establishment without the express consent of that food service
56 establishment. Such consent must be in either a written or
57 electronic format.

58 (3) A food delivery platform shall itemize and clearly

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59 disclose to the consumer the cost breakdown of each transaction,
60 including, but not limited to, the following information:

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

62 (b) Any commission, delivery fee, or promotional fee
63 charged to the consumer by the food delivery platform.

64 (c) Any tip or gratuity.

65 (d) Any taxes due on the transaction.

66 (4) A food delivery platform shall clearly provide to the
67 consumer:

68 (a) The anticipated date and time of the delivery of the
69 order.

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

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

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

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

77 (a) A method of contacting the consumer while preparing the
78 order, during delivery of the order, and for up to 2 hours after
79 the order is picked up from the food service establishment for
80 delivery to the consumer.

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

83 (6) A food delivery platform shall remove a food service
84 establishment's listing on the food delivery platform within 10
85 days after receiving the food service establishment's request
86 for removal, unless there is an existing agreement between the
87 two parties which includes the provisions specified in

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88 subsection (8) stating otherwise.

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

92 (8) An agreement between a food delivery platform and a
93 food service establishment must:

94 (a) Clearly state all fees, commissions, and charges that
95 the food service establishment is expected to pay or absorb.

96 (b) Clearly state the policies of the food delivery
97 platform, including, but not limited to, policies related to
98 alcoholic beverages, marketing, menus and pricing, payment, and
99 prohibited conduct.

100 (c) Include the insurance requirements for delivery
101 partners of the food delivery platform and identify the party
102 responsible for the cost of such insurance.

103 (d) Identify the party responsible for collecting and
104 remitting applicable sales taxes.

105 (e) Clearly disclose policies regarding disputed
106 transactions and the procedure for resolving those disputes.

107
108 An agreement may not include a provision that requires a food
109 service establishment to indemnify the food delivery platform,
110 or any employee, contractor, or agent of the food delivery
111 platform, for any damage or harm caused by the acts or omissions
112 of the food delivery platform or any of its employees,
113 contractors, or agents.

114 (9) A food delivery platform may not unreasonably limit the
115 value or number of transactions that may be disputed by a food
116 service establishment with respect to orders, goods, or delivery

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117 errors for determining responsibility for errors and reconciling
118 disputed transactions.

119 (10) If the division has probable cause to believe that a
120 food delivery platform has violated this section or any rule
121 adopted pursuant to this section, the division may issue to the
122 food delivery platform a notice to cease and desist from the
123 violation. The issuance of a notice to cease and desist does not
124 constitute agency action for which a hearing under s. 120.569 or
125 s. 120.57 may be sought. For the purpose of enforcing a cease
126 and desist notice, the division may file a proceeding in the
127 name of the state seeking the issuance of an injunction or a
128 writ of mandamus against any person who violates the notice. If
129 the division is required to seek enforcement of the notice for a
130 penalty pursuant to s. 120.569, it is entitled to collect
131 attorney fees and costs, together with any cost of collection.

132 (11) The division may impose a civil penalty on a food
133 delivery platform in an amount not to exceed \$1,000 per offense
134 for each violation of this section or of a division rule. For
135 purposes of this subsection, the division may regard as a
136 separate offense each day or portion of a day in which there has
137 been a violation of this section or rules of the division. The
138 division shall issue to the food delivery platform a written
139 notice of any violation and provide the food delivery platform 7
140 business days in which to cure the violation before imposing a
141 civil penalty under this subsection or commencing any legal
142 proceeding under subsection (10).

143 (12) Regulation of food delivery platforms is expressly
144 preempted to the state.

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