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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 appropriation; providing an effective date.

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

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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 3. A search engine that only facilitates an order to be
48 picked up from a food service establishment without accepting a
49 commission or fee for the order or connects a consumer to a food
50 delivery platform's website, mobile application, or payment and
51 order processing system for the purpose of placing an order.

52 (b) "Food service establishment" has the same meaning as
53 the term "public food service establishment" as defined in s.
54 509.013(5).

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

58 (2) A food delivery platform may not take and arrange for

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59 the delivery or pickup of orders from a food service
60 establishment without the express consent of that food service
61 establishment. Such consent must be in either a written or
62 electronic format.

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

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

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

69 (c) Any tip or gratuity.

70 (d) Any taxes due on the transaction.

71 (4) A food delivery platform shall clearly provide to the
72 consumer:

73 (a) The anticipated date and time of the delivery of the
74 order.

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

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

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

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

82 (a) A method of contacting the consumer while preparing the
83 order, during delivery of the order, and for up to 2 hours after
84 the order is picked up from the food service establishment for
85 delivery to the consumer.

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

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88 (6) A food delivery platform shall remove a food service
89 establishment's listing on the food delivery platform within 10
90 days after receiving the food service establishment's request
91 for removal, unless there is an existing agreement between the
92 two parties which includes the provisions specified in
93 subsection (8) stating otherwise.

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

97 (8) An agreement between a food delivery platform and a
98 food service establishment must:

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

101 (b) Clearly state the policies of the food delivery
102 platform, including, but not limited to, policies related to
103 alcoholic beverages, marketing, menus and pricing, payment, and
104 prohibited conduct.

105 (c) Include the insurance requirements for delivery
106 partners of the food delivery platform and identify the party
107 responsible for the cost of such insurance.

108 (d) Identify the party responsible for collecting and
109 remitting applicable sales taxes.

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

112
113 An agreement may not include a provision that requires a food
114 service establishment to indemnify the food delivery platform,
115 or any employee, contractor, or agent of the food delivery
116 platform, for any damage or harm caused by the acts or omissions

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117 of the food delivery platform or any of its employees,
118 contractors, or agents.

119 (9) A food delivery platform may not unreasonably limit the
120 value or number of transactions that may be disputed by a food
121 service establishment with respect to orders, goods, or delivery
122 errors for determining responsibility for errors and reconciling
123 disputed transactions.

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

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

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146 civil penalty under this subsection or commencing any legal
147 proceeding under subsection (10).

148 (12) Regulation of food delivery platforms is expressly
149 preempted to the state.

150 Section 2. For the 2024-2025 fiscal year, the sums of
151 \$173,573 in recurring funds and \$13,922 in nonrecurring funds
152 from the Hotel and Restaurant Trust Fund and \$113,749 in
153 recurring funds and \$8,461 in nonrecurring funds from the
154 Administrative Trust Fund are appropriated to the Department of
155 Business and Professional Regulation, and three full-time
156 equivalent positions with a total associated salary rate of
157 182,692 are authorized, for the purpose of implementing this
158 act.

159 Section 3. This act shall take effect upon becoming a law.