

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Esposito offered the following:

Amendment (with title amendment)

Remove lines 164-192 and insert:

Section 3. Effective July 1, 2026, section 509.214, Florida Statutes, is amended to read:

509.214 Notification of automatic operations ~~gratuity~~ charge.-

(1) As used in this subsection, the term:

(a) "Gratuity" or "tip" means a sum presented by a customer as a gift or contribution in recognition of service performed, the payment and amount of which is at the discretion of the customer.

(b) "Operations charge" means an automatic charge imposed on a customer in addition to the cost of the food and beverage

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17 purchased. If it is a fee or charge, other than a government-
18 imposed tax, that the customer is required to pay in addition to
19 the cost of the food and beverage purchased, it is an operations
20 charge. The term may include, but is not limited to, service
21 charges, automatic gratuities, credit card surcharges, and
22 delivery fees.

23 (2) Every public food service establishment which charges
24 an operations charge ~~includes an automatic gratuity or service~~
25 ~~charge in the price of the meal~~ shall include a notice on the
26 food menu, written contract, and on the website or mobile
27 application where food and beverage orders are placed, as
28 applicable, that includes the amount or percentage of the
29 operations charge and the purpose of the operations charge. Such
30 notice must appear in a font that is equal to or greater than
31 the font used for menu item descriptions or the general
32 provisions of the written contract. If the public food service
33 establishment does not provide menus; table service; or written
34 contracts for banquet, catering, or event services, the
35 operations charge notice must appear in an obvious and clearly
36 readable manner on the menu board or on an obvious and clearly
37 readable sign by the register where the customer pays.

38 (3) There must be a notice ~~and~~ on the face of the bill
39 provided to the customer that an operations charge ~~notice that~~
40 ~~an automatic gratuity~~ is included. The notice must clearly state
41 the percentage or amount of the operations charge.

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42 (4) Every copy of the receipt the customer receives must
43 have separate lines for gratuity, operations charges, and sales
44 tax so that it is clear to the customer what is being charged.
45 If the operations charge is an automatic gratuity, it must be
46 separately stated on the receipt.

47 (5) This section does not create a private cause of action
48 related to compliance with the requirements of this section.

49 **Section 4.** Except as otherwise provided, this act shall
50 take effect July 1, 2025.

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53 **T I T L E A M E N D M E N T**

54 Remove lines 9-15 and insert:
55 s. 509.214, F.S.; providing definitions; authorizing
56 public food service establishments to include an
57 operations charge in certain circumstances; requiring
58 such establishments to provide specified notice;
59 requiring receipts to contain certain information;
60 specifying that this section does not create a private
61 cause of action; providing