

1                                   A bill to be entitled  
 2           An act relating to food delivery platforms; creating  
 3           s. 509.103, F.S.; providing definitions; requiring  
 4           food delivery platforms to disclose certain  
 5           information to the consumer; authorizing the Division  
 6           of Hotels and Restaurants of the Department of  
 7           Business and Professional Regulation to issue a notice  
 8           to cease and desist to a food delivery platform for  
 9           violations; providing that such notice does not  
 10          constitute agency action; requiring the division to  
 11          allow a food delivery platform to cure any violation  
 12          within a specified timeframe before enforcing a notice  
 13          or imposing a civil penalty; authorizing the division  
 14          to enforce such notice and collect attorney fees and  
 15          costs under certain circumstances; authorizing the  
 16          division to impose a specified civil penalty;  
 17          authorizing the division to receive and investigate  
 18          complaints of violations; preempting regulation of  
 19          food service platforms to the state; providing the  
 20          division with rule-making authority; providing an  
 21          effective date.

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 23   Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1.   Section 509.103, Florida Statutes, is created

26 | to read:

27 |       509.103 Food delivery platforms.—

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

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

33 |       2. The term does not include:

34 |       a. Delivery or pickup orders placed directly with, and  
 35 | fulfilled by, a food service establishment.

36 |       b. Websites, mobile applications, or other electronic  
 37 | services that do not post food service establishment menus,  
 38 | logos, or pricing information on their platforms.

39 |       (b) "Food service establishment" has the same meaning as  
 40 | the term "public food service establishment" as defined in s.  
 41 | 509.013(5).

42 |       (2) A food delivery platform shall itemize and clearly  
 43 | disclose the cost breakdown of each transaction to the consumer,  
 44 | including, but not limited to, the following information:

45 |       (a) The purchase price of the food and beverage, or any  
 46 | other item, and clearly indicate if such prices exceed the food  
 47 | service establishment's pricing.

48 |       (b) Any commission, delivery fee, or promotional fee  
 49 | charged to the customer by the food delivery platform.

50 |       (c) Any tip or gratuity.

51 (d) Any taxes due on the transaction.

52 (3) If a food delivery platform does not have a  
 53 relationship with a food service establishment, the food  
 54 delivery platform must provide clear and conspicuous notice to  
 55 the consumer that the food delivery platform does not have any  
 56 relationship with such food service establishment.

57 (4) If the division has reason to believe a food delivery  
 58 platform has violated this section or any rules adopted pursuant  
 59 to this section, the division may issue to the food delivery  
 60 platform a notice to cease and desist from the violation. The  
 61 issuance of a notice to cease and desist does not constitute  
 62 agency action for which a hearing under s. 120.569 or s. 120.57  
 63 may be sought. The division shall provide the food delivery  
 64 platform 7 business days in which to cure the violation before  
 65 imposing a civil penalty under subsection (5) or commencing any  
 66 legal proceeding under this subsection. For the purpose of  
 67 enforcing a cease and desist notice, the division may file a  
 68 proceeding in the name of the state seeking the issuance of an  
 69 injunction or a writ of mandamus against any person who fails to  
 70 comply with the notice. If the division is required to seek  
 71 enforcement of the notice for a penalty pursuant to s. 120.569,  
 72 it is entitled to collect attorney fees and costs, together with  
 73 any cost of collection.

74 (5) The division may impose a civil penalty on a food  
 75 delivery platform in an amount not to exceed \$1,000 per offense

76 for each violation of this section or of a division rule,  
 77 subject to the provisions of subsection (4). For purposes of  
 78 this subsection, the division may regard as a separate offense  
 79 each day or portion of a day in which there has been a violation  
 80 of this section or rules of the division.

81 (6) The division may receive and investigate any complaint  
 82 which alleges that a food delivery platform has violated an  
 83 applicable provision of this section or rules adopted under this  
 84 section.

85 (7) Regulation of food delivery platforms is expressly  
 86 preempted to the state.

87 (8) The division shall adopt rules to administer this  
 88 section.

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