

By Senator Bradley

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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; preempting regulation of food
18 delivery platforms to the state; providing an
19 effective date.

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

22
23 Section 1. Section 509.103, Florida Statutes, is created to
24 read:

25 509.103 Food delivery platforms.—

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

27 (a) "Food delivery platform" means a business that acts as
28 a third-party intermediary for the consumer by taking and
29 arranging for the delivery or pickup of orders from multiple

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30 food service establishments. The term does not include:

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

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

36 (b) "Food service establishment" has the same meaning as
37 the term "public food service establishment" as defined in s.
38 509.013(5).

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

42 (2) A food delivery platform may not take and arrange for
43 the delivery or pickup of orders from a food service
44 establishment without the express consent of that food service
45 establishment. Such consent must be in either a written or
46 electronic format.

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

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

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

53 (c) Any tip or gratuity.

54 (d) Any taxes due on the transaction.

55 (4) A food delivery platform shall clearly provide to the
56 consumer:

57 (a) The anticipated date and time of the delivery of the
58 order.

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

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

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

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

66 (a) A method of contacting the consumer while preparing the
67 order, during delivery of the order, and for up to 2 hours after
68 the order is picked up from the food service establishment for
69 delivery to the consumer.

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

72 (6) A food delivery platform shall remove a food service
73 establishment's listing on the food delivery platform within 10
74 days after receiving the food service establishment's request
75 for removal, unless there is an existing agreement between the
76 two parties which includes the provisions specified in
77 subsection (8) stating otherwise.

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

81 (8) An agreement between a food delivery platform and a
82 food service establishment must:

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

85 (b) Clearly state the policies of the food delivery
86 platform, including, but not limited to, policies related to
87 alcoholic beverages, marketing, menus and pricing, payment, and

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88 prohibited conduct.

89 (c) Include the insurance requirements for delivery
90 partners of the food delivery platform and identify the party
91 responsible for the cost of such insurance.

92 (d) Identify the party responsible for collecting and
93 remitting applicable sales taxes.

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

96
97 An agreement may not include a provision that requires a food
98 service establishment to indemnify the food delivery platform,
99 or any employee, contractor, or agent of the food delivery
100 platform, for any damage or harm caused by the acts or omissions
101 of the food delivery platform or any of its employees,
102 contractors, or agents.

103 (9) A food delivery platform may not unreasonably limit the
104 value or number of transactions that may be disputed by a food
105 service establishment with respect to orders, goods, or delivery
106 errors for determining responsibility for errors and reconciling
107 disputed transactions.

108 (10) Regulation of food delivery platforms is expressly
109 preempted to the state.

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