

## Committee on Regulated Industries

### CS/SB 676 — Food Delivery Platforms

by Regulated Industries Committee and Senator Bradley

The bill expressly preempts the regulation of food delivery platforms to the state. The bill defines the term “food delivery platform” to mean a business that acts as a third-party intermediary for the consumer by taking and arranging for the delivery or pickup of orders from multiple food service establishments. The term “food delivery platform” does not include:

- Delivery or pickup orders placed directly with, and fulfilled by, a food service establishment.
- Websites, mobile applications, or other electronic services that do not post food service establishment menus, logos, or pricing information on their platforms.
- Search engines that only:
  - Facilitate an order to be picked up from a food service establishment without accepting a commission or fee for the order; or
  - Connect a consumer to a food delivery platform’s website, or mobile application, or payment and order processing system for the purpose of placing an order.

The bill defines the term “food service establishment” to have the same meaning as the term “public food service establishment,” as defined in s. 509.013(5), F.S., and “purchase price” as the price listed on the menu, excluding fees, tips or gratuities, and taxes.

The bill prohibits a food delivery platform from taking and arranging for the delivery or pickup of orders from a food service establishment without the express written or electronic consent of that food service establishment.

Under the bill, a food delivery platform must itemize and clearly disclose to the consumer the cost breakdown of each transaction. The food delivery platform must provide the consumer with a cost breakdown of each transaction, including, but not limited to:

- The purchase price of the food and beverage;
- Any commission, delivery fee, or promotional fee charged to the consumer by the food delivery platform;
- Any tip or gratuity; and
- Any taxes due on the transaction.

A food delivery platform must clearly provide the consumer with the following information:

- The anticipated date and time of the delivery of the order.
- The address to which the order will be delivered.
- Confirmation that the order has been successfully delivered or that the delivery cannot be completed.
- A mechanism for the consumer to express order concerns directly to the food delivery platform.

By July 1, 2025, a food delivery platform must provide food service establishments with a method of contacting the consumer while the order is being prepared, delivered, and for up to two hours after the order is picked up from the food service establishment. A method for responding to a consumer's ratings or reviews must also be provided.

A food delivery platform must remove a food service establishment's listing on the food delivery platform within 10 days after receiving the establishment's request for removal, unless there is an existing agreement between the two parties stating otherwise. Under the bill, a food delivery platform may not, without an agreement with the food service establishment, intentionally inflate, decrease, or alter a food service establishment's pricing.

The bill specifies the requirements for the agreement between a food delivery platform and a food service establishment, including clearly stating all fees, commissions, and charges that the food service establishment is expected to pay or absorb, policies related to alcoholic beverages, insurance requirements, the collection and remitting of taxes, and how disputes will be resolved.

The agreement between the food delivery platform and the food service establishment may not require a food service establishment to indemnify the food delivery platform, or any employee, contractor, or agent of the food delivery platform, for any damage or harm caused by the acts or omissions of the food delivery platform or any of its employees, contractors, or agents. A food delivery platform may also not unreasonably limit the value or number of transactions that may be disputed by a food service establishment with respect to orders, goods, or delivery errors for determining responsibility for errors and reconciling disputed transactions.

The bill authorizes the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) to enforce the provisions in the bill by issuing cease and desist orders upon a finding of probable cause that there is a violation and seeking an injunction or writ of mandamus against persons who violate the notice to cease and desist. The division may issue a civil penalty of not more than \$1,000 per offense for each violation and is entitled to attorney fees and costs if it is required to seek enforcement of a notice for a penalty under the Administrative Procedures Act.

The bill provides an appropriation totaling \$309,705 from the Hotel and Restaurant Trust Fund and the Administrative Trust Fund within the DBPR and three positions to implement the provisions of the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 112-0*