

1 A bill to be entitled
2 An act relating to food takeout and delivery service
3 fees; creating s. 501.924, F.S; providing a
4 definition; limiting service fees charged to
5 restaurants by third-party food takeout and delivery
6 service applications or Internet websites during a
7 declared state of emergency; providing that third-
8 party food takeout and delivery service applications
9 or Internet websites that charge fees in violation of
10 the act commit a deceptive and unfair trade practice,
11 subject to the penalties and remedies of the Florida
12 Deceptive and Unfair Trade Practices Act; providing
13 construction; providing an effective date.

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15 WHEREAS, the Legislature finds that due to the current
16 state of emergency declared in response to COVID-19, restaurants
17 have faced limitations in offering dine-in service and have
18 expanded their delivery and takeout services, which has placed a
19 sudden and severe financial strain on many restaurants, and

20 WHEREAS, COVID-19 has also resulted in an increased use of
21 third-party food takeout and delivery service applications and
22 websites to place orders with restaurants for food takeout or
23 delivery services, and

24 WHEREAS, while some companies offering third-party food
25 takeout and delivery service applications or websites have

26 | provided meaningful support to the restaurant community, other
 27 | such companies have charged restaurants a service fee exceeding
 28 | 30 percent of the cost of the individual order, thereby
 29 | compounding the current financial strain on restaurants, and

30 | WHEREAS, restaurants that are also small businesses, in
 31 | particular, may have limited bargaining power to negotiate lower
 32 | fees, and

33 | WHEREAS, the Legislature finds that it is in the public
 34 | interest to take action to maximize restaurant revenue from
 35 | takeout and delivery orders to enable restaurants to survive
 36 | COVID-19, and any future declared state of emergency, and remain
 37 | sources of employment and community vitality in this state, NOW,
 38 | THEREFORE,

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

42 | Section 1. Section 501.924, Florida Statutes, is created
 43 | to read:

44 | 501.924 Food takeout and delivery service fees during
 45 | declared state of emergency.-

46 | (1) As used in this section, the term "third-party food
 47 | takeout and delivery service application or Internet website"
 48 | means any online application or website through which a consumer
 49 | orders food takeout or delivery services from a restaurant.

50 | (2) (a) It shall be an unlawful practice and a violation of

51 part II of this chapter for any third-party food takeout and
52 delivery service application or Internet website, during a
53 declared state of emergency of 7 days or longer, to charge a
54 service fee to a restaurant for food takeout or delivery orders
55 that is:

56 1. Greater than 20 percent of the cost of the individual
57 order; or

58 2. Greater than 10 percent of the cost of the individual
59 order when the order is delivered by an employee of the
60 restaurant or an independent contractor with whom the restaurant
61 has contracted directly.

62 (b) Violations of this subsection are subject to civil
63 penalties and remedies under part II of this chapter.

64 (3) This section does not limit the ability of any
65 restaurant to choose to pay a greater percentage of the cost of
66 the individual order to access additional advertising or other
67 products and services offered by any third-party food takeout
68 and delivery service application or Internet website.

69 Section 2. This act shall take effect July 1, 2021.