Session Law 88-016

Florida Senate & House of Representatives

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### COMMITTEE RECORDS

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### Senate/House Journals

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### Committee/Floor Tapes

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### Other Documentation

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NOTES
GENERAL ACTS

RESOLUTIONS AND MEMORIALS

ADOPTED BY THE

TENTH LEGISLATURE OF FLORIDA

UNDER THE CONSTITUTION

AS REVISED IN 1968

During the Regular Session
April 5, 1988 through June 7, 1988
and Special Sessions
September 21 - October 8, 1987; October 12 - 14, 1987;
December 8 - 10, 1987; February 2 - 4, 1988; and
June 8, 1988

Volume I, Part One

Published by Authority of Law
Under Direction of the

JOINT LEGISLATIVE MANAGEMENT
COMMITTEE

TALLAHASSEE

1988
acceptance of gifts, contributions, or bequests, or loans of property.

Section 2. Notwithstanding the provisions of chapter 82-46, Laws of Florida, section 272.18, Florida Statutes, shall not stand repealed on October 1, 1988, as scheduled by such law, but said section, as amended, is hereby revived and readopted.

Section 3. Section 272.18, Florida Statutes, is repealed on October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes, the Sundown Act.

Section 4. This act shall take effect October 1, 1988.

Approved by the Governor May 3, 1988.

Filed in Office Secretary of State May 3, 1988.

CHAPTER 88-16

An act relating to public food service establishments; amending s. 509.214, F.S.; requiring customer notification when automatic gratuity charges are imposed at such establishments; providing an effective date.

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

Section 1. Section 509.214, Florida Statutes, is amended to read:

509.214 Notification of automatic gratuity charge.--Every public food service establishment which includes an automatic gratuity charge in the price of the meal shall include on the face of the bill provided to the customer notice that whether or not an automatic gratuity is included.

Section 2. This act shall take effect October 1, 1988.

Approved by the Governor May 3, 1988.

Filed in Office Secretary of State May 3, 1988.

CHAPTER 88-17

An act relating to the Motion Picture, Television, and Recording Industry Advisory Council of the Division of Economic Development of the Department of Commerce; amending s. 20.17, F.S.; providing for appointment of a lay person to the council; providing that the Secretary
1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371
A bill to be entitled
An act relating to public food service
establishments; amending s. 509.214, F.S.;
requiring customer notification when automatic
gratuity charges are imposed at such
establishments; providing an effective date.

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

Section 1. Section 509.214, Florida Statutes, is
amended to read:

509.214 Notification of automatic gratuity charge.--
Every public food service establishment which includes an
automatic gratuity charge in the price of the meal shall
include on the face of the bill provided to the customer
notice that of-whether-or-not an automatic gratuity is
included.

Section 2. This act shall take effect October 1, 1988.

SENATE SUMMARY

Provides that only those public food service
establishments which include an automatic gratuity charge
in the price of the meal need notify customers of the
fact; no notice need be given of the absence of an
automatic gratuity charge when one is not included.

CODING: Words stricken are deletions; words underlined are additions.
I. SUMMARY:

A. Present Situation:

Pursuant to ch. 509, F.S., public lodging and public food service establishments are required to be licensed and regulated by the Division of Hotels and Restaurants, Department of Business Regulation (department). A public food service establishment is generally defined as a structure or vehicle, "that is maintained and operated as a place where food is regularly prepared, served, or sold for immediate consumption . . ." (s. 509.013(5)(a)(1987), F.S.). The definition of public food service establishments, includes vending machines dispensing prepared meals but excludes various activities including those affiliated with nonprofit and educational institutions. (s. 509.013(5)(b)(1987) F.S.).

Presently, s. 509.214, F.S., provides that "[e]very public food service establishment shall include on the face of the bill provided to the customer notice of whether or not an automatic gratuity is included." The provision, thus, requires a public food service establishment to include a statement, on each customer's bill, clarifying whether a gratuity was included. Pursuant to s. 509.261, F.S., the department may revoke or suspend a license as well as impose administrative fines for violations of "the provisions of this chapter or the rules of the division."

B. Effect of Proposed Changes:

SB 84 would limit gratuity notification only to those bills which included a gratuity charge. Thus, a public food service establishment which did not include a gratuity within the customer's bill would now be excluded from the provisions of s. 509.214, F.S.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The removal of notification requirements, upon establishments which do not include a gratuity within the customer's bill, should result in some cost savings. The removal of the disclosure requirements, concerning these restauranteurs, eliminates the additional costs of purchasing specially printed bills to satisfy the requirements of s. 509.214, F.S. Those restaurants choosing to include a gratuity within a customer's bill will continue to come under the statute's provisions. Thus, the disclosure costs related to these establishments should remain approximately the same.
B. Government:

Since SB 84 will reduce the number of licensees having to disclose under s. 509.214, F.S., the bill should not have a significant economic impact upon the department.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
Be It Enacted by the Legislature of the State of Florida,

Section 1. Section 509.214, Florida Statutes, is amended to read,

509.214 Notification of automatic gratuity charge.--
Every public food service establishment which includes an automatic gratuity charge in the price of the meal shall include on the face of the bill provided to the customer notice that of whether or not an automatic gratuity is included.

Section 2. This act shall take effect October 1, 1988.

SENATE SUMMARY

Provides that only those public food service establishments which include an automatic gratuity charge in the price of the meal need notify customers of the fact; no notice need be given of the absence of an automatic gratuity charge when one is not included.
I. SUMMARY:

This bill provides that every food service establishment shall include on the face of the bill provided to the customer, notice that an automatic gratuity is included.

A. PRESENT SITUATION:

Currently, as pursuant to Chapter 509.214, Florida Statutes, every public food establishment includes on the face of the bill a notification to the customer of whether or not an automatic gratuity is included.

B. EFFECT OF PROPOSED CHANGES:

HB 252 would limit gratuity notification only to those bills which have included a gratuity charge.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   None.

2. Recurring or Annualized Continuation Effects:

   None.
3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None.

III. LONG RANGE CONSEQUENCES:

   This legislation has no long range effect on existing State Comprehensive Plan goals and objectives.

IV. COMMENTS:

   None.

V. SIGNATURES:

   SUBSTANTIVE COMMITTEE:
   Prepared by: Rita Watson
   Staff Director: Timothy A. Watson

   FINANCE & TAXATION:
   Prepared by: 
   Staff Director: 

   APPROPRIATIONS:
   Prepared by: 
   Staff Director: 

STANDARD FORM 5/88
I. SUMMARY:

This bill provides that every food service establishment shall include on the face of the bill provided to the customer, notice than an automatic gratuity is included.

A. PRESENT SITUATION:

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B. EFFECT OF PROPOSED CHANGES:

HB 252 would limit gratuity notification only to those bills which have included a gratuity charge.

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A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   None.

2. Recurring or Annualized Continuation Effects:

   None.

3. Long Run Effects Other Than Normal Growth:

   None.
4. Appropriations Consequences:

None.

III. LONG RANGE CONSEQUENCES:

This legislation has no long range effect on existing State Comprehensive Plan goals and objectives.

IV. COMMENTS:

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V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

FINANCE & TAXATION:
Prepared by:

APPROPRIATIONS:
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Staff Director:

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the information of members of the Legislature and the public.

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