

By Senator King

8-747A-05

1                                   A bill to be entitled  
 2           An act relating to restaurants licensed to sell  
 3           wine on the premises; creating s. 564.09, F.S.;  
 4           authorizing a restaurant patron to remove a  
 5           resealed wine container from a restaurant for  
 6           off-premise consumption; amending s. 316.1936,  
 7           F.S.; providing that a resealed wine container  
 8           is not an open container for purposes of the  
 9           prohibition against possessing an open  
 10          container of alcohol in a vehicle; providing an  
 11          effective date.

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

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 15           Section 1. Section 564.09, Florida Statutes, is  
 16          created to read:

17           564.09 Restaurants; off-premises consumption of  
 18 wine.--Notwithstanding any other provision of law, a  
 19 restaurant licensed to sell wine on the premises may permit a  
 20 patron to remove one unsealed bottle of wine for consumption  
 21 off the premises if the patron has purchased a full-course  
 22 meal and consumed a portion of the bottle of wine with such  
 23 meal on the restaurant premises. A partially consumed bottle  
 24 of wine that is to be removed from the premises must be  
 25 securely resealed by the licensee or its employees before  
 26 removal from the premises. The partially consumed bottle of  
 27 wine shall be placed in a bag or other container that is  
 28 secured in such a manner that it is visibly apparent if the  
 29 container has been subsequently opened or tampered with, and a  
 30 dated receipt for the bottle of wine and full-course meal  
 31 shall be provided by the licensee and attached to the

1 container. If transported in a motor vehicle, the container  
2 with the resealed bottle of wine must be placed in a locked  
3 glove compartment, locked trunk, or other locked nonpassenger  
4 area of the motor vehicle.

5 Section 2. Subsection (9) is added to section  
6 316.1936, Florida Statutes, to read:

7 316.1936 Possession of open containers of alcoholic  
8 beverages in vehicles prohibited; penalties.--

9 (9) A bottle of wine that has been resealed pursuant  
10 to s. 564.09 is not an open container under the provisions of  
11 this section.

12 Section 3. This act shall take effect July 1, 2005.

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15 SENATE SUMMARY

16 Authorizes a restaurant patron to remove a resealed wine  
17 container from a restaurant for off-premise consumption.  
18 Provides that a resealed wine container is not an open  
19 container for purposes of s. 316.1936, F. S., relating to  
20 the unlawful possession of an open container of an  
21 alcoholic beverage in a vehicle.  
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