Florida Senate - 2005

By the Committee on Regulated Industries; and Senator King

580-1760-05

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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.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. Section 564.09, Florida Statutes, is
16	created to read:
17	564.09 Restaurants; off-premises consumption of
18	wineNotwithstanding 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	<u>meal consisting of a salad or vegetable, entree, a beverage,</u>
23	and bread and consumed a portion of the bottle of wine with
24	such meal on the restaurant premises. A partially consumed
25	bottle of wine that is to be removed from the premises must be
26	securely resealed by the licensee or its employees before
27	removal from the premises. The partially consumed bottle of
28	wine shall be placed in a bag or other container that is
29	secured in such a manner that it is visibly apparent if the
30	container has been subsequently opened or tampered with, and a
31	dated receipt for the bottle of wine and full-course meal

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shall be provided by the licensee and attached to the 1 2 container. If transported in a motor vehicle, the container with the resealed bottle of wine must be placed in a locked 3 4 glove compartment, locked trunk, or other nonpassenger area of the motor vehicle. 5 б Section 2. Subsection (9) is added to section 7 316.1936, Florida Statutes, to read: 8 316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties .--9 10 (9) A bottle of wine that has been resealed pursuant to s. 564.09 is not an open container under the provisions of 11 12 this section. 13 Section 3. This act shall take effect July 1, 2005. 14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN 15 COMMITTEE SUBSTITUTE FOR <u>Senate Bil</u>l 1114 16 17 18 The committee substitute defines a full course meal as consisting of a salad or vegetable, entree, a beverage, and 19 bread. It also eliminates the provision that permits transport of the container in a locked nonpassenger area to 20 permit transport in a nonpassenger area. 21 22 23 2.4 25 26 27 28 29 30 31

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