

By the Committees on Transportation; Regulated Industries; and
Senator King

596-1829-05

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 motor vehicle;
11 providing an 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 consisting of a salad or vegetable, entree, a beverage,
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

1 shall be provided by the licensee and attached to the
2 container. If transported in a motor vehicle, the container
3 with the resealed bottle of wine must be placed in a locked
4 glove compartment, locked trunk, or other nonpassenger area of
5 the motor vehicle.

6 Section 2. Subsection (9) is added to section
7 316.1936, Florida Statutes, to read:

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

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

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

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 CS for Senate Bill 1114

18 The committee substitute clarifies the exception to the open
19 container prohibition by including the resealed wine container
20 be transported in the manner required by s. 564.09, F.S.

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