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2005 Legislature CS for CS for SB 1114, 1st Engrossed (ntc)

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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

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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, a locked trunk, or the area behind the last  
5 upright seat of a motor vehicle that is not equipped with a  
6 trunk.

7 Section 2. Subsection (9) is added to section  
8 316.1936, Florida Statutes, to read:

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

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

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