

HB 719

2005  
CS

CHAMBER ACTION

1 The Transportation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to restaurants licensed to sell wine on  
7 the premises; creating s. 564.09, F.S.; authorizing a  
8 restaurant patron to remove a resealed wine container from  
9 a restaurant for off-premises consumption; providing  
10 requirements for the transportation of such containers;  
11 amending s. 316.1936, F.S.; providing that a resealed wine  
12 container is not an open container for purposes of the  
13 prohibition against possessing an open container of  
14 alcohol in a vehicle; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 564.09, Florida Statutes, is created to  
19 read:

20 564.09 Restaurants; off-premises consumption of  
21 wine.--Notwithstanding any other provision of law, a restaurant  
22 licensed to sell wine on the premises may permit a patron to  
23 remove one unsealed bottle of wine for consumption off the

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24 | premises if the patron has purchased a full-course meal  
 25 | consisting of a salad or vegetable, entrée, a beverage, and  
 26 | bread and consumed a portion of the bottle of wine with such  
 27 | meal on the restaurant premises. A partially consumed bottle of  
 28 | wine that is to be removed from the premises must be securely  
 29 | resealed by the licensee or its employees before removal from  
 30 | the premises. The partially consumed bottle of wine shall be  
 31 | placed in a bag or other container that is secured in such a  
 32 | manner that it is visibly apparent if the container has been  
 33 | subsequently opened or tampered with, and a dated receipt for  
 34 | the bottle of wine and full-course meal shall be provided by the  
 35 | licensee and attached to the container. If transported in a  
 36 | motor vehicle, the container with the resealed bottle of wine  
 37 | must be placed in a locked glove compartment, locked trunk, or  
 38 | the area behind the last upright seat of a motor vehicle that is  
 39 | not equipped with a trunk.

40 | Section 2. Subsection (9) is added to section 316.1936,  
 41 | Florida Statutes, to read:

42 | 316.1936 Possession of open containers of alcoholic  
 43 | beverages in vehicles prohibited; penalties.--

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

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