

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 4143 Restaurants Licensed to Sell Wine on the Premises

SPONSOR(S): Business & Consumer Affairs Subcommittee, Brodeur and others

TIED BILLS: **IDEN./SIM. BILLS:** HB 573

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	14 Y, 0 N, As CS	Morton	Creamer
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The CS removes a description of 'full course meal' from the prerequisites for a patron to be permitted to take a partially consumed bottle of wine off restaurant premises.

All other current requirements are unchanged by the CS, including the requirement for a full course meal to be purchased and partially consumed.

The CS has no fiscal impact on state funds.

The CS has an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Currently, pursuant to s. 564.09, F.S., a restaurant that is licensed to sell wine on the premises may permit a patron to remove one unsealed bottle of wine for consumption off the premises if:

- The patron has purchased a full course meal consisting of a salad or vegetable, entree, a beverage, and bread and consumed a portion of the bottle of wine with the meal on the restaurant premises;
- The partially consumed bottle of wine that is removed from the premises is securely resealed by the licensee or its employees before removal from the premises;
- The bottle of wine is placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with;
- A dated receipt for the bottle of wine and full course meal is attached to the container; and
- If transported in a motor vehicle, the container with the resealed bottle of wine is placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Proposed Changes

The CS removes the description of 'full course meal' from the prerequisites for a patron to be permitted to take a partially consumed bottle of wine off restaurant premises.

All other current requirements are unchanged by the CS, including the requirement for a full course meal to be purchased and partially consumed.

B. SECTION DIRECTORY:

Section 1 amends s. 564.09, F.S., to remove the description of a full course meal from requirements for a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption.

Section 2 provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this CS does not appear to: require the counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 22, 2011, the Business and Consumer Affairs Subcommittee adopted one amendment to the bill and reported the bill favorably as a Committee Substitute. The amendment deleted language removing the requirement to purchase a full course meal to be able to take a partially-consumed bottle of wine off restaurant premises.