

## 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:**

| REFERENCE                                   | ACTION           | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|---|------------------|---------|--|
| 1) Business & Consumer Affairs Subcommittee | 14 Y, 0 N, As CS | Morton  | Creamer                                  |
| 2) Economic Affairs Committee               | 17 Y, 0 N, As CS | Morton  | Tinker                                   |

### SUMMARY ANALYSIS

CS/HB4143 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 bill, including the requirement for a meal to be purchased and partially consumed.

The bill has no fiscal impact on state funds.

The bill 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 bill 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 bill, including the requirement for a 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 bill 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.

On March 31, 2011, the Economic Affairs Committee adopted one amendment to the bill and reported the bill favorably as a Committee Substitute. The amendment deleted language requiring the patron's receipt show the purchase of a 'full course' meal to conform with the bill. The receipt must still show the purchase of a meal.