

Committee Substitute for
Committee Substitute for Senate Bill No. 1114

An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a motor vehicle; providing an effective date.

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

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

564.09 Restaurants; off-premises consumption of wine.—Notwithstanding any other provision of law, a restaurant 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 such meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be 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, and a dated receipt for the bottle of wine and full-course meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine must be 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.

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

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

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

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

Approved by the Governor June 17, 2005.

Filed in Office Secretary of State June 17, 2005.