

1                   A bill to be entitled  
2           An act relating to alcoholic beverages;  
3           repealing s. 561.501, F.S., relating to the  
4           surcharge on the sale of alcoholic beverages  
5           for consumption on the premises contingent upon  
6           certain conditions being met; amending s.  
7           561.025, F.S.; conforming to the act contingent  
8           upon the repeal of s. 561.501, F.S.; amending  
9           s. 561.121, F.S.; conforming to the act  
10          contingent upon the repeal of s. 562.501, F.S.;  
11          providing for a portion of funds from the  
12          excise taxes on alcoholic beverages to be  
13          transferred to the Children and Adolescents  
14          Substance Abuse Trust Fund; providing an  
15          effective date.

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

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19           Section 1. On January 1, 1999, the Department of  
20 Business and Professional Regulation and the Department of  
21 Revenue shall report to the Legislature the amount of  
22 additional revenue generated by strict enforcement of illegal  
23 shipments of alcoholic beverages into the state. If sufficient  
24 revenues have been generated to replace the alcoholic beverage  
25 surcharge revenue for fiscal year 1997-1998, s. 561.501,  
26 Florida Statutes, shall be repealed effective July 1, 1999.

27           Section 2. Contingent upon the repeal of section  
28 561.501, Florida Statutes, section 561.025, Florida Statutes,  
29 is amended to read:

30           561.025 Alcoholic Beverage and Tobacco Trust  
31 Fund.--There is created within the State Treasury the

1 Alcoholic Beverage and Tobacco Trust Fund. All funds collected  
2 by the division under ss. 210.15, 210.40, or under s. 569.003  
3 and the Beverage Law with the exception of state funds  
4 collected pursuant to ss. ~~561.501~~, 563.05, 564.06, and 565.12  
5 shall be deposited in the State Treasury to the credit of the  
6 trust fund, notwithstanding any other provision of law to the  
7 contrary. Moneys deposited to the credit of the trust fund  
8 shall be used to operate the division and to provide a  
9 proportionate share of the operation of the office of the  
10 secretary and the Division of Administration of the Department  
11 of Business and Professional Regulation; except that:

12 (1) The revenue transfer provisions of ss. 561.32 and  
13 561.342(1) and (2) shall continue in full force and effect,  
14 and the division shall cause such revenue to be returned to  
15 the municipality or county in the manner provided for in s.  
16 561.32 or s. 561.342(1) and (2); and

17 (2) Ten percent of the revenues derived from retail  
18 tobacco products dealer permit fees collected under s. 569.003  
19 shall be transferred to the Department of Education to provide  
20 for teacher training and for research and evaluation to reduce  
21 and prevent the use of tobacco products by children, pursuant  
22 to s. 233.067(4).

23 Section 3. Contingent upon the repeal of section  
24 561.501, Florida Statutes, section 561.121, Florida Statutes,  
25 is amended to read:

26 561.121 Deposit of revenue.--

27 (1) All state funds collected pursuant to ss. 563.05,  
28 564.06, and 565.12 shall be paid into the State Treasury and  
29 disbursed in the following manner:

30 (a) One and five-tenths ~~Two~~ percent of monthly  
31 collections of the excise taxes on alcoholic beverages

1 established in ss. 563.05, 564.06, and 565.12 shall be  
2 deposited into the Alcoholic Beverage and Tobacco Trust Fund  
3 to meet the division's appropriation on for the state fiscal  
4 year.

5 (b) One and seventy-seven hundredths percent of  
6 collections of the excise taxes on alcoholic beverages  
7 established in ss. 563.05, 564.06, and 565.12 shall be  
8 transferred to the Children and Adolescents Substance Abuse  
9 Trust Fund, which shall remain with the Department of Children  
10 and Families for the purpose of funding programs directed at  
11 reducing and eliminating substance abuse problems among  
12 children and adolescents.

13 (c) The remainder of collection shall be credited to  
14 the General Revenue Fund.

15 (2) The unencumbered balance in the Alcoholic Beverage  
16 and Tobacco Trust Fund at the close of each fiscal year may  
17 not exceed \$2 million. These funds shall be held in reserve  
18 for use in the event that trust fund revenues are unable to  
19 meet the division's appropriation for the next fiscal year. In  
20 the event of a revenue shortfall, these funds shall be spent  
21 pursuant to subsection (3). Notwithstanding subsection (1), if  
22 the unencumbered balance on June 30 in any fiscal year is less  
23 than \$2 million, the department is authorized to retain the  
24 difference between the June 30 unencumbered balance in the  
25 trust fund and \$2 million from the July collections of state  
26 funds collected pursuant to ss. 563.05, 564.06, and 565.12.  
27 Any unencumbered funds in excess of reserve funds shall be  
28 transferred unallocated to the General Revenue Fund by August  
29 31 of the next fiscal year.

30 (3) Funds deposited into the Alcoholic Beverage and  
31 Tobacco Trust Fund pursuant to subsection (1) shall be used

1 for administration and enforcement of chapters 210, 561, 562,  
2 563, 564, 565, 567, 568, and 569.

3 ~~(4) State funds collected pursuant to s. 561.501 shall~~  
4 ~~be paid into the State Treasury and credited to the following~~  
5 ~~accounts:~~

6 ~~(a) Nine and eight-tenths of the surcharge on the sale~~  
7 ~~of alcoholic beverages for consumption on premises shall be~~  
8 ~~transferred to the Children and Adolescents Substance Abuse~~  
9 ~~Trust Fund, which shall remain with the Department of Health~~  
10 ~~and Rehabilitative Services for the purpose of funding~~  
11 ~~programs directed at reducing and eliminating substance abuse~~  
12 ~~problems among children and adolescents.~~

13 ~~(b) The remainder of collections shall be credited to~~  
14 ~~the General Revenue Fund.~~

15 Section 4. This act shall take effect January 1, 1998.

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