

By Senator Latvala

19-262-01

1 A bill to be entitled
2 An act relating to the surcharge on alcoholic
3 beverage sales; amending s. 561.501, F.S.;
4 eliminating the surcharge on beverages sold for
5 on-premises consumption; amending s. 561.121,
6 F.S.; providing for deposit of certain beverage
7 excise tax revenues into the Children and
8 Adolescents Substance Abuse Trust Fund;
9 amending s. 561.025, F.S.; conforming a
10 cross-reference; providing effective dates.

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

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14 Section 1. Section 561.501, Florida Statutes, is
15 amended to read:

16 561.501 Surcharge on sale of alcoholic beverages for
17 consumption on the premises; penalty.--

18 (1) Notwithstanding s. 561.50 or any other provision
19 of the Beverage Law, a surcharge of 3.34 cents is imposed upon
20 each ounce of liquor and each 4 ounces of wine, a surcharge of
21 2 cents is imposed on each 12 ounces of cider, and a surcharge
22 of 1.34 cents is imposed on each 12 ounces of beer sold at
23 retail for consumption on premises licensed by the division as
24 an alcoholic beverage vendor. However, the surcharges imposed
25 under this subsection need not be paid upon such beverages
26 when they are sold by an organization that is licensed by the
27 division under s. 561.422 or s. 565.02(4) as an alcoholic
28 beverage vendor and that is determined by the Internal Revenue
29 Service to be currently exempt from federal income tax under
30 s. 501(c)(3), (4), (5), (6), (7), (8), or (19) of the Internal
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1 Revenue Code of 1986, as amended. Effective July 1, 2001, this
2 surcharge shall no longer be imposed.

3 (2) The vendor shall report and remit payments to the
4 division each month by the 15th of the month following the
5 month in which the surcharges are imposed. For purposes of
6 compensating the retailer for the keeping of prescribed
7 records and the proper accounting and remitting of surcharges
8 imposed under this section, the retailer shall be allowed to
9 deduct from the payment due the state 1 percent of the amount
10 of the surcharge due. Retail records shall be kept on the
11 quantities of all liquor, wine, and beer purchased,
12 inventories, and sales. However, a collection allowance is
13 not allowed on any collections that are not timely remitted.
14 If by the 20th of the month following the month in which the
15 surcharges are imposed, reports and remittances are not made,
16 the division shall assess a late penalty in the amount of 10
17 percent of the amount due per month for each 30 days, or
18 fraction thereof, after the 20th of the month, not to exceed a
19 total penalty of 50 percent, in the aggregate, of any unpaid
20 surcharges. The division shall establish, by rule, the
21 required reporting, collection, and accounting procedures.
22 Records must be maintained for 3 years. Failure to accurately
23 and timely remit surcharges imposed under this section is a
24 violation of the Beverage Law.

25 (3)(a) The division may compromise a taxpayer's
26 liability for the surcharge imposed by this section upon the
27 grounds of doubt as to liability for or collectibility of such
28 tax. A taxpayer's liability for penalties as prescribed by
29 this section may be settled or compromised if the division
30 finds that the noncompliance is due to reasonable cause and
31 not to willful negligence, willful neglect, or fraud. The

1 division shall maintain records of all compromises, and the
2 records must state the basis for the compromise.

3 (b) The division may enter into agreements for
4 scheduling payments of taxes, interest, and penalties
5 prescribed in this section.

6 (c) The division shall establish by rule guidelines
7 and procedures for administering this section.

8 (4) If any vendor fails to remit the surcharge, or any
9 portion thereof, by the 20th of the month following the month
10 in which the surcharges are imposed, there shall be added to
11 the amount due interest at the rate of 1 percent per month of
12 the amount due from the date due until paid. Interest on the
13 delinquent tax shall be calculated beginning on the 21st day
14 of the month following the month for which the surcharge is
15 due.

16 (5) All penalties and interest imposed by this section
17 are payable to and collectible by the division in the same
18 manner as if they were a part of the tax imposed. The
19 division may settle or compromise any such interest or penalty
20 under paragraph (3)(a).

21 (6) This section is repealed July 1, 2004.

22 Section 2. Subsections (1) and (4) of section 561.121,
23 Florida Statutes, are amended to read:

24 561.121 Deposit of revenue.--

25 (1) All state funds collected pursuant to ss. 563.05,
26 564.06, and 565.12 shall be paid into the State Treasury and
27 disbursed in the following manner:

28 (a) Two percent of monthly collections of the excise
29 taxes on alcoholic beverages established in ss. 563.05,
30 564.06, and 565.12 shall be deposited into the Alcoholic
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1 Beverage and Tobacco Trust Fund to meet the division's
2 appropriation for the state fiscal year.

3 (b) Ten million dollars annually shall be transferred
4 to the Children and Adolescents Substance Abuse Trust Fund,
5 which shall remain with the Department of Children and Family
6 Services for the purpose of funding programs directed at
7 reducing and eliminating substance abuse problems among
8 children and adolescents.

9 ~~(c)(b)~~ The remainder of collection shall be credited
10 to the General Revenue Fund.

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

14 ~~(a) Twenty-seven and two-tenths percent of the~~
15 ~~surcharge on the sale of alcoholic beverages for consumption~~
16 ~~on premises shall be transferred to the Children and~~
17 ~~Adolescents Substance Abuse Trust Fund, which shall remain~~
18 ~~with the Department of Children and Family Services for the~~
19 ~~purpose of funding programs directed at reducing and~~
20 ~~eliminating substance abuse problems among children and~~
21 ~~adolescents.~~

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

24 Section 3. Section 561.025, Florida Statutes, is
25 amended to read:

26 561.025 Alcoholic Beverage and Tobacco Trust
27 Fund.--There is created within the State Treasury the
28 Alcoholic Beverage and Tobacco Trust Fund. All funds collected
29 by the division under ss. 210.15, 210.40, or under s. 569.003
30 and the Beverage Law with the exception of state funds
31 collected pursuant to ss. ~~561.501~~, 563.05, 564.06, and 565.12

1 shall be deposited in the State Treasury to the credit of the
2 trust fund, notwithstanding any other provision of law to the
3 contrary. Moneys deposited to the credit of the trust fund
4 shall be used to operate the division and to provide a
5 proportionate share of the operation of the office of the
6 secretary and the Division of Administration of the Department
7 of Business and Professional Regulation; except that:

8 (1) The revenue transfer provisions of ss. 561.32 and
9 561.342(1) and (2) shall continue in full force and effect,
10 and the division shall cause such revenue to be returned to
11 the municipality or county in the manner provided for in s.
12 561.32 or s. 561.342(1) and (2); and

13 (2) Ten percent of the revenues derived from retail
14 tobacco products dealer permit fees collected under s. 569.003
15 shall be transferred to the Department of Education to provide
16 for teacher training and for research and evaluation to reduce
17 and prevent the use of tobacco products by children.

18 Section 4. This act shall take effect July 1, 2001.

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21 SENATE SUMMARY

22 Ceases collection of the surcharge on sales of alcoholic
23 beverages for on-premises consumption effective July 1,
24 2001, and repeals the statute imposing the surcharge 3
25 years later. Provides a lump-sum appropriation to the
26 Children and Adolescents Substance Abuse Trust Fund to
27 offset the effects of discontinuing the surcharge.
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