

580-1056-05

1 A bill to be entitled
2 An act relating to the tax on cigarettes;
3 amending s. 210.021, F.S.; directing the
4 Secretary of Business and Professional
5 Regulation to require certain dealers and
6 agents to remit the tax on cigarettes by
7 electronic funds transfer; requiring the
8 Division of Alcoholic Beverages and Tobacco of
9 the Department of Business and Professional
10 Regulation to adopt rules governing the payment
11 of taxes by electronic funds transfer; amending
12 s. 210.08, F.S.; increasing the amount of the
13 surety bond, certificate of deposit, or
14 irrevocable letter of credit required by the
15 division as surety for the payment of cigarette
16 taxes; providing for exceptions; amending s.
17 210.18, F.S.; requiring that the seizure of
18 unstamped cigarettes be reported to the
19 division; requiring the division to keep
20 records concerning seized unstamped cigarettes;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 210.021, Florida Statutes, is
26 amended to read:

27 210.021 Payment of taxes by electronic funds
28 transfer.--

29 (1) The Secretary of Business and Professional
30 Regulation may require a dealer who sells cigarettes within
31 the state to remit by electronic funds transfer any tax

1 imposed under s. 210.02 ~~if the taxpayer is subject to the tax~~
2 ~~and if the total of such taxes he or she paid in the prior~~
3 ~~year amounted to \$50,000 or more.~~

4 (2) The Secretary of Business and Professional
5 Regulation shall require for a period not to exceed 12 months
6 that a dealer or agent, during the dealer's or agent's initial
7 period of licensure or appointment, remit by electronic funds
8 transfer any tax imposed under s. 210.02.

9 (3) The division shall adopt rules pursuant to ss.
10 120.536(1) and 120.54 to administer this section.

11 Section 2. Section 210.08, Florida Statutes, is
12 amended to read:

13 210.08 Bond for payment of taxes.--Each dealer, agent,
14 or distributing agent shall file with the division a surety
15 bond, certificate of deposit, or irrevocable letter of credit
16 acceptable to the division in the sum of ~~\$20,000~~\$10,000 as
17 surety for the payment of all taxes; provided, however, that
18 where in the discretion of the division the amount of business
19 done by the dealer, agent, or distributing agent is of such
20 volume that a bond, certificate of deposit, or irrevocable
21 letter of credit of less than ~~\$20,000~~\$10,000 will be adequate
22 to secure the payment of all taxes assessed as authorized by
23 the cigarette tax law, the division may accept a bond,
24 certificate of deposit, or irrevocable letter of credit in a
25 lesser sum than ~~\$20,000~~\$10,000, but in no event shall it
26 accept a bond, certificate of deposit, or irrevocable letter
27 of credit of less than \$1,000, and it may at any time in its
28 discretion require any bond, certificate of deposit, or
29 irrevocable letter of credit in an amount less than \$20,000
30 ~~\$10,000~~ to be increased not to exceed \$20,000~~\$10,000~~.

1 Section 3. Section 210.18, Florida Statutes, is
2 amended to read:

3 210.18 Penalties for tax evasion; reports by
4 sheriffs.--

5 (7) Any sheriff, deputy sheriff, ~~or~~ police officer, or
6 state law enforcement officer, upon the seizure of any
7 unstamped cigarettes under this section, shall promptly report
8 such seizure to the division or its representative, together
9 with a description of all such unstamped cigarettes seized, so
10 that the state may be kept informed as to the size and
11 magnitude of the illicit cigarette business. The division
12 shall keep records showing the number of seizures and seized
13 cigarettes reported to, or seized by, the division.

14 Section 4. This act shall take effect July 1, 2005.

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17 SENATE SUMMARY

18 Requires that a dealer or agent remit the cigarette tax
19 by electronic funds transfer during his or her initial
20 period of licensure or appointment. Requires the Division
21 of Alcoholic Beverages and Tobacco of the Department of
22 Business and Professional Regulation to adopt rules
23 governing the payment of cigarette taxes by electronic
24 funds transfer. Increases from \$10,000 to \$20,000 the
25 amount of the surety bond, certificate of deposit, or
26 irrevocable letter of credit required by the division as
27 surety for the payment of cigarette taxes. Requires that
28 the division keep records concerning seized cigarettes.
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