

THE FLORIDA LEGISLATURE



May 6, 2009

The Honorable Jeff Atwater
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS/CS/SB 1840, 1st Eng., same being:

An act relating to protecting Florida's health through a surcharge on tobacco products

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

Managers on the part of the Senate

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Senator Thad Altman, At Large

Senator Carey Baker

Senator Larcenia J. Bullard

Senator Victor D. Crist

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Senator Charlie Justice

Senator Alfred "Al" Lawson, Jr., At Large

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Senator Anthony C. "Tony" Hill, Sr.

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Senator James E. "Jim" King, Jr.

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Senator Durell Peaden, Jr.

Senator Nan H. Rich

Senator Jeremy Ring

Senator Christopher L. "Chris" Smith

Senator Ronda Storms

Senator Frederica S. Wilson

Managers on the part of the House of Representatives

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Representative Ron Saunders, At Large

Representative Ron Schultz

Representative Kelly Skidmore, At Large

Representative Darren Soto

Representative Richard L. Steinberg

Representative Priscilla Taylor

Representative Nicholas R. Thompson

Representative John Tobia

Representative Charles E. Van Zant

Representative Michael B. Weinstein

Representative Trudi K. Williams

May 6, 2009

The Conference Committee Amendment for CS/CS/SB 1840, 1st Eng., relating to protecting Florida's health through a surcharge on tobacco products:

- Provides that the act may be cited as the "Protecting Florida's Health Act."
- Levies a \$1 per (standard) pack surcharge on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state, to be administered, collected, and enforced in the same manner as the cigarette tax imposed under s. 210.02, F.S. Non-standard packs are subject to proportionate surcharges.
- Provides that revenue produced from the surcharge is deposited into the Health Care Trust Fund in the Agency for Health Care Administration.
- Provides conditions and requirements for mail order, Internet, and remote sales of tobacco products, including cigarettes.
- Increases penalties for possession of unstamped cigarettes, and creates a reward for information that results in a fine being levied and paid.
- Levies a surcharge on other tobacco products at a rate of 60 percent of the wholesale sales price. The surcharge does not apply to products exported outside the state, and is administered, collected, and enforced in the same manner as the tax imposed under s. 210.30, F.S.
- Provides that revenue produced from the surcharge is deposited into the Health Care Trust Fund.
- Levies the surcharge on all inventory on July 1, 2009, allowing the surcharge to be paid in four equal installments on July 21, August 10, August 30, and September 9, 2009.
- Provides a 5 percent dealer collection allowance to compensate manufacturers, wholesalers, distributors, and retailers for taking the inventory required for the surcharge on inventories.
- Amends s. 210.05, F.S., providing that sales to the Seminole Indian Tribe are administered under s. 210.1801, and deletes the provision allowing sale of unstamped cigarettes to the Seminole Indian Tribe.
- Creates s. 210.1801, F.S., providing tax and surcharge-free cigarettes for consumption by members of recognized Indian tribes on reservations. The tribes will be provided a limited number of tax and surcharge exemption coupons for cigarettes each year, equal to the number of members of the tribe times five packs of cigarettes multiplied by 365.
- Provides an effective date of July 1, 2009.