

HB 1019

2016

1 A bill to be entitled
2 An act relating to tax-and-surcharge-free cigarettes;
3 amending s. 210.1801, F.S.; authorizing recognized
4 Indian tribes to use excess Indian-tax-and-surcharge-
5 exemption coupons when selling cigarettes to nontribal
6 members on the reservation; providing an effective
7 date.

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

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11 Section 1. Subsection (1), paragraph (a) of subsection
12 (3), and subsection (4) of section 210.1801, Florida Statutes,
13 are amended to read:

14 210.1801 Exempt cigarettes for members of recognized
15 Indian tribes.—

16 (1) Notwithstanding any provision of this chapter to the
17 contrary, a member of an Indian tribe recognized in this state
18 who purchases cigarettes on an Indian reservation for his or her
19 own use is exempt from paying a cigarette tax and surcharge.
20 However, such member purchasing cigarettes outside of an Indian
21 reservation or a nontribal member purchasing cigarettes on an
22 Indian reservation is not exempt from paying the cigarette tax
23 or surcharge when purchasing cigarettes within this state,
24 unless the nontribal member purchases cigarettes on an Indian
25 reservation as set forth in paragraph (3)(a). Accordingly, the
26 tax and surcharge shall apply to all cigarettes sold on an

27 Indian reservation to a nontribal member, and evidence of such
28 tax or surcharge shall be by means of an affixed cigarette tax
29 and surcharge stamp.

30 (3) ~~Indian-tax-and-surcharge-exemption~~ coupons shall be
31 provided to the recognized governing body of each Indian tribe
32 to ensure that each Indian tribe can obtain cigarettes that are
33 exempt from the tax and surcharge which are for the use of the
34 tribe or its members. The ~~Indian-tax-and-surcharge-exemption~~
35 coupons shall be provided to the Indian tribes quarterly. It is
36 intended that each Indian tribe will distribute the ~~Indian-tax-~~
37 ~~and-surcharge-exemption~~ coupons to reservation cigarette sellers
38 on such tribe's reservation. Only Indian tribes or reservation
39 cigarette sellers on their reservations may redeem such ~~Indian-~~
40 ~~tax-and-surcharge-exemption~~ coupons pursuant to this section.

41 (a) The number of ~~Indian-tax-and-surcharge-exemption~~
42 coupons to be given to the recognized governing body of each
43 Indian tribe shall be based upon the probable demand of the
44 tribal members on the tribe's reservation plus the number needed
45 for official tribal use. The annual total number of ~~Indian-tax-~~
46 ~~and-surcharge-exemption~~ coupons to be given to the recognized
47 governing body of each Indian tribe shall be calculated by
48 multiplying the number of members of the tribe times five packs
49 of cigarettes times 365. If, based on probable demand, the
50 number of tax-and-surcharge-exemption coupons given to the
51 governing body of a recognized Indian tribe exceeds the actual
52 demand of the tribal members plus the number needed for official

53 tribal use, the tribe may use the excess coupons to sell tax-
54 and-surcharge-free cigarettes to nontribal members on the
55 reservation.

56 (4) (a) An Indian tribe may purchase cigarettes for its own
57 official use from a wholesale dealer without payment of the
58 cigarette tax and surcharge to the extent that the Indian tribe
59 provides the wholesale dealer with Indian-tax-and-surcharge-
60 exemption coupons entitling the Indian tribe to purchase such
61 quantities of cigarettes as allowed by each Indian-tax-and-
62 surcharge-exemption coupon without paying the cigarette tax and
63 surcharge.

64 (b) A tribal member may purchase cigarettes for his or her
65 own use without payment of the cigarette tax and surcharge if
66 the tribal member makes such purchase on a qualified
67 reservation.

68 (c) A nontribal member may purchase cigarettes for his or
69 her own use without payment of the cigarette tax and surcharge
70 if the nontribal member makes the purchase on an Indian
71 reservation as set forth in paragraph (3) (a).

72 (d) ~~(e)~~ A reservation cigarette seller may purchase
73 cigarettes for resale without payment of the cigarette tax from
74 a wholesale dealer licensed pursuant to this chapter:

75 1. If the reservation cigarette seller brings the
76 cigarettes or causes them to be delivered onto a qualified
77 reservation for resale on the reservation;

78 2. To the extent that the reservation cigarette seller

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79 provides the wholesale dealer with Indian-tax-and-surcharge-
80 exemption coupons entitling the reservation cigarette seller to
81 purchase such quantities of cigarettes as allowed on each
82 Indian-tax-and-surcharge-exemption coupon without paying the
83 cigarette tax and surcharge; and

84 3. If the cigarettes are affixed with a cigarette tax and
85 surcharge stamp.

86 (e)~~(d)~~ A wholesale dealer may not collect the cigarette
87 tax and surcharge from any purchaser if the purchaser gives the
88 dealer Indian-tax-and-surcharge-exemption coupons that entitle
89 the purchaser to purchase such quantities of cigarettes as
90 allowed on each such Indian-tax-and-surcharge-exemption coupon
91 without paying the cigarette tax and surcharge.

92 Section 2. This act shall take effect July 1, 2016.