

By the Committee on Crime & Punishment and Representatives
Putnam, Ball and Dockery

1 A bill to be entitled
2 An act relating to tobacco products; creating
3 s. 569.11, F.S.; prohibiting the possession of
4 tobacco products by certain minors; authorizing
5 the detention of a minor in violation of the
6 act; providing for the removal of such products
7 from the possession of the minor; prohibiting a
8 law enforcement officer from stopping a motor
9 vehicle to enforce the act; providing an
10 effective date.

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

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14 Section 1. Section 569.11, Florida Statutes, is
15 created to read:

16 569.11 Possession of tobacco products by persons under
17 18 years of age prohibited; removal of tobacco product from
18 minor; detention authorized.--

19 (1) It is unlawful for any person under 18 years of
20 age to knowingly possess any tobacco product, except a person
21 acting in the scope of his or her lawful employment with an
22 entity licensed under the provisions of chapter 210 or this
23 chapter.

24 (2) Possession of tobacco products by a minor in
25 violation of this section shall constitute grounds for a law
26 enforcement officer to temporarily detain a minor for the sole
27 purpose of removing any tobacco products from the minor's
28 possession.

29 (3)(a) In order to temporarily detain a minor, the law
30 enforcement officer must have witnessed a minor's actual
31 possession of a tobacco product. No minor shall be

1 temporarily detained longer than is reasonably necessary for a
2 law enforcement officer to do the following:

3 1. Determine that the person detained is a minor.

4 2. Determine that the item witnessed in the minor's
5 possession is a tobacco product.

6 3. Remove the tobacco product from the minor's
7 possession.

8 (b) Temporary detention shall not extend beyond the
9 place where it was first effected or the immediate vicinity
10 thereof. A law enforcement officer may not search a minor's
11 person or effects unless the officer has witnessed the minor's
12 actual possession of a tobacco product immediately prior to
13 any search.

14 (4) A law enforcement officer shall not stop a moving
15 motor vehicle for the sole purpose of enforcing this section.
16 However, enforcement of this section may be accomplished as a
17 secondary action when a driver of a motor vehicle has been
18 detained for a suspected violation of a section in chapter
19 316, chapter 320 or chapter 322.

20 (5) If, while temporarily detaining a minor pursuant
21 to this section, a law enforcement officer develops a
22 reasonable suspicion to believe that the minor has committed,
23 is committing, or is about to commit a violation of the
24 criminal laws of this state or the criminal ordinances of any
25 municipality or county, further detention is authorized
26 pursuant to ss. 901.15 or 901.151.

27 (6) Nothing in this section shall be construed to
28 supersede the provisions of s. 386.212.

29 Section 2. This act shall take effect October 1, 1997.
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