

By Senator Soto

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1 A bill to be entitled
2 An act relating to aerosol spray paint; creating s.
3 877.28, F.S.; prohibiting the sale of aerosol spray
4 paint to persons younger than 18 years of age;
5 providing a defense; requiring a business that sells
6 aerosol spray paint to post a certain sign;
7 prohibiting a person from misrepresenting his or her
8 age in order to purchase aerosol spray paint;
9 providing penalties; authorizing local governments to
10 use collected fines for the improvement or maintenance
11 of neighborhoods and parks; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 877.28, Florida Statutes, is created to
17 read:

18 877.28 Sale of aerosol spray paint to persons younger than
19 18 years of age; penalties.—

20 (1) A person may not sell aerosol spray paint to a person
21 who is younger than 18 years of age. A person who violates this
22 subsection has a complete defense if, at the time the aerosol
23 spray paint was sold:

24 (a) The buyer misrepresented that he or she was 18 years of
25 age or older;

26 (b) The appearance of the buyer was such that a prudent
27 person would believe the buyer to be 18 years of age or older;
28 and

29 (c) The seller carefully checked a driver license or an

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30 identification card issued by this state or another state of the
31 United States, a passport, or a United States armed services
32 identification card presented by the buyer and acted in good
33 faith and in reliance upon the representation and appearance of
34 the buyer in the belief that the buyer was 18 years of age or
35 older.

36 (2) A seller of aerosol spray paint shall post a clear and
37 conspicuous sign near the checkout counter which substantially
38 states the following:

39
40 THE SALE OF AEROSOL SPRAY PAINT TO PERSONS YOUNGER THAN 18 YEARS
41 OF AGE VIOLATES FLORIDA LAW UNDER SECTION 877.28, FLORIDA
42 STATUTES. PROOF OF AGE IS REQUIRED FOR PURCHASE.

43
44 (3) A person younger than 18 years of age may not
45 misrepresent his or her age for the purpose of inducing a seller
46 or an agent or employee of the seller to sell aerosol spray
47 paint, or to purchase or attempt to purchase, aerosol spray
48 paint from any person.

49 (4) A person who violates:

50 (a) Subsection (1) or subsection (2) commits a noncriminal
51 violation as provided in s. 775.08, punishable by a fine not to
52 exceed \$500.

53 (b) Subsection (3) commits a noncriminal violation as
54 provided in s. 775.08, punishable by a fine not to exceed \$50.

55 (5) A person cited for committing a noncriminal violation
56 under this section shall sign and accept a civil citation
57 indicating a promise to comply with the requirement for paying
58 the fine. The fine shall be paid within 30 days after the date

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59 of the citation.

60 (6) Local governments are authorized to use fines collected
61 pursuant to subsection (4) for the improvement or maintenance of
62 neighborhoods and parks.

63 Section 2. This act shall take effect July 1, 2014.