

Bill No. CS for CS for CS for CS for SB 442

Barcode 504304

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

8/00/2R  
05/02/2005 03:59 PM

.  
. .  
. .  
. .  
. .  
. .

Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 80, between lines 28 and 29,

insert:

Section 47. Section 791.012, Florida Statutes, is amended to read:

791.012 Minimum building standards and fireworks safety standards.--The outdoor display of fireworks in this state ~~is shall be~~ governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition, approved by the American National Standards Institute. Any state, county, or municipal law, rule, or ordinance may provide for more stringent regulations for the outdoor display of fireworks, but in no event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. Each sales facility exclusively dedicated to the retail sale of consumer fireworks, consumer fireworks sales area in a bulk merchandising retail building, and temporary location for the

Bill No. CS for CS for CS for CS for SB 442

Barcode 504304

1 sale of consumer fireworks must be in accordance with NFPA  
2 1124, 2003 Edition, Chapter 7, and the Fire Prevention Code,  
3 2004 Edition. The division shall adopt ~~promulgate~~ rules to  
4 carry out ~~the provisions of~~ this section. The Code for  
5 Fireworks Display does ~~shall~~ not govern the display of any  
6 fireworks on private, residential property and does ~~shall~~ not  
7 govern the display of those items included under s.  
8 791.01(4)(b) and (c) and authorized for sale thereunder. In  
9 order to ensure uniform safety standards for consumer  
10 fireworks and sparklers, and excepting federal law, the  
11 legislature has the exclusive power to regulate the sale, use,  
12 safety standards, and possession of consumer fireworks and  
13 sparklers in this state and a county, municipality, or other  
14 unit of local government may not enact an ordinance, rule,  
15 regulation, or other law after March 8, 2005, which prohibits  
16 or interferes with the safety standards established by state  
17 law or the right to purchase, sell, use, or possess consumer  
18 fireworks and sparklers in this state; however, this  
19 preemption is repealed on July 1, 2006, if legislation to  
20 provide for the comprehensive regulation for the sale,  
21 possession, storage, display, and safe use of consumer  
22 fireworks and sparklers is enacted.

23  
24 (Redesignate subsequent sections.)

25  
26  
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 7, line 29, after the semicolon,

30  
31 insert:

Bill No. CS for CS for CS for CS for SB 442

Barcode 504304

1           amending s. 791.012, F.S.; establishing fire  
2           safety standards for certain sales of consumer  
3           fireworks; preempting a county, municipality,  
4           or other local government entity from  
5           regulating the sale, use, safety standards, or  
6           possession of consumer fireworks; repealing the  
7           preemption under certain conditions relating to  
8           enactment of comprehensive consumer fireworks  
9           legislation;

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31