

1 A bill to be entitled
 2 An act relating to fireworks; reordering and amending
 3 s. 791.01, F.S.; providing and revising definitions;
 4 amending s. 791.02, F.S.; prohibiting the sale or
 5 possession of consumer fireworks by persons younger
 6 than 18 years of age; providing an exception;
 7 repealing s. 791.07, F.S., relating to agricultural
 8 and fish hatchery use of fireworks; amending s.
 9 791.012, F.S.; conforming a cross-reference; providing
 10 an 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 791.01, Florida Statutes, is reordered
 15 and amended to read:

16 791.01 Definitions.—As used in this chapter, the term:

17 (1) "Aerial devices" means devices described in the
 18 American Pyrotechnics Association standard 87-1 at 3.1.2 and
 19 includes sky rockets, missile-type rockets, roman candles, and
 20 mine and shell devices.

21 (2) "Consumer" means a person purchasing or possessing a
 22 product for personal use.

23 (3) "Consumer fireworks" means small fireworks that are
 24 designed primarily to produce visible effects by combustion and
 25 that are required to comply with the construction, chemical
 26 composition, and cautionary labeling regulations of the Consumer
 27 Product Safety Commission as provided in 16 C.F.R. parts 1500
 28 and 1507 and the American Pyrotechnics Association standard 87-

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29 | 1. The term also includes some small devices designed to produce
30 | an audible effect, such as whistling devices, ground devices
31 | containing 50 milligrams or less of explosive composition, and
32 | aerial devices containing 100 milligrams or less of explosive
33 | composition. The term also includes novelties and devices
34 | classified by United States Department of Transportation at 49
35 | C.F.R. s. 172.01 as consumer fireworks UN0336 and UN0337.

36 | (4)-(1) "Distributor" means any person engaged in the
37 | business of selling sparklers to a wholesaler.

38 | (5)-(2) "Division" means the Division of the State Fire
39 | Marshal of the Department of Financial Services.

40 | (6)-(3) "Explosive compound" means any chemical compound,
41 | mixture, or device the primary or common purpose of which is to
42 | function by the substantially instantaneous release of gas and
43 | heat.

44 | (7)-(4)-(a) "Fireworks" means and includes any combustible
45 | or explosive composition or substance or combination of
46 | substances or, except as hereinafter provided, any article
47 | prepared for the purpose of producing a visible or audible
48 | effect by combustion, explosion, deflagration, or detonation.
49 | The term includes blank cartridges and toy cannons in which
50 | explosives are used, the type of balloons which require fire
51 | underneath to propel them, firecrackers, torpedoes, skyrockets,
52 | roman candles, dago bombs, and any fireworks containing any
53 | explosives or flammable compound or any tablets or other device
54 | containing any explosive substance. The term

55 | ~~(b)~~ "Fireworks" does not include consumer fireworks,
56 | novelties, or sparklers approved by the division pursuant to s.

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57 791.013; toy pistols, toy canes, toy guns, or other devices in
58 which paper caps containing twenty-five hundredths grains or
59 less of explosive compound are used, providing they are so
60 constructed that the hand cannot come in contact with the cap
61 when in place for the explosion; and toy pistol paper caps which
62 contain less than twenty hundredths grains of explosive mixture,
63 the sale and use of which shall be permitted at all times.

64 ~~(8)-(5)~~ "Manufacturer" means any person engaged in the
65 manufacture or construction of sparklers in this state.

66 ~~(9)-(e)~~ "Novelties" means those devices identified in the
67 American Pyrotechnics Association standard 87-1 as novelty
68 devices at 2.12, and includes "Fireworks" also does not include
69 the following novelties and trick noisemakers:

70 ~~(a)1-~~ A snake or glow worm, which is a pressed pellet of
71 not more than 10 grams of pyrotechnic composition that produces
72 a large, snakelike ash which expands in length as the pellet
73 burns and that does not contain mercuric thiocyanate.

74 ~~(b)2-~~ A smoke device, which is a tube or sphere containing
75 not more than 10 grams of pyrotechnic composition that, upon
76 burning, produces white or colored smoke as the primary effect.

77 ~~(c)3-~~ A trick noisemaker, which is a device that produces
78 a small report intended to surprise the user and which includes:

79 ~~1.a-~~ A party popper, which is a small plastic or paper
80 device containing not more than 16 milligrams of explosive
81 composition that is friction sensitive, which is ignited by
82 pulling a string protruding from the device, and which expels a
83 paper streamer and produces a small report.

84 ~~2.b-~~ A booby trap, which is a small tube with a string

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85 protruding from both ends containing not more than 16 milligrams
86 of explosive compound, which is ignited by pulling the ends of
87 the string, and which produces a small report.

88 3.e. A snapper, which is a small, paper-wrapped device
89 containing not more than four milligrams of explosive
90 composition coated on small bits of sand, and which, when
91 dropped, explodes, producing a small report. A snapper may not
92 contain more than 250 milligrams of total sand and explosive
93 composition.

94 4.d. A trick match, which is a kitchen or book match which
95 is coated with not more than 16 milligrams of explosive or
96 pyrotechnic composition and which, upon ignition, produces a
97 small report or shower of sparks.

98 5.e. A cigarette load, which is a small wooden peg that
99 has been coated with not more than 16 milligrams of explosive
100 composition and which produces, upon ignition of a cigarette
101 containing one of the pegs, a small report.

102 6.f. An auto burglar alarm, which is a tube which contains
103 not more than 10 grams of pyrotechnic composition that produces
104 a loud whistle or smoke when ignited and which is ignited by use
105 of a squib. A small quantity of explosive, not exceeding 50
106 milligrams, may also be used to produce a small report.

107
108 ~~The sale and use of items listed in this paragraph are permitted~~
109 ~~at all times.~~

110 (10)(6) "Retailer" means any person who, at a fixed place
111 of business, is engaged in selling sparklers to consumers at
112 retail.

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113 ~~(11)-(7)~~ "Seasonal retailer" means any person engaged in
114 the business of selling sparklers at retail in this state from
115 June 20 through July 5 and from December 10 through January 2 of
116 each year.

117 ~~(12)-(8)~~ "Sparkler" means a device which emits showers of
118 sparks upon burning, does not contain any explosive compounds,
119 does not detonate or explode, is handheld or ground based,
120 cannot propel itself through the air, and contains not more than
121 200 ~~100~~ grams of the chemical compound which produces sparks
122 upon burning. The term includes ground and hand-held sparkling
123 devices as described in the American Pyrotechnics Association
124 standard 87-1 at 3.1.1. Any sparkler that is not approved by the
125 division is classified as fireworks.

126 ~~(13)-(9)~~ "Wholesaler" means any person engaged in the
127 business of selling sparklers to a retailer.

128 Section 2. Subsection (1) of section 791.02, Florida
129 Statutes, is amended, and subsection (3) is added to that
130 section, to read:

131 791.02 Sale of fireworks regulated; rules and regulations;
132 exceptions.—

133 (1) Except as otherwise hereinafter provided in this
134 section, it is unlawful for any person, firm, copartnership, or
135 corporation to offer for sale, expose for sale, sell at retail,
136 or use or explode any fireworks. ~~; provided that~~ The board of
137 county commissioners of any county may ~~shall have power to~~ adopt
138 reasonable rules and regulations for the granting of permits for
139 supervised public display of fireworks by fair associations,
140 amusement parks, and other organizations or groups of

141 individuals when such public display is to take place outside of
 142 any municipality.~~;~~ ~~provided, further, that~~ The governing body of
 143 any municipality may ~~shall have power to~~ adopt reasonable rules
 144 and regulations for the granting of permits for supervised
 145 public display of fireworks within its ~~the~~ boundaries ~~of any~~
 146 ~~municipality~~. Every such display shall be handled by a competent
 147 operator to be approved by the chiefs of the police and fire
 148 departments of the municipality in which the display is to be
 149 held~~,~~ and shall be of such a character~~,~~ and so located,
 150 discharged, or fired as in the opinion of the chief of the fire
 151 department, after proper inspection, ~~shall~~ not to be hazardous
 152 to property or to endanger any person. Application for permits
 153 shall be made in writing at least 15 days in advance of the date
 154 of the display. After such privilege is ~~shall have been~~ granted,
 155 sales, possession, use, and distribution of fireworks for such
 156 display shall be lawful for that purpose only. No permit granted
 157 under this subsection hereunder shall be transferable.

158 (3) Consumer fireworks may not be sold to or possessed by
 159 a person younger than 18 years of age, except that novelties may
 160 be used by a person younger than 18 years of age if the person
 161 is being directly supervised by an adult.

162 Section 3. Section 791.07, Florida Statutes, is repealed.

163 Section 4. Section 791.012, Florida Statutes, is amended
 164 to read:

165 791.012 Minimum fireworks safety standards.—The outdoor
 166 display of fireworks in this state shall be governed by the
 167 National Fire Protection Association (NFPA) 1123, Code for
 168 Fireworks Display, 1995 Edition, approved by the American

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169 National Standards Institute. Any state, county, or municipal
170 law, rule, or ordinance may provide for more stringent
171 regulations for the outdoor display of fireworks, but in no
172 event may any such law, rule, or ordinance provide for less
173 stringent regulations for the outdoor display of fireworks. The
174 division shall promulgate rules to carry out the provisions of
175 this section. The Code for Fireworks Display shall not govern
176 the display of any fireworks on private, residential property
177 and shall not govern the display of consumer fireworks or
178 novelties ~~those items included under s. 791.01(4)(b) and (c) and~~
179 ~~authorized for sale thereunder.~~

180 Section 5. This act shall take effect October 1, 2013.