

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Grant, J. offered the following:

Amendment (with title amendment)

Between lines 1635 and 1636, insert:

Section 57. Section 791.015, Florida Statutes, is repealed.

Section 58. Section 791.02, Florida Statutes, is amended to read:

791.02 Sale of fireworks regulated; rules and regulations.—

~~(1) Except as hereinafter provided it is unlawful for any person, firm, copartnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any~~

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

14 ~~fireworks; provided that~~ the board of county commissioners shall
15 have power to adopt reasonable rules and regulations for the
16 granting of permits for supervised public display of fireworks
17 by fair associations, amusement parks, and other organizations
18 or groups of individuals when such public display is to take
19 place outside of any municipality; provided, further, that the
20 governing body of any municipality shall have power to adopt
21 reasonable rules and regulations for the granting of permits for
22 supervised public display of fireworks within the boundaries of
23 any municipality. Every such display shall be handled by a
24 competent operator to be approved by the chiefs of the police
25 and fire departments of the municipality in which the display is
26 to be held, and shall be of such a character, and so located,
27 discharged, or fired as in the opinion of the chief of the fire
28 department, after proper inspection, shall not be hazardous to
29 property or endanger any person. Application for permits shall
30 be made in writing at least 15 days in advance of the date of
31 the display. After such privilege shall have been granted,
32 sales, possession, use, and distribution of fireworks for such
33 display shall be lawful for that purpose only. No permit granted
34 hereunder shall be transferable.

35 ~~(2) A sparkler or other product authorized for sale under~~
36 ~~this chapter may not be sold by a retailer or seasonal retailer~~
37 ~~unless the product was obtained from a manufacturer,~~
38 ~~distributor, or wholesaler registered with the division pursuant~~

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

39 | ~~to s. 791.015. Each retailer and seasonal retailer shall keep,~~
40 | ~~at every location where sparklers are sold, a copy of an invoice~~
41 | ~~or other evidence of purchase from the manufacturer,~~
42 | ~~distributor, or wholesaler, which states the registration~~
43 | ~~certificate number for the particular manufacturer, distributor,~~
44 | ~~or wholesaler and the specific items covered by the invoice.~~
45 | ~~Each seasonal retailer shall, in addition, exhibit a copy of his~~
46 | ~~or her registration certificate at each seasonal retail~~
47 | ~~location.~~

48 | Section 59. Section 791.01, Florida Statutes, is amended
49 | to read:

50 | 791.01 Definitions.—As used in this chapter, the term:

51 | ~~(1) "Distributor" means any person engaged in the business~~
52 | ~~of selling sparklers to a wholesaler.~~

53 | (1)~~(2)~~ "Division" means the Division of the State Fire
54 | Marshal of the Department of Financial Services.

55 | (2)~~(3)~~ "Explosive compound" means any chemical compound,
56 | mixture, or device the primary or common purpose of which is to
57 | function by the substantially instantaneous release of gas and
58 | heat.

59 | (3)~~(4)~~ (a) "Fireworks" means and includes any combustible
60 | or explosive composition or substance or combination of
61 | substances or, except as hereinafter provided, any article
62 | prepared for the purpose of producing a visible or audible
63 | effect by combustion, explosion, deflagration, or detonation.

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

64 The term includes blank cartridges and toy cannons in which
65 explosives are used, the type of balloons which require fire
66 underneath to propel them, firecrackers, torpedoes, skyrockets,
67 roman candles, dago bombs, and any fireworks containing any
68 explosives or flammable compound or any tablets or other device
69 containing any explosive substance.

70 (b) "Fireworks" does not include sparklers ~~approved by the~~
71 ~~division pursuant to s. 791.013~~; toy pistols, toy canes, toy
72 guns, or other devices in which paper caps containing twenty-
73 five hundredths grains or less of explosive compound are used,
74 providing they are so constructed that the hand cannot come in
75 contact with the cap when in place for the explosion; and toy
76 pistol paper caps which contain less than twenty hundredths
77 grains of explosive mixture, the sale and use of which shall be
78 permitted at all times.

79 (c) "Fireworks" also does not include the following
80 novelties and trick noisemakers:

81 1. A snake or glow worm, which is a pressed pellet of not
82 more than 10 grams of pyrotechnic composition that produces a
83 large, snakelike ash which expands in length as the pellet burns
84 and that does not contain mercuric thiocyanate.

85 2. A smoke device, which is a tube or sphere containing
86 not more than 10 grams of pyrotechnic composition that, upon
87 burning, produces white or colored smoke as the primary effect.

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

88 3. A trick noisemaker, which is a device that produces a
89 small report intended to surprise the user and which includes:

90 a. A party popper, which is a small plastic or paper
91 device containing not more than 16 milligrams of explosive
92 composition that is friction sensitive, which is ignited by
93 pulling a string protruding from the device, and which expels a
94 paper streamer and produces a small report.

95 b. A booby trap, which is a small tube with a string
96 protruding from both ends containing not more than 16 milligrams
97 of explosive compound, which is ignited by pulling the ends of
98 the string, and which produces a small report.

99 c. A snapper, which is a small, paper-wrapped device
100 containing not more than four milligrams of explosive
101 composition coated on small bits of sand, and which, when
102 dropped, explodes, producing a small report. A snapper may not
103 contain more than 250 milligrams of total sand and explosive
104 composition.

105 d. A trick match, which is a kitchen or book match which
106 is coated with not more than 16 milligrams of explosive or
107 pyrotechnic composition and which, upon ignition, produces a
108 small report or shower of sparks.

109 e. A cigarette load, which is a small wooden peg that has
110 been coated with not more than 16 milligrams of explosive
111 composition and which produces, upon ignition of a cigarette
112 containing one of the pegs, a small report.

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

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

118
119 The sale and use of items listed in this paragraph are permitted
120 at all times.

121 ~~(5) "Manufacturer" means any person engaged in the~~
122 ~~manufacture or construction of sparklers in this state.~~

123 ~~(6) "Retailer" means any person who, at a fixed place of~~
124 ~~business, is engaged in selling sparklers to consumers at~~
125 ~~retail.~~

126 ~~(7) "Seasonal retailer" means any person engaged in the~~
127 ~~business of selling sparklers at retail in this state from June~~
128 ~~20 through July 5 and from December 10 through January 2 of each~~
129 ~~year.~~

130 (4)~~(8)~~ "Sparkler" means a device which emits showers of
131 sparks upon burning, does not contain any explosive compounds,
132 does not detonate or explode, is handheld or ground based,
133 cannot propel itself through the air, and contains not more than
134 100 grams of the chemical compound which produces sparks upon
135 burning. Any sparkler that is not approved by the division is
136 classified as fireworks.

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

137 ~~(9) "Wholesaler" means any person engaged in the business~~
138 ~~of selling sparklers to a retailer.~~

139 Section 60. Section 791.012, Florida Statutes, is amended
140 to read:

141 791.012 Minimum fireworks safety standards.—The outdoor
142 display of fireworks in this state shall be governed by the
143 National Fire Protection Association (NFPA) 1123, Code for
144 Fireworks Display, 1995 Edition, approved by the American
145 National Standards Institute. Any state, county, or municipal
146 law, rule, or ordinance may provide for more stringent
147 regulations for the outdoor display of fireworks, but in no
148 event may any such law, rule, or ordinance provide for less
149 stringent regulations for the outdoor display of fireworks. The
150 division shall promulgate rules to carry out the provisions of
151 this section. The Code for Fireworks Display shall not govern
152 the display of any fireworks on private, residential property
153 and shall not govern the display of those items included under
154 s. 791.01(3)(b) and (c) ~~s. 791.01(4)(b) and (e)~~ and authorized
155 for sale thereunder.

156 Section 61. Section 791.04, Florida Statutes, is amended
157 to read:

158 791.04 Exemptions ~~Sale at wholesale, etc., exempted.—~~
159 Nothing in this chapter shall be construed to ~~prohibit any~~
160 ~~manufacturer, distributor, or wholesaler who has registered with~~
161 ~~the division pursuant to s. 791.015 to sell at wholesale such~~

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

162 ~~fireworks as are not herein prohibited; to prohibit the sale of~~
 163 ~~any kind of fireworks at wholesale between manufacturers,~~
 164 ~~distributors, and wholesalers who have registered with the~~
 165 ~~division pursuant to s. 791.015; to prohibit the sale of any~~
 166 ~~kind of fireworks provided the same are to be shipped directly~~
 167 ~~out of state by such manufacturer, distributor, or wholesaler;~~
 168 ~~to prohibit the sale of fireworks to be used by a person holding~~
 169 ~~a permit from any board of county commissioners at the display~~
 170 ~~covered by such permit; or to prohibit the use of fireworks by~~
 171 ~~railroads or other transportation agencies for signal purposes~~
 172 ~~or illumination or when used in quarrying or for blasting or~~
 173 ~~other industrial use, or the sale or use of blank cartridges for~~
 174 ~~a show or theater, or for signal or ceremonial purposes in~~
 175 ~~athletics or sports, or for use by military organizations, or~~
 176 ~~organizations composed of the Armed Forces of the United States;~~
 177 ~~provided, nothing in this chapter shall be construed as barring~~
 178 ~~the operations of manufacturers, duly licensed, from~~
 179 ~~manufacturing, experimenting, exploding, and storing such~~
 180 ~~fireworks in their compounds or proving grounds.~~

181
 182 -----

T I T L E A M E N D M E N T

183
 184 Remove lines 2-182 and insert:
 185 An act relating to business regulation; amending s.
 186 326.004, F.S.; deleting the requirement for a yacht

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

187 broker to maintain a separate license for each branch
188 office; deleting the requirement for the division to
189 establish a fee; amending s. 447.02, F.S.; conforming
190 provisions; repealing s. 447.04, F.S., relating to
191 licensure and permit requirements for business agents;
192 repealing s. 447.041, F.S., relating to hearings for
193 persons or labor organizations denied licensure as a
194 business agent; repealing s. 447.045, F.S., relating
195 to confidential information obtained during the
196 application process; repealing s. 447.06, F.S.,
197 relating to required registration of labor
198 organizations; amending s. 447.09, F.S.; deleting
199 certain prohibited actions relating to the right of
200 franchise of a member of a labor organization;
201 repealing s. 447.12, F.S., relating to registration
202 fees; repealing s. 447.16, F.S., relating to
203 applicability; amending s. 447.305, F.S.; deleting a
204 provision that requires notification of registrations
205 and renewals to the department; amending s. 455.213,
206 F.S.; conforming a cross-reference; requiring the
207 board to use a specified process for the review of an
208 applicant's criminal record to determine the
209 applicant's eligibility for certain licenses;
210 prohibiting the conviction of a crime before a
211 specified date from being grounds for the denial of

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

212 certain licenses; defining the term "conviction";
213 authorizing a person to apply for a license before his
214 or her lawful release from confinement or supervision;
215 prohibiting additional fees for an applicant confined
216 or under supervision; prohibiting the board from
217 basing a denial of a license application solely on the
218 applicant's current confinement or supervision;
219 authorizing the board to stay the issuance of an
220 approved license under certain circumstances;
221 requiring the board to verify an applicant's release
222 with the Department of Corrections; providing
223 requirements for the appearance of certain applicants
224 at certain meetings; requiring the board to provide a
225 list on its website specifying how certain crimes
226 affect an applicant's eligibility for licensure;
227 amending s. 464.203, F.S.; prohibiting the conviction
228 of a crime before a specified date from being grounds
229 for the denial of a certification under certain
230 circumstances; prohibiting the conviction of a crime
231 before a specified date from being grounds for the
232 failure of a background screening; defining the term
233 "conviction"; authorizing a person to apply for
234 certification before his or her lawful release from
235 confinement or supervision; prohibiting additional
236 fees for an applicant confined or under supervision;

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

237 prohibiting the board from basing the denial of a
238 certification solely on the applicant's current
239 confinement or supervision; authorizing the board to
240 stay the issuance of an approved certificate under
241 certain circumstances; requiring the board to verify
242 an applicant's release with the Department of
243 Corrections; providing requirements for the appearance
244 of certain applicants at certain meetings; requiring
245 the board provide a list on its website specifying how
246 certain crimes may affect an applicant's eligibility
247 for certification; amending s. 400.211, F.S.;
248 conforming a cross-reference; amending s. 469.006,
249 F.S.; revising licensure requirements for asbestos
250 abatement consulting or contracting as a partnership,
251 corporation, business trust, or other legal entity;
252 amending s. 469.009, F.S.; conforming provisions;
253 requiring the Florida Engineering Management
254 Corporation to develop a plan by a date certain for
255 returning regulatory authority over engineers to the
256 Department of Business and Professional Regulation;
257 providing plan requirements; requiring that the plan
258 be submitted to the Legislature by a specified date;
259 amending s. 11.45, F.S.; conforming provisions to
260 changes made by the act; amending s. 471.0035, F.S.;
261 conforming a cross-reference; amending s. 471.005,

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

262 F.S.; conforming provisions to changes made by the
263 act; amending ss. 471.011, 471.015, 471.017, 471.021,
264 471.023, and 471.033, F.S.; conforming provisions to
265 changes made by the act; repealing s. 471.038, F.S.,
266 relating to the Florida Engineers Management
267 Corporation Act; repealing s. 471.0385, F.S., relating
268 to the effect of a court action finding the Florida
269 Engineering Management Corporation unconstitutional or
270 in violation of antitrust laws; providing for the
271 transfer of certain rules, duties, balances, funds,
272 and functions of the Florida Engineering Management
273 Corporation to the Department of Business and
274 Professional Regulation by a type two transfer;
275 amending s. 476.034, F.S.; defining the terms
276 "restricted barber" and "restricted barbering";
277 amending s. 476.114, F.S.; revising training
278 requirements for licensure as a barber; providing
279 requirements for licensure by examination as a
280 restricted barber; amending s. 476.144, F.S.;
281 requiring the department to license an applicant who
282 the board certifies is qualified to practice
283 restricted barbering; amending s. 477.013, F.S.;
284 revising and providing definitions; repealing s.
285 477.0132, F.S., relating to registration for hair
286 braiding, hair wrapping, and body wrapping; amending

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

287 s. 477.0135, F.S.; providing that licensure or
288 registration is not required for persons whose
289 occupation or practice is confined solely to hair
290 braiding, hair wrapping, body wrapping, nail
291 polishing, and makeup application; amending s.
292 477.019, F.S.; conforming provisions; amending s.
293 477.0201, F.S.; providing requirements for
294 registration as a nail specialist, facial specialist,
295 or full specialist; amending ss. 477.026, 477.0265,
296 and 477.029, F.S.; conforming provisions; amending s.
297 481.203, F.S.; revising definitions; amending s.
298 481.219, F.S.; revising the process by which a
299 business organization obtains the requisite license to
300 perform architectural services or interior design;
301 requiring that a licensee or an applicant apply to
302 qualify a business organization to practice
303 architecture or interior design; providing application
304 requirements; authorizing the Board of Architecture
305 and Interior Design to deny an application under
306 certain circumstances; providing notice requirements;
307 prohibiting a business organization from engaging in
308 certain practices until it is qualified by a
309 qualifying agent; authorizing the executive director
310 or the chair of the board to authorize a temporary
311 qualifying agent for a specified timeframe under

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

312 certain circumstances; requiring the board to allow an
313 applicant to qualify one or more business
314 organizations or to operate using a fictitious name
315 under certain circumstances; deleting a requirement
316 for the administration of disciplinary action against
317 a corporation, limited liability company, or
318 partnership; conforming provisions to changes made by
319 the act; amending s. 481.221, F.S.; requiring a
320 business organization to include the license number of
321 a certain registered architect or interior designer in
322 any advertising; providing an exception; conforming
323 provisions to changes made by the act; amending s.
324 481.229, F.S.; conforming provisions to changes made
325 by the act; amending s. 481.303, F.S.; revising
326 definitions; amending ss. 481.311 and 481.317, F.S.;
327 conforming provisions; amending s. 481.319, F.S.;
328 deleting the requirement for a certificate of
329 authorization; authorizing landscape architects to
330 practice through a corporation or partnership;
331 amending s. 481.321, F.S.; revising requirements
332 related to the display of a certificate number;
333 amending s. 481.329, F.S.; conforming a cross-
334 reference; amending s. 287.055, F.S.; conforming a
335 provision; amending s. 489.553, F.S.; requiring the
336 board to use a specified process for the review of an

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

337 applicant's criminal record to determine the
338 applicant's eligibility for certain licenses;
339 prohibiting the conviction of a crime before a
340 specified date from being grounds for the denial of
341 certain licenses; defining the term "conviction";
342 authorizing a person to apply for a license before his
343 or her lawful release from confinement or supervision;
344 prohibiting additional fees for an applicant confined
345 or under supervision; prohibiting the board from
346 basing a denial of a license application solely on the
347 applicant's current confinement or supervision;
348 authorizing the board to stay the issuance of an
349 approved license under certain circumstances;
350 requiring the board to verify an applicant's release
351 with the Department of Corrections; providing
352 requirements for the appearance of certain applicants
353 at certain meetings; requiring the board to provide a
354 list on its website specifying how certain crimes
355 affect an applicant's eligibility for licensure;
356 amending s. 492.104, F.S.; making conforming and
357 technical changes; amending s. 492.111, F.S.; deleting
358 the requirements for a certificate of authorization
359 for a professional geologist; amending ss. 492.113 and
360 492.115, F.S.; conforming provisions; amending s.
361 548.003, F.S.; deleting the requirement that the

525863

Approved For Filing: 2/28/2018 3:48:55 PM

Amendment No.

362 Florida State Boxing Commission adopt rules relating
363 to a knockdown timekeeper; amending s. 548.017, F.S.;
364 deleting the licensure requirement for a timekeeper or
365 announcer; repealing s. 791.015, F.S., relating to the
366 registration of manufacturers, distributors,
367 wholesalers, and retailers of sparklers; amending s.
368 791.02, F.S.; deleting provisions relating to the
369 regulation of the sale or use of fireworks; deleting a
370 requirement that only registered distributors,
371 manufacturers, retailers, seasonal retailers, and
372 wholesalers may sell fireworks or sparklers; amending
373 ss. 791.01, 791.012, and 791.04, F.S.; conforming
374 provisions to changes made by the act; providing
375 effective dates.

525863

Approved For Filing: 2/28/2018 3:48:55 PM