

By Senator Steube

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1 A bill to be entitled
 2 An act relating to fireworks; repealing ss. 791.013
 3 and 791.015, F.S., relating to the testing and
 4 approval of sparklers and the registration of
 5 manufacturers, distributors, wholesalers, and
 6 retailers of sparklers, respectively; repealing s.
 7 791.02, F.S., relating to the sale and use of
 8 fireworks; repealing s. 791.03, F.S., relating to the
 9 bond of licensees; amending ss. 791.01, 791.012, and
 10 791.04, F.S.; conforming provisions to changes made by
 11 the act; providing an effective date.

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

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 15 Section 1. Sections 791.013, 791.015, 791.02, and 791.03,
 16 Florida Statutes, are repealed.

17 Section 2. Section 791.01, Florida Statutes, is amended to
 18 read:

19 791.01 Definitions.—As used in this chapter, the term:
 20 ~~(1) "Distributor" means any person engaged in the business~~
 21 ~~of selling sparklers to a wholesaler.~~

22 (1)(2) "Division" means the Division of the State Fire
 23 Marshal of the Department of Financial Services.

24 (2)(3) "Explosive compound" means any chemical compound,
 25 mixture, or device whose ~~the~~ primary or common purpose ~~of which~~
 26 is to function by the substantially instantaneous release of gas
 27 and heat.

28 (3)(4)(a) "Fireworks" means and includes any combustible or
 29 explosive composition or substance or combination of substances

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30 or, except as hereinafter provided, any article prepared for the
31 purpose of producing a visible or audible effect by combustion,
32 explosion, deflagration, or detonation. The term includes blank
33 cartridges and toy cannons in which explosives are used, the
34 type of balloons that ~~which~~ require fire underneath to propel
35 them, firecrackers, torpedoes, skyrockets, roman candles, dago
36 bombs, and any fireworks containing any explosives or flammable
37 compound or any tablets or other device containing any explosive
38 substance.

39 (b) "Fireworks" does not include sparklers, approved by the
40 ~~division pursuant to s. 791.013;~~ toy pistols, toy canes, toy
41 guns, or other devices in which paper caps containing twenty-
42 five hundredths grains or less of explosive compound are used,
43 providing they are so constructed that the hand cannot come in
44 contact with the cap when in place for the explosion, + and toy
45 pistol paper caps that ~~which~~ contain less than twenty hundredths
46 grains of explosive mixture, the sale and use of which shall be
47 permitted at all times.

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

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

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

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

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59 a. A party popper, which is a small plastic or paper device
60 containing not more than 16 milligrams of explosive composition
61 that is friction sensitive, which is ignited by pulling a string
62 protruding from the device, and which expels a paper streamer
63 and produces a small report.

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

68 c. A snapper, which is a small, paper-wrapped device
69 containing not more than four milligrams of explosive
70 composition coated on small bits of sand, and which, when
71 dropped, explodes, producing a small report. A snapper may not
72 contain more than 250 milligrams of total sand and explosive
73 composition.

74 d. A trick match, which is a kitchen or book match that
75 ~~which~~ is coated with not more than 16 milligrams of explosive or
76 pyrotechnic composition and that ~~which~~, upon ignition, produces
77 a small report or shower of sparks.

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

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

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88 The sale and use of items listed in this paragraph are permitted
89 at all times.

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

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

95 ~~(7) "Seasonal retailer" means any person engaged in the~~
96 ~~business of selling sparklers at retail in this state from June~~
97 ~~20 through July 5 and from December 10 through January 2 of each~~
98 ~~year.~~

99 ~~(4)~~(8) "Sparkler" means a device that ~~which~~ emits showers
100 of sparks upon burning, does not contain any explosive
101 compounds, does not detonate or explode, is handheld or ground
102 based, cannot propel itself through the air, and contains not
103 more than 100 grams of the chemical compound that ~~which~~ produces
104 sparks upon burning. Any sparkler that is not approved by the
105 division is classified as fireworks.

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

108 Section 3. Section 791.012, Florida Statutes, is amended to
109 read:

110 791.012 Minimum fireworks safety standards.—The outdoor
111 display of fireworks in this state is ~~shall be~~ governed by the
112 National Fire Protection Association (NFPA) 1123, Code for
113 Fireworks Display, 1995 Edition, approved by the American
114 National Standards Institute. Any state, county, or municipal
115 law, rule, or ordinance may provide for more stringent
116 regulations for the outdoor display of fireworks, but in no

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117 event may any such law, rule, or ordinance provide for less
 118 stringent regulations for the outdoor display of fireworks. The
 119 division shall promulgate rules to carry out the provisions of
 120 this section. The Code for Fireworks Display does ~~shall~~ not
 121 govern the display of any fireworks on private, residential
 122 property and does ~~shall~~ not govern the display of those items
 123 included under s. 791.01(3)(b) and (c) ~~s. 791.01(4)(b) and (c)~~
 124 and authorized for sale thereunder.

125 Section 4. Section 791.04, Florida Statutes, is amended to
 126 read:

127 791.04 Exemptions ~~Sale at wholesale, etc., exempted.-~~
 128 ~~Nothing in This chapter does not: shall be construed to prohibit~~
 129 ~~any manufacturer, distributor, or wholesaler who has registered~~
 130 ~~with the division pursuant to s. 791.015 to sell at wholesale~~
 131 ~~such fireworks as are not herein prohibited; to prohibit the~~
 132 ~~sale of any kind of fireworks at wholesale between~~
 133 ~~manufacturers, distributors, and wholesalers who have registered~~
 134 ~~with the division pursuant to s. 791.015; to prohibit the sale~~
 135 ~~of any kind of fireworks provided the same are to be shipped~~
 136 ~~directly out of state by such manufacturer, distributor, or~~
 137 ~~wholesaler; to prohibit the sale of fireworks to be used by a~~
 138 ~~person holding a permit from any board of county commissioners~~
 139 ~~at the display covered by such permit; or to~~

140 (1) Prohibit the use of fireworks by railroads or other
 141 transportation agencies for signal purposes or illumination or
 142 when used in quarrying or for blasting or other industrial use.7

143 (2) Prohibit ~~or~~ the sale or use of blank cartridges for a
 144 show or theater, ~~or~~ for signal or ceremonial purposes in
 145 athletics or sports, or for use by military organizations~~7~~ or

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146 organizations composed of the Armed Forces of the United
147 States.~~;~~ ~~provided, nothing in this chapter shall be construed as~~
148 ~~barring~~

149 (3) Bar the operations of manufacturers, duly licensed,
150 from manufacturing, experimenting, exploding, and storing such
151 fireworks in their compounds or proving grounds.

152 Section 5. This act shall take effect upon becoming a law.