

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Rodriguez, A. M. offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 791.08, Florida Statutes, is created to
7 read:

8 791.08 Use during designated holidays; exemption.-

9 (1) As used in this section, the term "designated holiday"

10 means:

11 (a) New Year's Eve, December 31;

12 (b) New Year's Day, January 1; or

13 (c) Independence Day, July 4.

14 (2) This chapter does not prohibit the offer for sale,
15 sale, purchase, or use of fireworks that are to be used or used
16 solely and exclusively during a designated holiday. This section

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17 is not intended to provide for the comprehensive regulation of
18 fireworks as described in s. 10(5), chapter 2007-67, Laws of
19 Florida, or to supersede any local government regulation
20 relating to the use of fireworks as provided in s. 10(5),
21 chapter 2007-67, Laws of Florida.

22 (3) Any person who purchases fireworks must be 18 years of
23 age or older.

24 (4) A retailer or seasonal retailer charged with
25 unlawfully selling fireworks to a person under 18 years of age
26 has a complete defense if, at the time the fireworks were sold,
27 the retailer, seasonal retailer, or an employee or agent of the
28 retailer or seasonal retailer carefully checked a driver license
29 or an identification card issued by this state or another state
30 of the United States, a passport, or a United States Armed
31 Services identification card presented by the buyer, and acted
32 in good faith and in reliance upon the representation and
33 appearance of the buyer in the belief that the buyer was 18
34 years of age or older.

35 Section 2. This act shall take effect upon becoming law.

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37

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

39 Remove everything before the enacting clause and insert:

40 An act relating to fireworks; creating s. 791.08,

41 F.S.; defining the term "designated holiday";

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42 providing an exemption for the purchase, sale, or use
43 of fireworks used or to be used solely and exclusively
44 during a designated holiday; providing construction;
45 providing an age requirement to purchase fireworks;
46 providing an affirmative defense for certain
47 retailers; providing an effective date.