

1                   A bill to be entitled  
 2           An act relating to fireworks; amending s. 791.01,  
 3           F.S.; revising the definition of the term "seasonal  
 4           retailer"; creating s. 791.08, F.S.; defining the term  
 5           "designated holiday"; providing an exemption for the  
 6           purchase, sale, or use of fireworks used or to be used  
 7           solely and exclusively during a designated holiday;  
 8           providing an age requirement to purchase fireworks;  
 9           providing an affirmative defense for certain  
 10          retailers; providing 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. Subsection (7) of section 791.01, Florida  
 15 Statutes, is amended to read:

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

17           (7) "Seasonal retailer" means any person engaged in the  
 18 business of selling sparklers at retail in this state from May  
 19 12 through June 1, from June 20 through July 5, and from  
 20 December 10 through January 2 of each year.

21           Section 2. Section 791.08, Florida Statutes, is created to  
 22 read:

23           791.08 Use during designated holidays; exemption.—

24           (1) As used in this section, the term "designated holiday"  
 25 means:

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

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

28        (c) Memorial Day, the last Monday in May; or

29        (d) Independence Day, July 4.

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

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

35        (4) A retailer or seasonal retailer charged with  
36 unlawfully selling fireworks to a person under 18 years of age  
37 has a complete defense if, at the time the fireworks were sold,  
38 the retailer, seasonal retailer, or an employee or agent of the  
39 retailer or seasonal retailer carefully checked a driver license  
40 or an identification card issued by this state or another state  
41 of the United States, a passport, or a United States Armed  
42 Services identification card presented by the buyer, and acted  
43 in good faith and in reliance upon the representation and  
44 appearance of the buyer in the belief that the buyer was 18  
45 years of age or older.

46        Section 3. This act shall take effect upon becoming a law.