

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 construction; providing an age requirement
 9 to purchase fireworks; providing an affirmative
 10 defense for certain retailers; providing an effective
 11 date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsection (7) of section 791.01, Florida
 16 Statutes, is amended to read:

17 791.01 Definitions.—As used in this chapter, the term:

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

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

24 791.08 Use during designated holidays; exemption.—

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

26 means:

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

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

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

30 (d) Independence Day, July 4.

31 (2) This chapter does not prohibit the offer for sale,
32 sale, purchase, or use of fireworks that are to be used or used
33 solely and exclusively during a designated holiday. This section
34 is not intended to provide for the comprehensive regulation of
35 fireworks as described in s. 10(5), chapter 2007-67, Laws of
36 Florida, or to supersede any local government regulation
37 relating to the use of fireworks as provided in s. 10(5),
38 chapter 2007-67, Laws of Florida.

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

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

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51 | years of age or older.

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