

1 A bill to be entitled
 2 An act relating to fireworks; creating s. 791.08,
 3 F.S.; defining the term "designated holiday";
 4 providing an exemption for the purchase, sale, or use
 5 of fireworks used or to be used solely and exclusively
 6 during a designated holiday; providing construction;
 7 providing an age requirement to purchase fireworks;
 8 providing an affirmative defense for certain
 9 retailers; providing an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Section 791.08, Florida Statutes, is created to
 14 read:

15 791.08 Use during designated holidays; exemption.—

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

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

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

20 (c) Independence Day, July 4.

21 (2) This chapter does not prohibit the offer for sale,
 22 sale, purchase, or use of fireworks that are to be used or used
 23 solely and exclusively during a designated holiday. This section
 24 is not intended to provide for the comprehensive regulation of
 25 fireworks as described in s. 10(5), chapter 2007-67, Laws of

26 Florida, or to supersede any local government regulation
27 relating to the use of fireworks as provided in s. 10(5),
28 chapter 2007-67, Laws of Florida.

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

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

42 Section 2. This act shall take effect upon becoming a law.