COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 65 (2020)

Amendment No. 1.

1

COMMITTEE/SUBCOMM	ITTEE ACTION		
ADOPTED	(Y/N)		
ADOPTED AS AMENDED	(Y/N)		
ADOPTED W/O OBJECTION	(Y/N)		
FAILED TO ADOPT	(Y/N)		
WITHDRAWN	(Y/N)		
OTHER			
Committee/Subcommittee	hearing bill:	Business a	& Professions

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2
    Subcommittee
 3
    Representative Rodriguez, A. M. offered the following:
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 5
         Amendment (with title amendment)
 6
         Remove everything after the enacting clause and insert:
 7
         Section 1. Subsection (7) of section 791.01, Florida
 8
    Statutes, is amended to read:
 9
         791.01 Definitions.-As used in this chapter, the term:
10
         (7) "Seasonal retailer" means any person engaged in the
11
    business of selling sparklers at retail in this state from May
    12 through June 1, from June 20 through July 5, and from
12
13
    December 10 through January 2 of each year.
         Section 2. Section 791.08, Florida Statutes, is created to
14
15
    read:
         791.08 Use during designated holidays; exemption .--
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17	(1) As used in this section, the term "designated holiday"
18	means:
19	(a) New Year's Eve, December 31;
20	(b) New Year's Day, January 1;
21	(c) Memorial Day, the last Monday in May; or
22	(d) Independence Day, July 4.
23	(2) This chapter does not prohibit the offer for sale,
24	sale, purchase, or use of fireworks that are to be used or used
25	solely and exclusively during a designated holiday.
26	(3) Any person who purchases fireworks must be 18 years of
27	age or older.
28	(4) A retailer or seasonal retailer charged with unlawfully
29	selling fireworks to a person under 18 years of age has a
30	complete defense if, at the time the fireworks were sold, the
31	retailer, seasonal retailer, or an employee or agent of the
32	retailer or seasonal retailer carefully checked a driver license
33	or an identification card issued by this state or another state
34	of the United States, a passport, or a United States Armed
35	Services identification card presented by the buyer, and acted
36	in good faith and in reliance upon the representation and
37	appearance of the buyer in the belief that the buyer was 18
38	years of age or older.
39	Section 3. This act shall take effect upon becoming law.
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42	TITLE AMENDMENT
43	Remove everything before the enacting clause and insert:
44	An act relating to fireworks; amending s. 791.01, F.S.;
45	amending the definition of "seasonal retailer"; creating s.
46	791.08, F.S.; defining the term "designated holiday";
47	providing an exemption for the purchase, sale, or use of
48	fireworks used or to be used solely and exclusively during
49	a designated holiday; providing an age requirement to
50	purchase fireworks; providing an affirmative defense;
51	providing an effective date.

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