

By Senator Brandes

22-00305-14

2014314\_\_

1                   A bill to be entitled  
2           An act relating to fireworks; repealing ss. 791.013  
3           and 791.015, F.S., relating to the testing and  
4           approval of sparklers and the registration of  
5           manufacturers, distributors, wholesalers, and  
6           retailers of sparklers; repealing s. 791.02, F.S.,  
7           relating to the sale and use of fireworks; repealing  
8           s. 791.03, F.S., relating to the bond for licensees;  
9           amending ss. 791.01, 791.012, and 791.04, F.S.;  
10          conforming provisions to changes made by the act;  
11          providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Sections 791.013, 791.015, 791.02, and 791.03,  
16 Florida Statutes, are repealed.

17           Section 2. Section 791.01, Florida Statutes, is amended to  
18 read:

19           791.01 Definitions.—As used in this chapter, the term:  
20           ~~(1) "Distributor" means any person engaged in the business~~  
21 ~~of selling sparklers to a wholesaler.~~

22           (1)~~(2)~~ "Division" means the Division of the State Fire  
23 Marshal of the Department of Financial Services.

24           (2)~~(3)~~ "Explosive compound" means any chemical compound,  
25 mixture, or device the primary or common purpose of which is to  
26 function by the substantially instantaneous release of gas and  
27 heat.

28           (3)~~(4)~~ (a) "Fireworks" means and includes any combustible or  
29 explosive composition or substance or combination of substances

22-00305-14

2014314\_\_

30 or, except as otherwise hereinafter provided in this subsection,  
31 any article prepared for the purpose of producing a visible or  
32 audible effect by combustion, explosion, deflagration, or  
33 detonation. The term includes blank cartridges and toy cannons  
34 in which explosives are used, the type of balloons that ~~which~~  
35 require fire underneath to propel them, firecrackers, torpedoes,  
36 skyrockets, roman candles, dago bombs, and any fireworks  
37 containing any explosives or flammable compound or any tablets  
38 or other device containing any explosive substance.

39 (b) "Fireworks" does not include sparklers ~~approved by the~~  
40 ~~division pursuant to s. 791.013~~; toy pistols, toy canes, toy  
41 guns, or other devices in which paper caps containing twenty-  
42 five hundredths grains or less of explosive compound are used,  
43 providing they are so constructed that the hand cannot come in  
44 contact with the cap when in place for the explosion; and toy  
45 pistol paper caps which contain less than twenty hundredths  
46 grains of explosive mixture, the sale and use of which is  
47 authorized ~~shall be permitted~~ at all times.

48 (c) "Fireworks" also does not include the following  
49 novelties and trick noisemakers:

50 1. A snake or glow worm, which is a pressed pellet of not  
51 more than 10 grams of pyrotechnic composition that produces a  
52 large, snakelike ash that ~~which~~ expands in length as the pellet  
53 burns and that does not contain mercuric thiocyanate.

54 2. A smoke device, which is a tube or sphere containing not  
55 more than 10 grams of pyrotechnic composition that, upon  
56 burning, produces white or colored smoke as the primary effect.

57 3. A trick noisemaker, which is a device that produces a  
58 small report intended to surprise the user and which includes:

22-00305-14

2014314\_\_

59 a. A party popper, which is a small plastic or paper device  
60 containing not more than 16 milligrams of explosive composition  
61 that is friction sensitive, which is ignited by pulling a string  
62 protruding from the device, and which expels a paper streamer  
63 and produces a small report.

64 b. A booby trap, which is a small tube with a string  
65 protruding from both ends containing not more than 16 milligrams  
66 of explosive compound, which is ignited by pulling the ends of  
67 the string, and which produces a small report.

68 c. A snapper, which is a small, paper-wrapped device  
69 containing not more than four milligrams of explosive  
70 composition coated on small bits of sand, and which, when  
71 dropped, explodes, producing a small report. A snapper may not  
72 contain more than 250 milligrams of total sand and explosive  
73 composition.

74 d. A trick match, which is a kitchen or book match which is  
75 coated with not more than 16 milligrams of explosive or  
76 pyrotechnic composition and which, upon ignition, produces a  
77 small report or shower of sparks.

78 e. A cigarette load, which is a small wooden peg that has  
79 been coated with not more than 16 milligrams of explosive  
80 composition and which produces, upon ignition of a cigarette  
81 containing one of the pegs, a small report.

82 f. An auto burglar alarm, which is a tube which contains  
83 not more than 10 grams of pyrotechnic composition that produces  
84 a loud whistle or smoke when ignited and which is ignited by use  
85 of a squib. A small quantity of explosive, not exceeding 50  
86 milligrams, may also be used to produce a small report.

87

22-00305-14

2014314\_\_

88 The sale and use of items listed in this paragraph are permitted  
89 at all times.

90 ~~(5) "Manufacturer" means any person engaged in the~~  
91 ~~manufacture or construction of sparklers in this state.~~

92 ~~(6) "Retailer" means any person who, at a fixed place of~~  
93 ~~business, is engaged in selling sparklers to consumers at~~  
94 ~~retail.~~

95 ~~(7) "Seasonal retailer" means any person engaged in the~~  
96 ~~business of selling sparklers at retail in this state from June~~  
97 ~~20 through July 5 and from December 10 through January 2 of each~~  
98 ~~year.~~

99 (4)~~(8)~~ "Sparkler" means a device which emits showers of  
100 sparks upon burning, does not contain any explosive compounds,  
101 does not detonate or explode, is handheld or ground based,  
102 cannot propel itself through the air, and contains not more than  
103 100 grams of the chemical compound which produces sparks upon  
104 burning. Any sparkler that is not approved by the division is  
105 classified as fireworks.

106 ~~(9) "Wholesaler" means any person engaged in the business~~  
107 ~~of selling sparklers to a retailer.~~

108 Section 3. Section 791.012, Florida Statutes, is amended to  
109 read:

110 791.012 Minimum fireworks safety standards.—The outdoor  
111 display of fireworks in this state shall be governed by the  
112 National Fire Protection Association (NFPA) 1123, Code for  
113 Fireworks Display, 1995 Edition, approved by the American  
114 National Standards Institute. Any state, county, or municipal  
115 law, rule, or ordinance may provide for more stringent  
116 regulations for the outdoor display of fireworks, but in no

22-00305-14

2014314\_\_

117 event may any such law, rule, or ordinance provide for less  
 118 stringent regulations for the outdoor display of fireworks. The  
 119 division shall adopt ~~promulgate~~ rules to carry out ~~the~~  
 120 ~~provisions of~~ this section. The Code for Fireworks Display does  
 121 ~~shall~~ not govern the display of any fireworks on private,  
 122 residential property and does ~~shall~~ not govern the display of  
 123 those items included under s. 791.01(3)(b) and (c) ~~s.~~  
 124 ~~791.01(4)(b) and (c)~~ and authorized for sale thereunder.

125 Section 4. Section 791.04, Florida Statutes, is amended to  
 126 read:

127 791.04 Exemptions ~~Sale at wholesale, etc., exempted.-~~  
 128 ~~Nothing in~~ This chapter does not: ~~shall be construed to prohibit~~  
 129 ~~any manufacturer, distributor, or wholesaler who has registered~~  
 130 ~~with the division pursuant to s. 791.015 to sell at wholesale~~  
 131 ~~such fireworks as are not herein prohibited; to prohibit the~~  
 132 ~~sale of any kind of fireworks at wholesale between~~  
 133 ~~manufacturers, distributors, and wholesalers who have registered~~  
 134 ~~with the division pursuant to s. 791.015; to prohibit the sale~~  
 135 ~~of any kind of fireworks provided the same are to be shipped~~  
 136 ~~directly out of state by such manufacturer, distributor, or~~  
 137 ~~wholesaler; to prohibit the sale of fireworks to be used by a~~  
 138 ~~person holding a permit from any board of county commissioners~~  
 139 ~~at the display covered by such permit; or to~~

140 (1) Prohibit the use of fireworks by railroads or other  
 141 transportation agencies for signal purposes or illumination or  
 142 when used in quarrying or for blasting or other industrial use.7

143 (2) Prohibit ~~or~~ the sale or use of blank cartridges for a  
 144 show or theater, or for signal or ceremonial purposes in  
 145 athletics or sports, or for use by military organizations, or

22-00305-14

2014314\_\_

146 organizations composed of the Armed Forces of the United  
147 States~~., provided, nothing in this chapter shall be construed as~~  
148 ~~barring~~

149 (3) Prohibit the operations of manufacturers, duly  
150 licensed, from manufacturing, experimenting, exploding, and  
151 storing such fireworks in their compounds or proving grounds.

152 Section 5. This act shall take effect upon becoming a law.