

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, respectively; repealing s.
 7 791.02, F.S., relating to the sale and use of
 8 fireworks; repealing s. 791.03, F.S., relating to the
 9 bond of licensees; amending ss. 791.01, 791.012, and
 10 791.04, F.S.; conforming provisions to changes made by
 11 the act; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:
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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 16 Florida Statutes, are repealed.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
29 or explosive composition or substance or combination of
30 substances or, except as hereinafter provided, any article
31 prepared for the purpose of producing a visible or audible
32 effect by combustion, explosion, deflagration, or detonation.
33 The term includes blank cartridges and toy cannons in which
34 explosives are used, the type of balloons which require fire
35 underneath to propel them, firecrackers, torpedoes, skyrockets,
36 roman candles, dago bombs, and any fireworks containing any
37 explosives or flammable compound or any tablets or other device
38 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 shall be
47 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 which expands in length as the pellet burns
53 | and that does not contain mercuric thiocyanate.

54 | 2. A smoke device, which is a tube or sphere containing
55 | not 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:

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

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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
109 to 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
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 promulgate rules to carry out the provisions of
120 this section. The Code for Fireworks Display shall not govern
121 the display of any fireworks on private, residential property
122 and shall not govern the display of those items included under
123 s. 791.01(3)(b) and (c) ~~s. 791.01(4)(b) and (e)~~ and authorized
124 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 shall be construed to ~~prohibit any~~
129 ~~manufacturer, distributor, or wholesaler who has registered with~~
130 ~~the division pursuant to s. 791.015 to sell at wholesale such~~
131 ~~fireworks as are not herein prohibited; to prohibit the sale of~~
132 ~~any kind of fireworks at wholesale between manufacturers,~~
133 ~~distributors, and wholesalers who have registered with the~~
134 ~~division pursuant to s. 791.015; to prohibit the sale of any~~
135 ~~kind of fireworks provided the same are to be shipped directly~~
136 ~~out of state by such manufacturer, distributor, or wholesaler;~~
137 ~~to prohibit the sale of fireworks to be used by a person holding~~
138 ~~a permit from any board of county commissioners at the display~~
139 ~~covered by such permit; or to prohibit the use of fireworks by~~
140 ~~railroads or other transportation agencies for signal purposes~~
141 ~~or illumination or when used in quarrying or for blasting or~~
142 ~~other industrial use, or the sale or use of blank cartridges for~~
143 ~~a show or theater, or for signal or ceremonial purposes in~~
144 ~~athletics or sports, or for use by military organizations, or~~
145 ~~organizations composed of the Armed Forces of the United States;~~
146 ~~provided, nothing in this chapter shall be construed as barring~~
147 ~~the operations of manufacturers, duly licensed, from~~
148 ~~manufacturing, experimenting, exploding, and storing such~~
149 ~~fireworks in their compounds or proving grounds.~~

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