A bill to be entitled
An act relating to fireworks; amending s. 791.01, F.S.; revising the definition of the term "seasonal retailer"; creating s. 791.08, F.S.; defining the term "designated holiday"; providing an exemption for the purchase, sale, or use of fireworks used or to be used solely and exclusively during a designated holiday; providing construction; providing an age requirement to purchase fireworks; providing an affirmative defense for certain retailers; providing an effective date.

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

Section 1. Subsection (7) of section 791.01, Florida Statutes, is amended to read:

791.01 Definitions.—As used in this chapter, the term:
(7) "Seasonal retailer" means any person engaged in the business of selling sparklers at retail in this state from May 12 through June 1, from June 20 through July 5, and from December 10 through January 2 of each year.

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

791.08 Use during designated holidays; exemption.—
(1) As used in this section, the term "designated holiday"
means:

(a) New Year's Eve, December 31;
(b) New Year's Day, January 1;
(c) Memorial Day, the last Monday in May; or
(d) Independence Day, July 4.

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

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

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

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