A bill to be entitled An act relating to fireworks; repealing ss. 791.013 and 791.015, F.S., relating to the testing and approval of sparklers and the registration of manufacturers, distributors, wholesalers, and retailers of sparklers, respectively; repealing s. 791.02, F.S., relating to the sale and use of fireworks; repealing s. 791.03, F.S., relating to the bond of licensees; amending ss. 791.01, 791.012, and 791.04, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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 Sections 791.013, 791.015, 791.02, and 791.03, Florida Statutes, are repealed.

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

791.01 Definitions.—As used in this chapter, the term:

(1) “Distributor” means any person engaged in the business of selling sparklers to a wholesaler.

(1)-(2) “Division” means the Division of the State Fire Marshal of the Department of Financial Services.

(2)-(3) “Explosive compound” means any chemical compound, mixture, or device whose the primary or common purpose of which is to function by the substantially instantaneous release of gas and heat.

(3)-(4)(a) “Fireworks” means and includes any combustible or explosive composition or substance or combination of substances.
or, except as hereinafter provided, any article prepared for the
purpose of producing a visible or audible effect by combustion,
explosion, deflagration, or detonation. The term includes blank
cartridges and toy cannons in which explosives are used, the
type of balloons that require fire underneath to propel
them, firecrackers, torpedoes, skyrockets, roman candles, dago
bombs, and any fireworks containing any explosives or flammable
compound or any tablets or other device containing any explosive
substance.

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

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

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

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

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

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CODING: Words stricken are deletions; words underlined are additions.
a. A party popper, which is a small plastic or paper device containing not more than 16 milligrams of explosive composition that is friction sensitive, which is ignited by pulling a string protruding from the device, and which expels a paper streamer and produces a small report.

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

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

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

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

f. An auto burglar alarm, which is a tube which contains not more than 10 grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and which is ignited by use of a squib. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report.
The sale and use of items listed in this paragraph are permitted at all times.

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

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

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

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

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

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

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

CODING: Words struckout are deletions; words underlined are additions.
event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. The division shall promulgate rules to carry out the provisions of this section. The Code for Fireworks Display does shall not govern the display of any fireworks on private, residential property and does shall not govern the display of those items included under s. 791.01(3)(b) and (c) s. 791.01(4)(b) and (e) and authorized for sale thereunder. Section 4. Section 791.04, Florida Statutes, is amended to read:

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

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

(2) Prohibit or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.
organizations composed of the Armed Forces of the United States. Provided, nothing in this chapter shall be construed as barring

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

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