

1984

Session Law 84-201

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <i>84-201</i>	Sec. #	LOF cite <i>an 571.01</i>
Prime Bill # <i>SB 645</i>	Comp./Sim. Bills <i>HB 928</i>	
JLMC Hist. Cites	Senate <i>222-3</i>	Comms. of Ref. Senate <i>Sub Comm</i> House <i>Crim-Just (Sub Law) (Inf)</i>
	House <i>305</i>	

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	v
H	<i>Crim Just</i>	<i>1984</i>	<i>Summaries: HB 928</i>	<i>19/1345</i>	
"	" "	"	<i>Meeting files</i>	<i>19/1346</i>	<i>NE</i>
S	<i>Judicium</i>	<i>1984</i>	<i>Bill files: SB 645</i>	<i>18/1392</i>	<input checked="" type="checkbox"/>
<input type="checkbox"/> continued on reverse					

Senate/House Journals

Page #	?	Date	Page #	?	Date

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite

By Representative Gardner

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A bill to be entitled
An act relating to fireworks; amending s.
791.01, F.S., modifying the definition of
fireworks to include sparklers; providing an
effective date.

WHEREAS, many injuries occur each year as a result of
improper use and illegal sale of items being sold under the
guise of being sparklers and, therefore, legal for consumer
use, and

WHEREAS, proscription of the sale of sparklers will
eliminate many injuries to children, and adults as well, NOW,
THEREFORE,

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

Section 1. Section 791.01, Florida Statutes, is
amended to read:

791.01 "Fireworks" defined.--

(1) The term "fireworks" shall mean and include any
combustible or explosive composition, or any substance or
combination of substances, or, except as hereinafter provided,
any article prepared for the purpose of producing a visible or
an audible effect by combustion, explosion, deflagration or
detonation, and shall include blank cartridges and toy cannons
in which explosives are used, the type of balloons which
require fire underneath to propel the same, firecrackers,
torpedoes, skyrockets, roman candles, daygo bombs, sparklers,
and any fireworks containing any explosives or flammable
compound or any tablets or other device containing any
explosive substance.

1	(2) The term "fireworks" shall not include sparklers,	1:10s
2	toy pistols, toy canes, toy guns, or other devices in which	1.23
3	paper caps containing twenty-five hundredths grains or less of	1.24
4	explosive compound are used, providing they are so constructed	1.25
5	that the hand cannot come in contact with the cap when in	1.26
6	place for the explosion, and toy pistol paper caps which	
7	contain less than twenty hundredths grains of explosive	1.27
8	mixture, the sale and use of which shall be permitted at all	1.28
9	times.	

10	Section 2. This act shall take effect July 1, 1984.	1.29
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HOUSE SUMMARY

14	With respect to provisions of law regulating the retail
15	sale of fireworks and authorizing the seizure of illegal
16	fireworks, <u>modifies the definition of fireworks to</u>
17	include "sparklers" within such regulatory provisions.

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By Committee on Crimiminal Justice and Representative Gardner

A bill to be entitled

An act relating to fireworks; amending s.

791.01, F.S., modifying the definition of

fireworks by defining "sparkler"; providing an

effective date.

WHEREAS, many injuries occur each year as a result of improper use and illegal sale of items being sold under the guise of being sparklers and, therefore, legal for consumer use, and

WHEREAS, proscription of the sale of such items will eliminate many injuries to children, and adults as well, NOW,

THEREFORE,

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

Section 1. Section 791.01, Florida Statutes, is amended to read:

791.01 "Fireworks" defined.--

(1) The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

This public document was printed at an average cost of 1.6 cents per page for the information of members of the Legislature and the public.

1 (2) The term "fireworks" shall not include sparklers, 1.23
 2 toy pistols, toy canes, toy guns, or other devices in which 1.24
 3 paper caps containing twenty-five hundredths grains or less of 1.25
 4 explosive compound are used, providing they are so constructed 1.26
 5 that the hand cannot come in contact with the cap when in 1.27
 6 place for the explosion, and toy pistol paper caps which
 7 contain less than twenty hundredths grains of explosive 1.28
 8 mixture, the sale and use of which shall be permitted at all 1.29
 9 times.

10 (3) The term "sparkler" shall mean a device consisting 1:1:us
 11 of a wire or stick which is coated with a nonexplosive, 1.31
 12 combustible substance that, when ignited, emits a shower of
 13 sparks. Such sparks shall not extend more than 3 feet from 1.33
 14 the point where the combustion is occurring. Any such device 1.35
 15 that exceeds the limits specified in this subsection shall be
 16 classified as a firework. 1.36

17 Section 2. This act shall take effect July 1, 1984. 1.36

18 *****
 19

20 HOUSE SUMMARY

21 With respect to provisions of law regulating the retail
 22 sale of fireworks and authorizing the seizure of illegal
 23 fireworks, modifies the definition of fireworks by
 24 defining "sparkler" to ensure that similar devices which
 25 do not conform to such definition are classified as
 26 illegal fireworks.
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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

SENATE COMMITTEE AMENDMENT

SB 645

No. 4
(reported favorably)

HB _____

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted:
and failed:

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Title Amendment

In title, on page 1....., lines 1 - 5....., strike
all of said lines

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <u> </u>
			Yes <u> </u>

and insert:

A bill to be entitled

An act relating to fireworks; amending s.
791.01, F.S., providing a definition of
sparklers; providing an effective date.

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CODING Words in ~~struck through~~ type are deletions from existing law, words underlined are additions.

* Amendment No. 4, taken up by committee: Adopted X *
* Offered by Senator Beard Failed *

(Amendment No. Adopted Failed Date / /)

BILL ACTION REPORT

(C3-75: File with Secretary of Senate)

(S)(H) BILL NO. SB 645

COMMITTEE ON Judiciary-Criminal

DATE April 17, 1984

Date Reported 8/18/84

TIME 9:00 a.m. - 12 noon

FINAL ACTION:

PLACE Room "C" S.O.B.

 Favorably with amendments

OTHER COMMITTEE REFERENCES:
(In order shown)
None.

 Favorably with Committee Substitute
 Unfavorably

OTHER: X Temporarily Passed

 Reconsidered

 Not Considered

THE VOTE WAS

FINAL BILL VOTE		SENATORS	Aye		Nay		Aye		Nay		Aye		Nay	
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
		Beard												
		Crawford												
		Johnston												
		Langley												
		Malchon												
		Plummer												
		Weinstein												
		Jenne												
		TOTAL												
			Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared ()
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

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BILL ACTION REPORT

{C3-75: File with Secretary of Senate)

(S)(H) BILL NO. SB 645

COMMITTEE ON Judiciary-Criminal

DATE April 24, 1984

Date Reported 4/25/84

TIME 2:00 - 5:00 p.m.

FINAL ACTION:

PLACE Room "C" S.O.B.

Favorably with 4 amendments

OTHER COMMITTEE REFERENCES:
(In order shown)

Favorably with Committee Substitute

None.

Unfavorably

OTHER: Temporarily Passed

Reconsidered

THE VOTE WAS:

Not Considered

FINAL BILL VOTE		SENATORS	Amend. #1		Amend. #2		Amend. #3		Amend. #4 (Title)			
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
X		Beard	WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION			
X		Crawford	WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION			
		Johnston										
X		Langley	WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION		WITHOUT OBJECTION			
X		Malchon										
X		Plummer										
X		Weinstein										
		Jenne										
6	0	TOTAL										
	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared ()
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

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Florida Legislature

History of Legislation

1984 Regular Session



prepared by:

Joint Legislative Management Committee

Legislative Information Division
Capitol Building, Room 826 — 488-4371

Certification Trust Fund; provides penalty, etc. Creates 553.781.
 Effective Date: 07/01/84.
 03/27/84 SENATE Prefiled
 04/04/84 SENATE Introduced, referred to Economic, Community and
 Consumer Affairs, Appropriations -SJ 00078
 04/13/84 SENATE Extension of time granted Committee Economic, Community
 and Consumer Affairs
 04/26/84 SENATE Extension of time granted Committee Economic, Community
 and Consumer Affairs
 05/09/84 SENATE Extension of time granted Committee Economic, Community
 and Consumer Affairs
 05/21/84 SENATE Extension of time granted Committee Economic, Community
 and Consumer Affairs
 06/01/84 SENATE Died in Committee, Iden./Sim./Compare Bill passed,
 refer to CS/SB 399 (Ch. 84-365)

S 0643 GENERAL BILL by Vogt (Identical H 0929)

Counterfeit Controlled Substances; expands offenses re counterfeit
 controlled substances; prohibits certain marketing practices; provides
 penalties; defines "counterfeit or imitation controlled substance".
 Amends 831.31. Effective Date: 10/01/84.

03/27/84 SENATE Prefiled
 04/04/84 SENATE Introduced, referred to Judiciary-Criminal -SJ 00078
 04/16/84 SENATE Extension of time granted Committee Judiciary-Criminal
 04/27/84 SENATE Extension of time granted Committee Judiciary-Criminal
 05/01/84 SENATE On Committee agenda-- Judiciary-Criminal, Temporarily
 postponed
 05/09/84 SENATE Extension of time granted Committee Judiciary-Criminal
 05/18/84 SENATE Extension of time granted Committee Judiciary-Criminal
 05/30/84 SENATE Extension of time granted Committee Judiciary-Criminal
 06/01/84 SENATE Died in Committee on Judiciary-Criminal

S 0644 GENERAL BILL by Johnston (Similar H 0048, Compare CS/H 1054,
 CS/S 0922)

Health & Rehabilitative Services; exempts certain positions within
 H.R.S. Department from Career Service System; requires D.O.A. & H.R.S.
 departments to conduct study re career service exemptions & requires
 report. Amends 110.205. Effective Date: 07/01/84.

03/27/84 SENATE Prefiled
 04/04/84 SENATE Introduced, referred to Health and Rehabilitative
 Services, Personnel, Retirement and Collective
 Bargaining, Appropriations -SJ 00078
 04/12/84 SENATE On Committee agenda-- HRS, 04/17/84, 2:00 pm, Rm. A
 04/16/84 SENATE Extension of time granted Committee Health and
 Rehabilitative Services
 04/17/84 SENATE Comm. Report: Favorable by Health and Rehabilitative
 Services -SJ 00149
 04/18/84 SENATE Now in Personnel, Retirement and Collective Bargaining
 -SJ 00149
 04/27/84 SENATE Extension of time granted Committee Personnel,
 Retirement and Collective Bargaining
 04/30/84 SENATE On Committee agenda-- Personnel, R & C B, 05/02/84,
 3:00 pm, Rm. C
 05/02/84 SENATE Comm. Report: Favorable by Personnel, Retirement and
 Collective Bargaining -SJ 00229
 05/03/84 SENATE Now in Appropriations -SJ 00229
 05/14/84 SENATE Extension of time granted Committee Appropriations
 05/15/84 SENATE On Committee agenda-- Appropriations, Temporarily
 postponed
 05/17/84 SENATE Withdrawn from Appropriations -SJ 00326; Placed on
 Calendar
 06/01/84 SENATE Died on Calendar

S 0645 GENERAL BILL by Vogt (Similar CS/H 0928)

Fireworks; provides definition of sparklers; restricts storage of
 sparklers. Amends 791.01; creates 791.055. Effective Date: 10/01/84.

03/27/84 SENATE Prefiled
 04/04/84 SENATE Introduced, referred to Judiciary-Criminal -SJ 00078
 04/16/84 SENATE Extension of time granted Committee Judiciary-Criminal
 CONTINUED ON NEXT PAGE

- 04/17/84 SENATE On Committee agenda-- Judiciary-Criminal, Temporarily postponed
- 04/19/84 SENATE On Committee agenda-- Judiciary-Criminal, 04/24/84, 2:00 pm, Rm. C
- 04/24/84 SENATE Comm Report: Favorable with amend., placed on Calendar by Judiciary-Criminal -SJ 00165
- 05/17/84 SENATE Placed on Consent Calendar; Passed as amended; YEAS 35 NAYS 0 -SJ 00325, Immediately certified -SJ 00326
- 05/17/84 HOUSE In Messages
- 05/21/84 HOUSE Received, placed on Calendar -HJ 00489
- 05/23/84 HOUSE Substituted for CS/HB 928; Read second time; Amendments adopted; Read third time; Passed as amended; YEAS 110 NAYS 0 -HJ 00590
- 05/24/84 SENATE In Messages
- 05/28/84 SENATE Concurred; Passed as amended; YEAS 28 NAYS 0
- 05/28/84 Ordered engrossed, then enrolled -SJ 00456
- 06/06/84 SENATE Signed by Officers and presented to Governor
- 06/13/84 Approved by Governor Chapter No. 84-201
- S 0646 GENERAL BILL/CS by Governmental Operations, Vogt (Identical CS/H 0457) Energy Conservation in Buildings Act; defines term "shared savings financing"; expands application of Fla. Energy Conservation in Buildings Act of 1974; creates provision re private financing of energy conservation in state-owned buildings, etc. Amends 255.252, .253; creates 255.258. Effective Date: 07/01/84.
- 03/27/84 SENATE Prefiled
- 04/04/84 SENATE Introduced, referred to Governmental Operations, Appropriations -SJ 00078
- 04/09/84 SENATE On Committee agenda-- Governmental Operations, 04/11/84, 2:00 pm, Rm. H
- 04/11/84 SENATE Comm. Report: CS by Governmental Operations -SJ 00120; CS read first time 04/18/84 -SJ 00134
- 04/12/84 SENATE Now in Appropriations -SJ 00120
- 04/27/84 SENATE Extension of time granted Committee Appropriations
- 05/10/84 SENATE Extension of time granted Committee Appropriations
- 05/23/84 SENATE Extension of time granted Committee Appropriations; On Committee agenda-- Appropriations, 05/24/84, 1:30 pm, Rm. A -SJ 00389
- 05/24/84 SENATE Comm. Report: Favorable, placed on Calendar by Appropriations -SJ 00434
- 06/01/84 SENATE Died on Calendar
- S 0647 GENERAL BILL by Castor Parole & Probation Commission; authorizes commission to transact business anywhere in Fla.; extends time limit in which commission shall submit its statistical report to substantive committees of the legislature; provides disposition of alleged parole violator, etc. Amends Ch. 947; repeals 947.09. Effective Date: Upon becoming law.
- 03/27/84 SENATE Prefiled
- 04/04/84 SENATE Introduced, referred to Corrections, Probation and Parole, Appropriations -SJ 00078
- 04/09/84 SENATE On Committee agenda-- Corrections, P & P, 04/11/84, 9:00 am, Rm. B
- 04/11/84 SENATE Comm. Report: Favorable with amend. by Corrections, Probation and Parole -SJ 00102
- 04/12/84 SENATE Now in Appropriations -SJ 00102
- 04/25/84 SENATE Withdrawn from Appropriations -SJ 00166; Placed on Calendar
- 06/01/84 SENATE Died on Calendar
- S 0648 GENERAL BILL by Vogt (Identical H 0626) Retirement System; authorizes cities to withdraw from participation in Fla Retirement System under certain circumstances; specifies rights of employees. Amends 121.051. Effective Date. Upon becoming law.
- 03/27/84 SENATE Prefiled
- 04/04/84 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Personnel, Retirement and Collective Bargaining, Appropriations -SJ 00078
- 04/13/84 SENATE Extension of time granted Committee Economic, Community

06/07/84 HOUSE Signed by Officers and presented to Governor
06/23/84 Became Law without Governor's Signature
Chapter No. 84-478

H 0927 LOCAL BILL by Shackelford (Compare H 0550)
Manatee Co./Fire Control District; provides for powers & duties of fire commissioners board of West Side Fire Control Dist.; provides for levy & collection of assessments; provides for collection of impact fees for new facilities; provides for penalty & injunctive relief, etc.
Effective Date: 06/23/84.
03/07/84 HOUSE Prefiled
03/12/84 HOUSE Referred to Finance & Taxation, Community Affairs
04/03/84 HOUSE Introduced, referred to Finance & Taxation, Community Affairs -HJ 00093; On Committee agenda-- For subreferral, 21 HOB, 3:30 pm, 04/03/84; Subreferred to Subcommittee on Ad Valorem Tax and Local Government
04/06/84 HOUSE On Committee agenda-- Subcomm., F. & T., 21 HOB, 3:30 pm, 04/10/84
04/10/84 HOUSE On Committee agenda, pending subcommittee action-- F. & T., 21 HOB, 1:15 pm, 04/12/84
04/13/84 HOUSE Comm. Report: Favorable with amend. by Finance & Taxation -HJ 00208; Now in Community Affairs
04/23/84 HOUSE On Committee agenda-- Community Affairs, 314 HOB, 1:15pm, 04/25/84
05/09/84 HOUSE Comm. Report: Favorable, placed on Calendar by Community Affairs -HJ 00352
05/10/84 HOUSE Placed on Local Calendar
05/14/84 HOUSE Read second time; Amendments adopted; Read third time; Passed as amended; YEAS 116 NAYS 0 -HJ 00386; Immediately certified
05/15/84 SENATE In Messages
05/21/84 SENATE Received, referred to Judiciary-Civil, Rules and Calendar -SJ 00336
05/25/84 SENATE Extension of time granted Committee Judiciary-Civil
05/30/84 SENATE Withdrawn from Judiciary-Civil -SJ 00591; Now in Rules and Calendar
05/31/84 SENATE Considered, placed on Local Calendar by Rules and Calendar -SJ 00598; Passed as amended; YEAS 35 NAYS 0 -SJ 00641
05/31/84 HOUSE In Messages
06/01/84 HOUSE Concurred; Passed as further amended; YEAS 103 NAYS 0 -HJ 01060
06/01/84 Ordered engrossed, then enrolled
06/07/84 HOUSE Signed by Officers and presented to Governor
06/23/84 Became Law without Governor's Signature
Chapter No. 84-479

H 0928 GENERAL BILL/CS by Criminal Justice, Gardner (Similar Eng/S 0645)
Fireworks; modifies definition of fireworks by defining "sparkler".
Amends 791.01. Effective Date: 07/01/84.
03/07/84 HOUSE Prefiled
03/12/84 HOUSE Referred to Criminal Justice
03/20/84 HOUSE Subreferred to Subcommittee on Law Enforcement, Drugs and Miscellaneous
04/03/84 HOUSE Introduced, referred to Criminal Justice -HJ 00093; Subreferred to Subcommittee on Law Enforcement, Drugs and Miscellaneous
04/20/84 HOUSE On Committee agenda-- Criminal Justice, 314 HOB, 3:30pm, 04/23
05/01/84 HOUSE Comm. Report: CS placed on Calendar by Criminal Justice -HJ 00288
05/23/84 HOUSE Placed on Consent Calendar; Iden./Sim. Senate Bill substituted; Laid on table under Rule, Iden./Sim./Compare Bill passed, refer to SB 645 (Ch. 84-201) -HJ 00590

H 0929 GENERAL BILL by Gardner (Identical S 0643)
Counterfeit Controlled Substances; expands offenses re counterfeit controlled substances; prohibits certain marketing practices; provides
CONTINUED ON NEXT PAGE

Florida Legislature

History of Legislation 1984 Regular Session



prepared by:

Joint Legislative Management Committee

Legislative Information Division
Capitol Building, Room 826 — 488-4371

By Senator Vogt-

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791.01, F.S , modifying the definition of
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WHEREAS, proscription of the sale of sparklers will
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THEREFORE,

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Section 1. Section 791.01, Florida Statutes, is
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791.01 "Fireworks" defined.--

(1) The term "fireworks" shall mean and include any
combustible or explosive composition, or any substance or
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any article prepared for the purpose of producing a visible or
an audible effect by combustion, explosion, deflagration or
detonation, and shall include blank cartridges and toy cannons
in which explosives are used, the type of balloons which
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torpedoes, skyrockets, roman candles, daygo bombs, sparklers,
and any fireworks containing any explosives or flammable
compound or any tablets or other device containing any
explosive substance.

1 (2) The term "fireworks" shall not include ~~sparklers-~~
2 toy pistols, toy canes, toy guns, or other devices in which
3 paper caps containing twenty-five hundredths grains or less of
4 explosive compound are used providing they are so constructed
5 that the hand cannot come in contact with the cap when in
6 place for the explosion and toy pistol paper caps which
7 contain less than twenty hundredths grains of explosive
8 mixture, the sale and use of which shall be permitted at all
9 times.

10 Section 2 This act shall take effect July 1, 1984

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HOUSE SUMMARY

With respect to provisions of law regulating the retail sale of fireworks and authorizing the seizure of illegal fireworks, modifies the definition of fireworks to include "sparklers" within such regulatory provisions

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>E. Davis</u> <i>emb</i>	<u>Liepshutz</u> <i>MM</i>	1. <u>JCR</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT: Fireworks to include sparklers

BILL NO. AND SPONSOR: SB 645 by Senator Vogt

I. SUMMARY:

A. Present Situation:

Sparklers are not defined as fireworks under existing Florida law, s. 791.01(1), F.S. Fireworks are defined as any combustible or explosive composition, or any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Sparklers are specifically excluded from the definition of fireworks in s. 791.01(2), F.S. and are therefore not illegal to explode.

B. Effect of Proposed Changes:

This legislation would remove sparklers from the list of articles specifically excluded as fireworks and would include them in the definition of fireworks. s. 791.01(1), F.S.

Because sparklers would be defined as fireworks their use would become unlawful for any person, firm, copartnership or corporation unless a permit was first granted by the board of county commissioners. The board of county commissioners, governed by reasonable rules and regulations, may grant permits for fireworks to be used at supervised public displays.

Any firm, copartnership, or corporation that violates this section by illegally exploding fireworks shall be guilty of a misdemeanor of the first degree. Any individual, or members of a partnership, and the responsible officers and agents of a corporation or association found guilty of illegally exploding fireworks shall be guilty of a misdemeanor of the first degree and may be fined \$1,000 and/or imprisoned for up to one year.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The impact would be indeterminable. The businesses that previously manufactured and sold sparklers within the State of Florida would no longer be able to sell them within the state. These manufacturers would be permitted to sell sparklers if they were shipped directly out of state to buyers, to someone holding a permit from a board of county commissioners, to a railroad or transportation agency for signal purposes, for signal or ceremonial purposes in sports, or by military organizations or the Armed Forces of the United States, s. 791.04, F.S.

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REVISED: _____

BILL NO. SB 645

DATE: April 10, 1984

Page 2

B. Government:

None.

III. COMMENTS:

The title of this bill merely reflects that the definition of fireworks is being modified to include sparklers. To comply with constitutional notice requirements, it should be amended to reflect that a person will now be subject to criminal penalties.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>E. Davis</u>	<u>Liepshutz</u>	1. <u>JCR</u>	<u>T.P.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT: Fireworks to include sparklers

BILL NO. AND SPONSOR: SB 645 by Senator Vogt

I. SUMMARY:

A. Present Situation:

Sparklers are not defined as fireworks under existing Florida law, s. 791.01(1), F.S. Fireworks are defined as any combustible or explosive composition, or any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Sparklers are specifically excluded from the definition of fireworks in s. 791.01(2), F.S. and are therefore not illegal to explode.

B. Effect of Proposed Changes:

This legislation would remove sparklers from the list of articles specifically excluded as fireworks and would include them in the definition of fireworks. s. 791.01(1), F.S.

Because sparklers would be defined as fireworks their use would become unlawful for any person, firm, copartnership or corporation unless a permit was first granted by the board of county commissioners. The board of county commissioners, governed by reasonable rules and regulations, may grant permits for fireworks to be used at supervised public displays.

Any firm, copartnership, or corporation that violates this section by illegally exploding fireworks shall be guilty of a misdemeanor of the first degree. Any individual, or members of a partnership, and the responsible officers and agents of a corporation or association found guilty of illegally exploding fireworks shall be guilty of a misdemeanor of the first degree and may be fined \$1,000 and/or imprisoned for up to one year.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The impact would be indeterminable. The businesses that previously manufactured and sold sparklers within the State of Florida would no longer be able to sell them within the state. These manufacturers would be permitted to sell sparklers if they were shipped directly out of state to buyers, to someone holding a permit from a board of county commissioners, to a railroad or transportation agency for signal purposes, for signal or ceremonial purposes in sports, or by military organizations or the Armed Forces of the United States, s. 791.04, F.S.

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REVISED: April 17, 1984

BILL NO. SB 645

DATE: April 10, 1984

Page 2

B. Government:

None.

III. COMMENTS:

The title of this bill merely reflects that the definition of fireworks is being modified to include sparklers. To comply with constitutional notice requirements, it should be amended to reflect that a person will now be subject to criminal penalties.

IV. AMENDMENTS:

None.

SENATE COMMITTEE AMENDMENT

SB 645

No. 1
(reported favorably)

HB _____

The Committee on..Judiciary-Criminal..recommended the following
amendment which was moved by Senator.....and adopted:
and failed:

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Amendment

On page 1....., line 28....., strike
sparklers,

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	
			Yes	---

CODING Words in ~~struck through~~ type are deletions from existing law, words underlined are additions.

* Amendment No. 1, taken up by committee: Adopted X *

* Offered by Senator Beard Failed _ *

(Amendment No. _____ Adopted ___ Failed ___ Date __/__/__)

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File Folder _____

HB _____

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

 On page 2....., line 1....., strike
 sparklers;

If amendment is text from another bill insert:
 Bill No. _____ Draft No. _____ With Changes? Yes No _

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CODING. Words in ~~struck through~~ type are deletions from existing law, words underlined are additions

 * Amendment No. 2, taken up by committee: Adopted X *
 * Offered by Senator Beard Failed _ *

 (Amendment No. _____ Adopted ___ Failed ___ Date __/__/__)

SENATE COMMITTEE AMENDMENT

SB 645

No. 3

(reported favorably)

HB _____

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

On page 2....., line 10.....,

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
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insert:

(3) The term "sparkler" shall mean a device consisting of a wire or stick which is coated with a non-explosive, combustibile substance that when ignited will emit a shower of sparks. Such sparks shall not extend more than three feet from the point where the combustion is occurring. Any device that exceeds the limits specified in this subsection shall be classified as a firework.

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CODING Words in ~~struck through~~ type are deletions from existing law, words underlined are additions.

 * Amendment No. 3, taken up by committee: Adopted X *
 * Offered by Senator Beard Failed *

 (Amendment No. Adopted Failed Date / /)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>E. Davis</u> <i>and</i>	<u>Liepshutz</u> <i>md</i>	1. <u>JCR</u>	<u>Fav/4 amend.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Fireworks to include sparklers

BILL NO. AND SPONSOR:

SB 645 by
Senator Vogt

I. SUMMARY:

A. Present Situation:

Sparklers are not defined as fireworks under existing Florida law, s. 791.01(1), F.S. Fireworks are defined as any combustible or explosive composition, or any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Sparklers are specifically excluded from the definition of fireworks in s. 791.01(2), F.S. and are therefore not illegal to explode.

B. Effect of Proposed Changes:

This legislation would remove sparklers from the list of articles specifically excluded as fireworks and would include them in the definition of fireworks. s. 791.01(1), F.S.

Because sparklers would be defined as fireworks their use would become unlawful for any person, firm, copartnership or corporation unless a permit was first granted by the board of county commissioners. The board of county commissioners, governed by reasonable rules and regulations, may grant permits for fireworks to be used at supervised public displays.

Any firm, copartnership, or corporation that violates this section by illegally exploding fireworks shall be guilty of a misdemeanor of the first degree. Any individual, or members of a partnership, and the responsible officers and agents of a corporation or association found guilty of illegally exploding fireworks shall be guilty of a misdemeanor of the first degree and may be fined \$1,000 and/or imprisoned for up to one year.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The impact would be indeterminable. The businesses that previously manufactured and sold sparklers within the State of Florida would no longer be able to sell them within the state. These manufacturers would be permitted to sell sparklers if they were shipped directly out of state to buyers, to someone holding a permit from a board of county commissioners, to a railroad or transportation agency for signal purposes, for signal or ceremonial purposes in sports, or by military organizations or the Armed Forces of the United States, s. 791.04, F.S.

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B. Government:

None.

III. COMMENTS:

The title of this bill merely reflects that the definition of fireworks is being modified to include sparklers. To comply with constitutional notice requirements, it should be amended to reflect that a person will now be subject to criminal penalties.

IV. AMENDMENTS:

Amendment #1 by Judiciary Criminal Committee:

Removes the term "sparklers" from the definition of fireworks in the bill, thereby reinstating current law.

Amendment #2 by Judiciary Criminal Committee:

Returns the term "sparklers" to the list of items excluded from the definition of fireworks, thereby reinstating current law.

Amendment #3 by Judiciary Criminal Committee:

Provides a definition of sparklers which are not currently defined in the statutes.

Amendment #4 by Judiciary Criminal Committee:

Title Amendment.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

NOTE: This analysis reflects the nature of the bill as it left the Committee on Judiciary-Criminal. Any further changes to the bill are not included in this analysis. See the "Comments" section for the final procedural action taken by the Legislature.

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>E. Davis</u>	<u>Liepshutz</u>	1. <u>JCR</u>	<u>Fav/4 amend.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT: Fireworks to include sparklers

BILL NO. AND SPONSOR: SB 645 by Senator Vogt

I. SUMMARY:

A. Present Situation:

Sparklers are not defined as fireworks under existing Florida law, s. 791.01(1), F.S. Fireworks are defined as any combustible or explosive composition, or any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Sparklers are specifically excluded from the definition of fireworks in s. 791.01(2), F.S. and are therefore not illegal to explode.

B. Effect of Proposed Changes:

This legislation would remove sparklers from the list of articles specifically excluded as fireworks and would include them in the definition of fireworks. s. 791.01(1), F.S.

Because sparklers would be defined as fireworks their use would become unlawful for any person, firm, copartnership or corporation unless a permit was first granted by the board of county commissioners. The board of county commissioners, governed by reasonable rules and regulations, may grant permits for fireworks to be used at supervised public displays.

Any firm, copartnership, or corporation that violates this section by illegally exploding fireworks shall be guilty of a misdemeanor of the first degree. Any individual, or members of a partnership, and the responsible officers and agents of a corporation or association found guilty of illegally exploding fireworks shall be guilty of a misdemeanor of the first degree and may be fined \$1,000 and/or imprisoned for up to one year.

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FINAL UPDATE: June 26, 1984

REVISED: April 24, 1984

BILL NO. SB 645

DATE: April 17, 1984

Page 2

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The impact would be indeterminable. The businesses that previously manufactured and sold sparklers within the State of Florida would no longer be able to sell them within the state. These manufacturers would be permitted to sell sparklers if they were shipped directly out of state to buyers, to someone holding a permit from a board of county commissioners, to a railroad or transportation agency for signal purposes, for signal or ceremonial purposes in sports, or by military organizations or the Armed Forces of the United States, s. 791.04, F.S.

B. Government:

None.

III. COMMENTS:

The title of this bill merely reflects that the definition of fireworks is being modified to include sparklers. To comply with constitutional notice requirements, it should be amended to reflect that a person will now be subject to criminal penalties.

Final Update: SB 645 passed both houses of the Legislature, was approved by the Governor on June 13, 1984, and was incorporated into the Laws of Florida as Chapter 84-201.

IV. AMENDMENTS:

Amendment #1 by Judiciary Criminal Committee:

Removes the term "sparklers" from the definition of fireworks in the bill, thereby reinstating current law.

Amendment #2 by Judiciary Criminal Committee:

Returns the term "sparklers" to the list of items excluded from the definition of fireworks, thereby reinstating current law.

Amendment #3 by Judiciary Criminal Committee:

Provides a definition of sparklers which are not currently defined in the statutes.

Amendment #4 by Judiciary Criminal Committee:

Title Amendment.

By Representative Gardner

This public document was promulgated at an average cost of 1.6 cents per single page for the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to fireworks; amending s.
791.01, F.S., modifying the definition of
fireworks to include sparklers; providing an
effective date.

WHEREAS, many injuries occur each year as a result of
improper use and illegal sale of items being sold under the
guise of being sparklers and, therefore, legal for consumer
use, and

WHEREAS, proscription of the sale of sparklers will
eliminate many injuries to children, and adults as well, NOW,
THEREFORE,

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

Section 1. Section 791.01, Florida Statutes, is
amended to read:

791.01 "Fireworks" defined.--

(1) The term "fireworks" shall mean and include any
combustible or explosive composition, or any substance or
combination of substances, or, except as hereinafter provided,
any article prepared for the purpose of producing a visible or
an audible effect by combustion, explosion, deflagration or
detonation, and shall include blank cartridges and toy cannons
in which explosives are used, the type of balloons which
require fire underneath to propel the same, firecrackers,
torpedoes, skyrockets, roman candles, daygo bombs, sparklers,
and any fireworks containing any explosives or flammable
compound or any tablets or other device containing any
explosive substance.

1	(2) The term "fireworks" shall not include sparklers ,	1:10s
2	toy pistols, toy canes, toy guns, or other devices in which	1.23
3	paper caps containing twenty-five hundredths grains or less of	1.24
4	explosive compound are used, providing they are so constructed	1.25
5	that the hand cannot come in contact with the cap when in	1.26'
6	place for the explosion, and toy pistol paper caps which	
7	contain less than twenty hundredths grains of explosive	1.27
8	mixture, the sale and use of which shall be permitted at all	1.28
9	times.	

10	Section 2. This act shall take effect July 1, 1984.	1.29
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12	*****	
13	HOUSE SUMMARY	
14	With respect to provisions of law regulating the retail	
15	sale of fireworks and authorizing the seizure of illegal	
16	fireworks, modifies the definition of fireworks to	
17	include "sparklers" within such regulatory provisions.	
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Bill Analysis



FLORIDA HOUSE OF REPRESENTATIVES

H Lee Moffitt, Speaker Steve Pajcic, Speaker pro tempore
Committee on Criminal Justice

Elvin L. Martinez
Chairman

Harold W. Spaet
Vice Chairman

HB 928 by Rep. Gardner
relating to fireworks;
sparklers

DATE. March 26, 1984

REVISED: _____

OTHER COMMITTEES OF REFERENCE:
None

REVISED: _____

SENATE BILL: _____

I. SUMMARY

A. PRESENT SITUATION:

Section 791.01, Florida Statutes, defines the term "fireworks" to mean and include any combustible or explosive composition, or substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflaguation or detonation.

B. EFFECT OF PROPOSED CHANGES:

This bill would amend section 791.01(1), Florida Statutes, to include sparklers as part of the definition of "fireworks."

Sparklers would be defined as a device which requires fire underneath in order to propel and which contains any explosives or flammable compounds.

The term "fireworks" shall not include sparklers as a device in which the paper cap contains twenty-five hundredths grains or less of explosive compounds, providing that the sparkler is constructed in such a way that the hand cannot come in contact with the cap when in place for the explosion; under these circumstances, proscription of the sale of sparklers and use of such a device shall be permitted at all times.

II. FISCAL IMPACT

Minimal, if any for retail establishments.

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III. COMMENTS


This bill was requested by the local fire chief in Titusville.

The Fire Chiefs Association strongly supports this legislation. In 1982, the U.S. Consumer Product Safety Commission estimated that the use of all types of fireworks injured more than 8,500 people seriously enough to require some type of treatment in hospital emergency rooms. Most of the injuries were to children and youths from five to twenty years old.


The result of this legislation is that it will eliminate many injuries to children and adults which occur as a result of improper use and illegal sale of items being sold under the guise of being sparklers, and therefore, are legal for consumer use.

IV. AMENDMENTS

Prepared by:


Ruth Hidalgo
Academic Intern

Staff Director:


J. Thomas Wright

Copy to Sponsor: March 26, 1984

By Committee on Criminal Justice and Representative Gardner

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A bill to be entitled
An act relating to fireworks; amending s.
791.01, F.S., modifying the definition of
fireworks by defining "sparkler"; providing an
effective date.

WHEREAS, many injuries occur each year as a result of
improper use and illegal sale of items being sold under the
guise of being sparklers and, therefore, legal for consumer
use, and

WHEREAS, proscription of the sale of such items will
eliminate many injuries to children, and adults as well, NOW,
THEREFORE,

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

Section 1. Section 791.01, Florida Statutes, is
amended to read:

791.01 "Fireworks" defined.--

(1) The term "fireworks" shall mean and include any
combustible or explosive composition, or any substance or
combination of substances, or, except as hereinafter provided,
any article prepared for the purpose of producing a visible or
an audible effect by combustion, explosion, deflagration or
detonation, and shall include blank cartridges and toy cannons
in which explosives are used, the type of balloons which
require fire underneath to propel the same, firecrackers,
torpedoes, skyrockets, roman candles, daygo bombs, and any
fireworks containing any explosives or flammable compound or
any tablets or other device containing any explosive
substance.

1 (2) The term "fireworks" shall not include sparklers, 1.23
 2 toy pistols, toy canes, toy guns, or other devices in which 1.24
 3 paper caps containing twenty-five hundredths grains or less of 1.25
 4 explosive compound are used, providing they are so constructed 1.26
 5 that the hand cannot come in contact with the cap when in 1.27 (

6 place for the explosion, and toy pistol paper caps which
 7 contain less than twenty hundredths grains of explosive 1.28
 8 mixture, the sale and use of which shall be permitted at all 1.29
 9 times.

10 (3) The term "sparkler" shall mean a device consisting 1:1us
 11 of a wire or stick which is coated with a nonexplosive, 1.31
 12 combustible substance that, when ignited, emits a shower of
 13 sparks. Such sparks shall not extend more than 3 feet from 1.33
 14 the point where the combustion is occurring. Any such device 1.35
 15 that exceeds the limits specified in this subsection shall be
 16 classified as a firework. 1.36

17 Section 2. This act shall take effect July 1, 1984. 1.36

18 *****
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 20 HOUSE SUMMARY
 21 With respect to provisions of law regulating the retail
 22 sale of fireworks and authorizing the seizure of illegal
 23 fireworks, modifies the definition of fireworks by
 24 defining "sparkler" to ensure that similar devices which
 25 do not conform to such definition are classified as
 26 illegal fireworks.
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GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
EIGHTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968
During the Second Regular Session
April 3, 1984 through June 1, 1984



Volume I, Part One
Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT
COMMITTEE
TALLAHASSEE
1984

(II) If such individual is not an employee of such other person within the meaning of paragraph (17)(a).

b. For the purposes of this subparagraph, in the case of an individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of the crew leader under sub-subparagraph a.:

(I) Such other person and not the crew leader shall be treated as the employer of such individual; and

(II) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on his own behalf or on the behalf of such other person, for the service in agricultural labor performed for such other person.

(n) Exclusions generally.--The term "employment" does not include:

20. Service performed by speech therapists, occupational therapists, and physical therapists who are nonsalaried and working pursuant to a written contract with a home health agency as defined in s. 400.462.

Section 2. The amendments to paragraph (e) of subsection (17) of section 443.036, Florida Statutes, shall take effect upon becoming a law and shall operate retroactively to January 1, 1984, and the amendments to paragraph (n) of subsection (17) of said section, shall take effect July 1, 1984.

Approved by the Governor June 13, 1984.

Filed in Office Secretary of State June 14, 1984.

CHAPTER 84-201

Senate Bill No. 645

An act relating to fireworks; amending s. 791.01, F.S., providing a definition of sparklers; creating s. 791.055, F.S.; restricting the storage of sparklers; providing an effective date.

WHEREAS, many injuries occur each year as a result of improper use and illegal sale of items being sold under the guise of being sparklers and, therefore, legal for consumer use, and

WHEREAS, proscription of the sale of sparklers will eliminate many injuries to children, and adults as well, NOW, THEREFORE,

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

Section 1. Section 791.01, Florida Statutes, is amended to read:

791.01 "Fireworks" defined.--

(1) The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of

substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

(2) The term "fireworks" shall not include sparklers, 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 which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

(3) The term "sparkler" shall mean a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand held or ground based, and cannot propel itself through the air. Any sparkler that contains more than 100 grams of the chemical compound which produces sparks upon burning shall be classified as a firework, as defined by section 791.01.

Section 2. Section 791.055, Florida Statutes, is created to read:

791.055 Restrictions upon storage of sparklers.--

(1) Sparklers shall not be stored or kept for sale in any store:

(a) In which paints, oils, or varnishes are manufactured or kept for use or sale unless the paints, oils, or varnishes are in unbroken containers.

(b) In which resin, turpentine, gasoline or flammable substances, or substances which may generate vapors are used, stored, or offered for sale unless the resin, turpentine, gasoline, or substance is in unbroken containers.

(c) In which there is not at least one approved chemical fire extinguisher ready, available, and equipped for use in extinguishing fires.

(2) When sparklers are in storage to be offered for sale at retail, a sign shall be conspicuously displayed over the entrance to the room in which the sparklers are stored which reads: "CAUTION SPARKLERS-NO SMOKING." No person shall be in such room while in possession of a lighted cigar, cigarette, or pipe.

Section 3. This act shall take effect October 1, 1984.

Approved by the Governor June 13, 1984.

Filed in Office Secretary of State June 14, 1984.