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1984

### Session Law 84-201

Florida Senate & House of Representatives

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### LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess	. Law # 04-201	Sec. #	LOF cite an fight of
Prime	e Bill # 5B 645 Co	mp./Sim	. Bills HB. 92r
JLMC	Senate 222-3 House 305	Comms.	Senate Such i un
Cites	House 305	Ref.	House Gren Just (Sub Law Gre

	COMMITTEE RECORDS					
H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	V	
H	Ann Sheet	1984	Summany' HB 928	19/1345		
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NOTES

By Representative Gardner

1 A hill to be entitled An act relating to fireworks; amending s. 2 3 791.01, F.S., modifying the definition of fireworks to include sparklers; providing an 4 effective date. 5 6 7 WHEREAS, many injuries occur each year as a result of 8 improper use and illegal sale of items being sold under the 9 quise of being sparklers and, therefore, legal for consumer 10 use, and WHEREAS, proscription of the sale of sparklers will 11 eliminate many injuries to children, and adults as well. NOW. 12 THEREFORE. 13 14 Be It Enacted by the Legislature of the State of Florida: 15 16 17 Section 1. Section 791.01, Florida Statutes, is amended to read: 18 19 791.01 "Fireworks" defined.--20 (1)The term "fireworks" shall mean and include any 21 combustible or explosive composition, or any substance or 22 combination of substances, or, except as hereinafter provided, 23 any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or 24 25 detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which 26 require fire underneath to propel the same, firecrackers, 27 28 torpedoes, skyrockets, roman candles, daygo bombs, sparklers, 29 and any fireworks containing any explosives or flammable

and any fireworks containing any explosives or flammabl
compound or any tablets or other device containing any
explosive substance.

CODING Words in about through type are deletions from existing law, words <u>underlined</u> are additions.

76-99-2-4

1	(2) The term "fireworks" shall not include sparkters,	l:los
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
11		
12	******	
13	HOUSE SUMMARY	
14	With respect to provisions of law regulating the retail sale of fireworks and authorizing the seizure of illegal	
15	fireworks, modifies the definition of fireworks to include "sparklers" within such regulatory provisions.	
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CODING: Words in abuck through type are deletions from existing law, words <u>underlined</u> are additions.

#### Florida House of Representatives - 1984

By Committee on Crimininal 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:

17 Section 1. Section 791.01, Florida Statutes, is 18 amended to read:

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I at an average cost of 1.6 cents per ...embers of the Legislature and the public.

791.01 "Fireworks" defined.--

20 (1)The term "fireworks" shall mean and include any 21 combustible or explosive composition, or any substance or 22 combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or 23 24 an audible effect by combustion, explosion, deflagration or 25 detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which 26 27 require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, and any 28 29 fireworks containing any explosives or flammable compound or 30 any tablets or other device containing any explosive 31 substance.

189-274-4-4

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
۶	that the hand cannot come in contact with the cap when in	1.27
•	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:lus
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	<u>classified as a firework.</u>	1.36
17	Section 2. This act shall take effect July 1, 1984.	1.36
18	*******	
19	HOUSE SUMMARY	
20 21	With respect to provisions of law regulating the retail sale of fireworks and authorizing the seizure of illegal	
22	fireworks, modifies the definition of fireworks by defining "sparkler" to ensure that similar devices which	6
23	do not conform to such definition are classified as illegal fireworks.	
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

		SENATE COMMITTEE AN		
	SB 645		No. <u>4</u> (reported favorably)	
	нв			
	The Committee of	onJudiciary-Criminal	l.,recommended the following	
	amendment which	1 was moved by Senator	rand adopted: and failed;	
1	Title Ame	endment		
2				
3	In title,	on page 1,	lines 1 - 5, strike	
4	all of sa	and lines		
5				
6				
7				
8				
9	If amendment is	s text from another bu	ill insert: No	
10	<u>Bill No.</u>	Draft No.	With Changes? Yes	
11	and insert:			
12				
13		A bill to be ent	titled	
14	An act i	relating to fireworks;	; amending s.	
15	791.01,	F.S., providing a def	finition of	
16	sparkler	rs; providing an effec	ctive date.	
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26				COPY
27				reproduced by FLORIDA STATE ARCHIVES
28				DEPARTMENT OF STATE R A GRAY BUILDING
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		1	84s0645/jcr04	
	**************************************	**************************************		
	* Offered by <u>Se</u> ************************************	*****	Failed *	

#### BILL ACTION REPORT

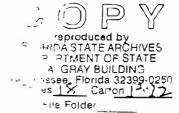
(C3-75: File with Secretary of Ser	(S) (H) BILL NO. SB 645
<b>C</b> 'MITTEE ON Judiciary-Criminal	
DATE April 17, 1984	Date Reported 8/18/84
TIME 9:00 a.m 12 noon	FINAL ACTION:
PLACE Room "C" S.O.B.	Favorably withamendments
OTHER COMMITTEE REFERENCES: (In order shown)	Favorably with Committee Substitute
None.	Unfavorably
	OTHER: <u>x</u> Temporarily Passed
	Reconsidered
THE VOTE WAS	Not Considered

FINAL T'LL VOTE SENATORS Aye | Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Beard Crawford Johnston Langley Malchon Plummer Weinstein Jenne 1 ï TOTAL Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay

#### (Attach additional page if necessary)

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Please Complete:	The key sponsor appeared A Senator appeared	(
	Sponsor's aidc appeared	ì
	Other appearance	(



#### BILL ACTION REPORT

(C3-75: File with Secretary of Senate)

(S)(H) BILL NO. SB 645

C 'MITTEE ON Judiciary-Criminal

OTHER COMMITTEE REFERENCES:

DATE April 24, 1984

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

PLACE Room "C" S.O.B.

(In order shown)

None.

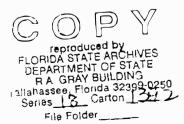
Date Reported 4/25/84 FINAL ACTION: X Favorably with 4 amendments Favorably with Committee Substitute Unfavorably OTHER: \_\_\_\_\_Temporarily Passed Reconsidered

THE VOTE WAS:

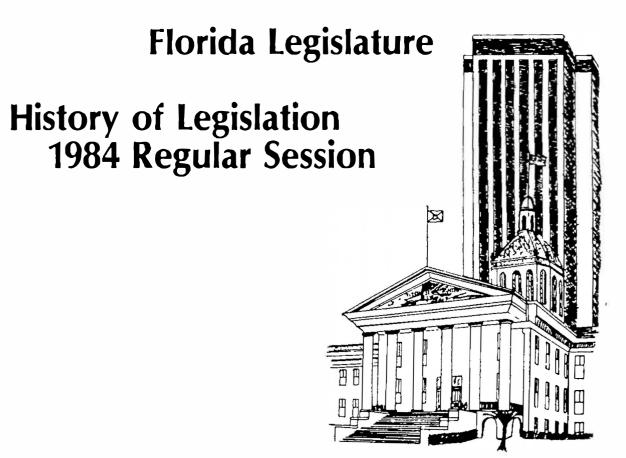
FINAL Amend. #4 Amend. #2 Amend, #1 Amend, #3 PILL VOTE SENATORS (Title) Aye | Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Beard NO N S S X DECT ECT ECT ECT Crawford X OBJ 08 B B Johnston TUOH. TUOH. h ЫĞ Ð Langley X E M H M Ч Malchon X Plummer X Weinstein X Jenne 6 0 TOTAL Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay .

#### (Attach additional page if necessary)

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



Not Considered



prepared by:

## Joint Legislative Management Committee

Legislative Information Division Capitol Building, Room 826 - 488-4371 FLORIDA LEGISLATURE - REGULAR SESSION - 1984

07/10/84 16:32

CONTINUED ON NEXT PAGE

HISTORY OF SENATE BILLS

PAGE 222

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) Fireworka: 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

FLORIDA LEGISLATURE - REGULAR SESSION - 1984

07/10/8	34 16:32		HISTORY OF SENATE BILLS PA	GE 223
	04/17/84	SENATE	On Committee agenda Judiciary-Criminal, Tempora postponed	rily
	04/19/84	SENATE	On Committee agenda Judiciary-Criminal, 04/24/8 2:00 pm, Rm. C	4.
	04/24/84	SENATE	Comm Report: Favorable with amend., placed on Ca by Judiciary-Criminal -SJ 00165	lendar
	05/17/84	SENATE	Placed on Consent Calendar; Passed as amended; YE. NAYS 0 -SJ 00325, Immediately certified -SJ 003.	
	05/17/84	HOUSE	In Messages	
	05/21/84	HOUSE	Received, placed on Calendar -HJ 00489	
	05/23/84		•	dments
			adopted; Read third time; Passed as amended; YEAS NAYS 0 -HJ 00590	110
	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	
	Energy Conservation financing Act of 19 conservation 255 258. 03/27/84	onservat g": expa 974; cre tion in Effect SENATE	by Governmental Operations, Vogt (Identical CS/H ( ion in Buildings Act; defines term "shared savings nds application of Fla. Energy Conservation in Buil ates provision re private financing of energy state-owned buildings, etc. Amends 255.252,.253; cr ive Date: 07/01/84. Prefiled Introduced, referred to Governmental Operations, Appropriations -SJ 00078	ldings

04/11/84 SENATEComm. Report: CS by Governmental Operations -SJ 00120;<br/>CS read first time 04/18/84 -SJ 0013404/12/84 SENATENow in Appropriations -SJ 0012004/27/84 SENATEExtension of time granted Committee Appropriations05/10/84 SENATEExtension of time granted Committee Appropriations05/23/84 SENATEExtension of time granted Committee Appropriations; On<br/>Committee agenda-- Appropriations, 05/24/84, 1:30 pm,<br/>Rm. A -SJ 0038905/24/84 SENATEComm. Report: Favorable, placed on Calendar by<br/>Appropriations -SJ 0043406/01/84 SENATEDied on Calendar

04/09/84 SENATE On Committee agenda-- Governmental Operations, 04/11/84, 2:00 pm, Rm. H

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<br/>Fla Retirement System under certain circumstances; specifies rights of<br/>employees. Amends 121.051. Effective Date. Upon becoming law.<br/>03/27/84 SENATE Prefiled<br/>04/04/84 SENATE Introduced, referred to Economic, Community and<br/>Consumer Affairs, Personnel, Retirement and Collective<br/>Bargaining, Appropriations -SJ 00078<br/>04/13/84 SENATE Extension of time granted Committee Economic, Community

07/10/84 16:32

HISTORY OF HOUSE BILLS

**PAGE 305** 

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 n -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
  - 03/12/84 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.

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

84-201) -HJ 00590

# 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-

1		A bill to be entitled						
	2	An act relating to fireworks; amending s.						
	3	791.01, F.S , modifying the definition of						
	4	fireworks to include sparklers; providing an						
5 6 7		effective date.						
		WHEREAS, many injuries occur each year as a result of						
	8	improper use and illegal sale of items being sold under the						
ge for ion.	9	guise of being sparklers and, therefore, legal for consumer						
ed pag greiat	10	use, and						
oublic document comulgated ost of \$8.78 per printed page for copies to inform the Legislature and the public of proposed legislation.	11	WHEREAS, proscription of the sale of sparklers will						
3 per ropo	12	eliminate many injuries to children, and adults as well, NOW,						
\$8.78 c of p	13	THEREFORE,						
st of publi	14							
o an r	15	Be It Enacted by the Legislature of the State of Florida:						
ted te and	16							
romulgated Ægislature a	17	Section 1. Section 791.01, Florida Statutes, is						
ron Legi	18	amended to read:						
n tire Di tire	19	791.01 "Fireworks" defined						
public document copies to inform	20	(1) The term "fireworks" shall mean and include any						
c doc	21	combustible or explosive composition, or any substance or						
aubli copi	22	combination of substances, or, except as hereinafter provided,						
	23	any article prepared for the purpose of producing a visible or						
	24	an audible effect by combustion, explosion, deflagration or						
	25	detonation, and shall include blank cartridges and toy cannons						
	26	in which explosives are used, the type of balloons which						
	27	require fire underneath to propel the same, firecrackers,						
	28	torpedoes, skyrockets, roman candles, daygo bombs, <u>sparklers,</u>						
	29	and any fireworks containing any explosives or flammable						
	30	compound or any tablets or other device containing any						
	31	explosive substance.						

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- 1	(2) The term "fireworks" shall not include spartters-
1	
2	toy pistols, toy canes, toy gins, or other devices in which
3	paper caps containing twenty-five hundreiths 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
11	
12	
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15	HOUSE SUMMARY
16	With respect to provisions of law regulating the retail
17	sale of fireworks and authorizing the seizure of illegal fireworks, modifies the definition of fireworks to
13	include "sparklers" within such regulatory provisions
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REVISED:		BILL NO. <u>SB 645</u>	
DATE:	April 10, 1984	Page <u>1</u>	
	SENATE STAFF ANALYSI	S AND ECONOMIC IMPACT STATEMENT	
ANAL		REFERENCE ACTION	
1. <u>E. Dav</u> 2	is Liepshutz MM	1. <u>JCR</u> 2.	

3.

SUBJECT:

3.

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.

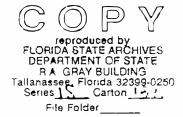
Because sparklers would be defined as fireworks their use would become unlawful for any person, firm, copartnership or corporation unless a permit was first granted by the board of county commissioners. The board of county commissioners, governed by reasonable rules and regulations, may grant permits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



REVISED:

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.

DATE: <u>April 10, 1984</u>

#### SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR		REFERENCE	ACTION
1. <u>E. Davis</u> 2	Liepshutz MIV	1. 2.	JCR	<u>T.P.</u>
3		3.		
SUBJECT:			BILL NO. AND	SPONSOR:
Fireworks to	include sparklers		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.

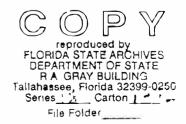
Because sparklers would be defined as fireworks their use would become unlawful for any person, firm, copartnership or corporation unless a permit was first granted by the board of county commissioners. The board of county commissioners, governed by reasonable rules and regulations, may grant permits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



REVISED: April 17, 1984

DATE: April 10, 1984

BILL NO. SB 645

Page <u>2</u>

#### 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 onJudiciary-Criminalrecommended the following	
	amendment which was moved by Senatorand adopted:	
1	Amendment and failed:	
2		
3	On page 1, line 28, strike	
4	sparklers,	2
5		
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9	If amendment is text from another bill insert:	
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	* Offered by <u>Senator Beard</u> ************************************	
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Amendment			
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sparklers;			1
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	SENATE COMMITTEE AMENDMENT
	SB 645 No. 3 (reported favorably)
	HB
	The Committee onJudiciary-Criminalrecommended the following
i	amendment which was moved by Senatorand adopted: and failed
	Amendment
	On page 2, line 10,
ĺ	
	If amendment is text from another bill insert: No_
	Bill No. Draft No. With Changes? Yes
	insert:
	(3) The term "sparkler" shall mean a device consisting
	of a wire or stick which is coated with a non-explosive,
	combustible 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
	<u>classified as a firework.</u>
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REVISED: April 24, 1984

DATE: April 17, 1984

Page <u>1</u>

#### SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u> 0 1. <u>E. Davis</u> 2 3		1. 2. 3.	<u>REFERENCE</u>	<u>ACTION</u> Fav/4 amend
SUBJECT:			BILL NO. AND	SPONSOR:
Fireworks to	ınclude sparklers		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.

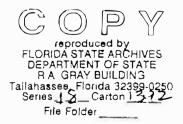
Because sparklers would be defined as fireworks their use would become unlawful for any person, firm, copartnership or corporation unless a permit was first granted by the board of county commissioners. The board of county commissioners, governed by reasonable rules and regulations, may grant permits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



REVISED: April 24, 1984\_\_\_\_

DATE: April 17, 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:

Amendment #1 by Judiciary Criminal Committee: Removes the term "sparklers" from the definition of fireworks in the bill, thereby reinstating current law.

<u>Amendment #2 by Judiciary Criminal Committee:</u> Returns the term "sparklers" to the list of items excluded from the definition of fireworks, thereby reinstating current law.

<u>Amendment #3 by Judiciary Criminal Committee:</u> Provides a definition of sparklers which are not currently defined in the statutes.

Amendment #4 by Judiciary Criminal Committee: Title Amendment.

FINAL UPDATE:	<u>June 26, 1984</u>	
REVISED:	<u>April 24, 1984</u>	BILL NO. <u>SB 645</u>
DATE:	<u>April 17, 1984</u>	Page <u>l</u>

#### 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.

#### 

	ANALYST	STAFF DIRECTOR		REFERENCE	ACTION
1. 2.	E. Davis	Liepshutz	1. 2.	JCR	Fav/4 amend.
3.			3.		
SUE	BJECT:			BILL NO. AND	SPONSOR:
	Fireworks to	include sparklers		SB 645 by Senator Vogt	

- I. SUMMARY:
  - A. Present Situation:

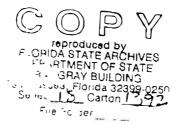
Sparklers are not defined as fireworks under existing Florida law, s. 791.01(1), F.S. Fireworks are defined as any combustible or explosive composition, or any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration 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.



FINAL UPDATE:	June 26, 1984	
REVISED:	April 24, 1984	BILL NO. <u>SB 645</u>
DATE:	<u>April 17, 1984</u>	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. <u>COMMENTS:</u>

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:

<u>Amendment #1 by Judiciary Criminal Committee:</u> 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.

<u>Amendment #3 by Judiciary Criminal Committee:</u> Provides a definition of sparklers which are not currently defined in the statutes.

Amendment <u>#4</u> by Judiciary Criminal Committee: Title Amendment. By Representative Gardner

	1	A bill to be entitled
	2	An act relating to fireworks; amending s.
	3	791.01, F.S., modifying the definition of
de la	4	fireworks to include sparklers; providing an
	5	effective date.
	6	
cents per the publi	7	WHEREAS, many injuries occur each year as a result of
	8	improper use and illegal sale of items being sold under the
and a	9	guise of being sparklers and, therefore, legal for consumer
ture	10	use, and
cost isla	11	WHEREAS, proscription of the sale of sparklers will
average cost of the Legislature	12	eliminate many injuries to children, and adults as well, NOW,
aver the	13	THEREFORE,
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.d at members	15	Be It Enacted by the Legislature of the State of Florida:
	16	
public document was promu. page for the information of	17	Section 1. Section 791.01, Florida Statutes, is
mati	18	amended to read:
nfor nfor	19	791.01 "Fireworks" defined
t he i	20	(1) The term "fireworks" shall mean and include any
or t	21	combustible or explosive composition, or any substance or
iblic ige f	22	combination of substances, or, except as hereinafter provided,
	23	any article prepared for the purpose of producing a visible or
This single	24	an audible effect by combustion, explosion, deflagration or
	25	detonation, and shall include blank cartridges and toy cannons
	26	in which explosives are used, the type of balloons which
	27	require fire underneath to propel the same, firecrackers,
	28	torpedoes, skyrockets, roman candles, daygo bombs, <u>sparklers,</u>
	29	and any fireworks containing any explosives or flammable
	30	compound or any tablets or other device containing any
	31	explosive substance.

HB 928

CODING- Words in atmet through type are deletions from existing faw, words <u>underlined</u> are additions.

1	(2) The term "fireworks" shall not include sparkters;	l:los
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
11		
12	*********	
13	HOUSE SUMMARY	
14	With respect to provisions of law regulating the retail sale of fireworks and authorizing the seizure of illegal	
15	fireworks, modifies the definition of fireworks to include "sparklers" within such regulatory provisions.	
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## **Bill Analysis**



#### FLORIDA HOUSE OF REPRESENTATIVES

H Lee Moffitt, Speaker Steve Pajere, 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. <u>March 26, 1984</u>
	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:

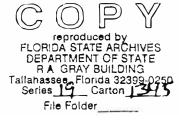
This bill would amend section 791.01(1), Florida Statutes, to include sparklers as part of the definition of "fireworks."

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.



STAFF SUMMARY/ANALYSIS - HB 928 March 26, 1984

Page 2

#### 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 injuried 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

da Prepared by: Ruth Hidalgo Academic Intern [K Staff Director: Thomas Wright J.

Copy to Sponsor: March 26, 1984

#### Florida House of Representatives - 1984

CS/HB 928

By Committee on Crimiminal Justice and Representative Gardner

	1	A bill to be entitled
	2	An act relating to fireworks; amending s.
	3	791.01, F.S., modifying the definition of
	4	fireworks by defining "sparkler"; providing an
	5	effective date.
of 1.6 cents per ure and the publi	6	
	7	WHEREAS, many injuries occur each year as a result of
	8	improper use and illegal sale of items being sold under the
	9	guise of being sparklers and, therefore, legal for consumer
ost slat	10	use, and
ge c Legi	11	WHEREAS, proscription of the sale of such items will
int was promu. d at an average cost of 1 information of members of the Legislature	12	eliminate many injuries to children, and adults as well, NOW,
	13	THEREFORE,
	14	
	15	Be It Enacted by the Legislature of the State of Florida:
	16	
	17	Section 1. Section 791.01, Florida Statutes, is
	18	amended to read:
document r the in	19	791.01 "Fireworks" defined
doc or t	20	(1) The term "fireworks" shall mean and include any
public do page for	21	combustible or explosive composition, or any substance or
s pu e pa	22	combination of substances, or, except as hereinafter provided,
Thi Ingl	23	any article prepared for the purpose of producing a visible or
<u> </u>	24	an audible effect by combustion, explosion, deflagration or
	25	detonation, and shall include blank cartridges and toy cannons
	26	in which explosives are used, the type of balloons which
	27	require fire underneath to propel the same, firecrackers,
	28	torpedoes, skyrockets, roman candles, daygo bombs, and any
	29	fireworks containing any explosives or flammable compound or
	30	any tablets or other device containing any explosive
	31	substance.

CODING: Words in atruck through type are deletions from existing law, words <u>underlined</u> are additions

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189-274-4-4
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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	l:lus
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	HOUSE SUMMARY	ĺ
20	With respect to provisions of law regulating the retail	
21	sale of fireworks and authorizing the seizure of illegal fireworks, modifies the definition of fireworks by	
22	defining "sparkler" to ensure that similar devices which do not conform to such definition are classified as	
23	illegal fireworks.	
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

## 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.:

(1) 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.

608