

SENATE BILL SUMMARY

Prepared by the Division of Legislative Information for the Senate Bill **AS ORIGINALLY FILED**. For more detail, see Senate Bill Analyses, if available, prepared by the Senate's professional committee staff.

SB 2270 Fireworks by Senator Lawson

Provides that the State Fire Marshal (SFM) or designated agent, any sheriff, deputy sheriff, any other law enforcement agency or officer, or any certified firesafety inspector charged with enforcing the laws of this state or any agency rule, county or municipal ordinance or code, has jurisdiction to enforce the provisions of laws governing the sale of fireworks. (chapter 791, F.S.)

Establishes registration requirements for those persons or organizations engaged in the sale of fireworks by requiring a separate registration form and fee for each location where fireworks are manufactured or sold. Establishes procedures for cease and desist orders for the SFM and administrative fines.

Provides that if a person violates any provision of the chapter or SFM rule, or violates a cease and desist order, the SFM may impose an administrative fine not to exceed \$1,000 for each violation or may suspend or revoke the certificate of registration.

Provides that the SFM may suspend or revoke the registration certificate of manufacturers, distributors, wholesalers, and retailers if a person makes a material misstatement, misrepresentation or fraud in obtaining a registration certificate; willful use of a certificate to circumvent any requirement or prohibition in this chapter; fraudulent or dishonest practices in the conduct of a business; or violation of or failure to comply with any order or rule of the SFM. Creates provisions for suspending or revoking the certificate of registration and provides that if a certificate is suspended, such suspension may not exceed two years.

Provides the SFM with the authority to permit a public display of fireworks when a local governmental authority does not have a permitting process. Provides that a sparkler or other product may not be sold or shipped to any person younger than 18 years of age. Specifies that retail sales of sparklers may not be made from any type of motorized or movable apparatus and further provides that only tents that meet all applicable codes and fire regulations are allowed to sell sparklers.

Revises provisions relating to wholesale exemptions for the sale of fireworks. Requires that each sale made by a manufacturer, distributor, or wholesaler must be evidenced by an invoice or sales ticket that bears the name, address, certificate of registration number of the purchaser and the date of sale and requires these records be maintained for five years.

Provides that all fireworks or sparklers that are handled, delivered, possessed, manufactured, or distributed contrary to chapter 791, F.S., or which lawful title cannot be ascertained, are declared contraband and subject to seizure and confiscation by any law enforcement agency with enforcement responsibilities under this chapter.

Eliminates the current restrictions upon storage of sparklers and fireworks and requires that storage be governed by the National Fire Protection Association Standard 1124 Code as adopted by rule of the Department of Financial Services.

Provides for misdemeanor and felony criminal penalties for violations of provisions relating to registration and licensing requirements, the sale of sparklers and fireworks, and record keeping for fireworks sales.

Provides that any person who is engaged in agricultural works or who operates a fish hatchery may use fireworks solely to frighten birds. Requires such person to first file with the sheriff a sworn affidavit in writing that he or she is engaged in such works or hatcheries. Requires the sheriff to determine if the affidavit is sufficient and then issue a permit on a form provided by the SFM.

Clarifies that the state does not preempt the regulation of fireworks and sparklers and provides that any authority having jurisdiction may enact any ordinance or rule related to this chapter if such ordinance or rule is more stringent, or provides a higher degree of safety, than that provided in this chapter. (See bill for details)