

To: Tom Almonte, Assistant County Administrator

cc: Kevin McAndrew, Director BDRS

From: Jude Reazin, Housing Official / Code Enforcement Div Mgr

Date: September 11, 2025

Re: Fireworks - State and Local Regulations

Subject:

Review Pinellas County fireworks ordinance to Florida law to identify where our rules are more restrictive, and to compare local regulations with neighboring jurisdictions.

Objectives:

1. Compare Florida state law with current County ordinance and identify key differences.
2. Benchmark Pinellas County against other local jurisdictions.
3. Recommend updates to align our ordinance with common practice.

Current laws and regulations:

Fireworks displays, storage, and sales are regulated by both the state and local governing bodies.

State Law:

- Chapter 791, Florida Statutes governs fireworks across the state.
- It establishes the baseline: fireworks are generally prohibited except for sparklers/novelties, agricultural use, and three designated holidays (January 1, July 4 and December 31).

- State law allows local governments (counties, municipalities, special districts) to adopt and enforce stricter rules, but they cannot adopt rules that weaken the state carve-outs (e.g., they cannot prohibit fireworks on the three designated holidays).

Background - State Law:

SB 140, passed in 2020 and signed by the Governor, created Section 791.08, Florida Statutes. This section provides a statewide exemption from the prohibition of fireworks usage during designated holidays.

Designated holidays are New Year's Day, January 1; Independence Day, July 4; and New Year's Eve, December 31. *(Note: Pinellas County ordinance specifically contradicts this provision, requiring a permit for any person to explode or display fireworks at any time, including the designated holidays.)*

The legislative summary for that session is clear that the 2020 law was not intended to provide for comprehensive regulation of fireworks, or to supersede any local government regulation relating to the use of fireworks. The legislature maintained prohibitions on the opening of new fireworks permanent retail sales facilities, and the issuance of permits for fireworks temporary retail sales facilities in greater numbers than were permitted in 2006, while also preserving local government ordinances governing fireworks.

The 2020 law was not intended to supersede any fireworks prohibition within executed and recorded covenants or covenants related to homeowners' associations. A homeowners' association, through a board of directors, may not promulgate rules that attempt to abrogate a homeowner's right to use fireworks during a designated holiday or under general law.

By the plain language of section 10(5), Chapter 2007-67, Laws of Florida, which is quoted in full in the note accompanying Section 791.07, Florida Statutes, local governments are precluded from allowing a new facility to be opened for the sale of fireworks, and each local government may now only issue as many permits allowing temporary facilities to engage in such sales as it had issued in calendar year 2006.

Pinellas County Ordinance:

Chapter 62 – Fire Prevention and Protection

Authority: Governed by the Pinellas County Fire Authority and Fire Control Districts. The countywide fire protection authority, referred to in this article as "the authority."

Enforcement: Fire Authority and Pinellas County Sheriff's Office

- Pinellas County Code Chapter 62, Article IV
 - Pinellas County code is more restrictive on the use of fireworks than the state. The exemptions for holidays are not mentioned.

In pertinent part, the Pinellas County Code, which dates to 1998, currently states:

Fireworks means and includes any combustible or explosive composition or substance or combination of substances, or unless otherwise exempt, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

(Important note: Dago Bomb – is no longer an appropriate description and is otherwise considered offensive.)

- Pinellas County has adopted much stricter rules than state law:
 - Requires permits, insurance, storage controls, and recordkeeping for sales.
 - Tent Permit through the County Building Division
 - Treats fireworks as “ultra-hazardous” with strict liability for vendors.
 - Establishes enforcement authority through the Pinellas County Fire Authority.
- The ordinance explicitly states it applies countywide unless a municipality has adopted its own rules, in which case the municipal rules prevail.

Pinellas County Code Sec. 62-99. - Use of fireworks.

No person or entity can use, explode, or store, fireworks in the county, unless:

- The person or entity first obtains an appropriate county permit for the display of fireworks or pyrotechnics in accordance with this division; or
- The use is by a railroad or other transportation agency for illumination or signal purposes, or the use is associated with quarrying, blasting, or another industrial purpose in accordance with F.S. § 791.04; or
- The use is in conjunction with a bona fide agricultural use, as provided in F.S. § 791.07.

Special Note: 62-99 contradicts Pinellas County code section 58-445 as excerpted below.

Pinellas County Code Sec. 58-445. – Specific acts considered to be unreasonably loud and raucous noise.

(4) Fireworks. Using, exploding, or permitting the use or explosion of fireworks, in such a manner as to be unreasonably loud and raucous, or in such a manner as to unreasonably disturb, injure, or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity. For purposes of this section, the term "firework" shall have the same meaning as specified in F.S. § 791.01, as may be amended from time to time. However, the use or explosion of fireworks shall not be presumed unreasonably loud and raucous when said use or explosion is sponsored by a local government as part of a holiday, municipal or other commemorative event, or otherwise complies with Pinellas County Code, section 62-85, as that section may be amended, or if the use or explosion of fireworks occurs on July 4 or December 31, or within 24 hours of either such date.

Key Differences:

State law:

- Does not require permitting for any person to display or explode fireworks
- Designates specific holidays and dates where fireworks may be displayed or exploded

Pinellas County:

- More restrictive than state law
 - Sales
 - Permitting
 - Displays
- Requires permitting for displays and exploding fireworks
- Does not reflect specific holidays, except in the county noise ordinance, 58-445

Comparing Local Counties to State Law:

Aspect	State Law (Chapter 791)	Pinellas County	Pasco County	Hillsborough County
Definitions & Scope	Broad definitions; exemptions for sparklers and novelties; registration required	Aligns with state definitions; adds “ultra-hazardous” strict liability; beyond state framing	Conforms to state definitions, but less formal regulatory structure	Similar alignment: consumer use limited to holidays as per state
Sale & Storage	Requires registration, safety measures for sparklers, record-keeping, invoice retention	Requires permits, insurance, record-keeping, labeling, receipts, four years retention	Requires permits through Building Dept; no detailed retail regulations apparent	No structured retail oversight evident
Permits & Insurance	State mandates display standards and potential safety bonds; no uniform permit fee structure across state	Formal permitting for sale/storage; insurance and registration required	Only permits needed for PRNR public displays, not general retail	Robust public-display permits with fees, insurance (\$3M), ATF requirement, fire watch
Use Restrictions	Fireworks allowed only on three holidays statewide; stricter local	By permit only; more restrictive than state law; two Pinellas County code sections	Allows use June 28–July 5 in some contexts; state allows only July 4 (and Jan 1,	Matches state limited use to those holidays; disallows consumer use outside these

Aspect	State Law (Chapter 791)	Pinellas County	Pasco County	Hillsborough County
	or HOA rules may override	conflict with each other	Dec 31), so this potentially conflicts	dates unless licensed/display permitted
Enforcement & Penalties	Misdemeanor charges, seizure, local enforcement	Enforcement includes permit suspension, fines, strict liability, parent accountability; responsibility for enforcement lies with the Pinellas County Sheriff's Department and the appropriate fire district	Limited enforcement scope, mainly in parks or during specific periods; responsibility for enforcement lies with Pasco County Sheriff's office	Illegal use outside permitted days; strong enforcement tied to permits and insurance

Options and Recommendations:

Align with State Law (Minimal Local Regulation)

Description: Amend Section 62 to recognize the three holiday exemptions in S. § 791.08 and drop county-level permitting requirements for consumer use on those dates. Maintain oversight only for professional displays.

Considerations Immediate Code Updates

- Amend definitions to remove outdated terminology.
- Resolve contradictions between 62-99 and 58-445 to avoid enforcement confusion.
- Permits for dates other than Holidays