Fireworks – State and Local Regulations Review

Comparing State Law, Local Ordinance, and Peer Jurisdictions





Division Manager Housing Official





Fireworks – State & Local Regulations



State Regulation – Chapter 791, Florida Statutes

- Fireworks are generally prohibited statewide
- Exemptions
 - Sparklers and novelties
 - Agricultural use
 - 3 designated holidays: New Year's Day, Independence Day, New Year's Eve

Local Authority

- State law allows local governments to adopt and enforce stricter rules
- Local governments cannot weaken the state's exemptions (for example, cannot prohibit use on the 3 designated holidays

Fireworks – State & Local Regulations



Pinellas County Ordinance – Chapter 62, Article IV

- Governing authority
 - Pinellas County Fire Authority and Fire Control Districts
- Permits Required More restrictive than state law
 - To use, explode or display fireworks at any time (Section 62-99)
 - More restrictive than the state's 3 holiday exemptions
 - Temporary sales and storage structures require a building permit
 - Fire districts require event permits, including proof of insurance, storage controls, and record-keeping
 - Fireworks are considered "ultra-hazardous" with strict liability for vendors
- Applies Countywide unless a municipality has adopted its own rules, which would then prevail

State Law v County Ordinance



| | Florida Law (Chapter 791, Florida Statutes) | Pinellas County Ordinance (Chapter 62, Article IV) |
|---|--|--|
| × | Permitted statewide on Jan 1, July 4, Dec 31 (§791.08, F.S.) | Requires a fire district event permit at all times, including Jan 1, July 4, Dec 31 (§62-99) |
| × | Outside of those dates, fireworks remain prohibited without specific authorization | No blanket exemption; event permit requirement always applies |
| V | No new permanent retail fireworks facilities may open | Bound by same state restriction |
| V | Temporary sales facilities: local government may only issue as many permits as it issued in 2006 (cannot increase) | Same restriction applies locally |
| × | HOAs cannot create rules that take away a homeowner's right to use fireworks on designated holidays | Ordinance still requires permits, even in HOA communities |

County Noise Ordinance



Use of Fireworks (Sec. 62-99)

- Requires a County Permit for any person to use or explode fireworks
- Conflicts with §791.08, F.S. which exempts permits on the 3 designated holidays

Loud & Raucous Noise (Sec. 58-445(4))

- Use of fireworks is NOT presumed unreasonably loud/raucous if it occurs on July 4 or December 31 (or within 24 hours of those dates)
- Constrained by Sec. 62-99 which requires a permit on those specific dates

Tri-county Comparison



| Feature | Pinellas County | Pasco County | Hillsborough County |
|------------------|---|--|---|
| Use Restrictions | By permit only (More restrictive than state law; internal code conflicts) | Allows use June 28–July 5 in some contexts | Limited to three holidays, unless licensed/display permitted |
| Sale & Storage | Highly regulated: Permits, insurance, record-keeping, strict liability | Requires permits through Building Dept; less detailed retail regulation apparent | No structured retail oversight. |
| Public Displays | Formal permitting, insurance, and registration required | Only permits needed for PRNR public displays | Robust oversight: Public-display permits with fees, \$3M insurance, ATF requirement, fire watch |

Recommendations



Considerations

Immediate Code Updates

- Consult with stakeholders (Fire Officials, PCSO, County Attorney's Office, local Municipalities)
- Update definitions and align holidays with state law
- Resolve contradictions between 62-99 and 58-445 to avoid enforcement confusion
- Remove permit requirements for private and residential fireworks displays during designated holidays

Questions



Questions?