

Fireworks – State and Local Regulations Review

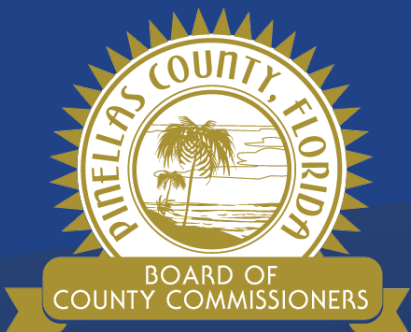
Comparing State Law, Local Ordinance, and Peer Jurisdictions



BDRS – Code Enforcement

Jude Reazin

Division Manager
Housing Official



Our Vision: To Be the Standard for Public Service in America



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
 No new permanent retail fireworks facilities may open	Bound by same state restriction
 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

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?