

ORDINANCE NO. 26 - ____

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING AND REVISING PINELLAS COUNTY CODE CHAPTER 62, ARTICLE IV (FIREWORKS), PROVIDING FOR REVISIONS TO THE FIREWORK PERMIT REQUIREMENTS DURING DESIGNATED HOLIDAYS; AMENDING DEFINITIONS AND ADDING CLARIFYING DEFINITIONS; REMOVING CERTAIN PENALTIES; MAKING CLERICAL CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a review of this Fireworks Ordinance has revealed multiple areas for clarification and modernization; and

WHEREAS, the Pinellas County Board of County Commissioners (Board) has determined that it is in the best interest of the citizens to implement these provisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this __ day of _____ 2026, that:

SECTION 1. Chapter 62 of the Pinellas County Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 62. The only section(s) of Chapter 62 being amended are those with revisions reflected herein. Sections of Chapter 62 not included herein remain in full force and effect.

Chapter 62 - FIRE PREVENTION AND PROTECTION

ARTICLE IV. FIREWORKS

DIVISION 1. GENERALLY

Sec. 62-81. Definitions.

[As used in this article, the following words and terms shall have the meaning ascribed thereto:]

Authority shall mean the Pinellas County Fire Authority.

Fireworks, sparklers, retailer, wholesaler, distributor, and manufacturer shall have the same meaning as specified in F.S. § 791.01, as it may, from time to time, be amended.

Seller shall refer to either a wholesaler or retailer as appropriate to the context of the transaction.

Sec. 62-82. Penalties for violation of division.

- (a) Violations of this division shall be punishable and its requirements enforced as provided under section 1-8 of this Code. Violations shall subject an offender to arrest pursuant to F.S. § 901.15 and prosecution pursuant to F.S. § 125.69. ~~These sanctions are in addition to any criminal penalty which is available under the provisions of F.S. Ch. 791.~~
- (b) The law enforcement agency having jurisdiction has the authority to immediately order the cessation of the sale of fireworks at any business or location that is selling fireworks without all required permits until such time as corrective action is taken and the missing permits are obtained. Upon notification by the appropriate law enforcement agency that sales are to cease, the seller shall take appropriate action to secure its fireworks inventory immediately and to prevent the further sale by securing the fireworks in an appropriate off premises locked facility that meets state and local fire code standards. As an alternative to securing the fireworks off site, the business may cease operations until such time as the required permits are obtained and during this time store the inventory on site if the location is secure and meets state and local fire code requirements. It shall be the obligation of the seller to ensure that adequate security is in place during any period they cease operations. Prior to resuming the sale of fireworks, the seller shall notify the authority of its intent to resume sales and of the corrective action taken.
- (c) If a seller has been convicted of a violation of this division or of F.S. Ch. 791, and within 12 months of that conviction is convicted again of a violation of this division or of F.S. Ch. 791, its permit to sell fireworks under section 62-89 shall be suspended. The suspension shall be in addition to any sanction otherwise available under state law or this Code. The first suspension shall be for a period of 14 days. In the event of any successive conviction of a violation of this article or the provisions of F.S. Ch. 791, occurring within 24 months of a suspension of permit under this section, the seller's permit to sell fireworks shall be suspended for a period of 30 days. Upon notification of a suspension of the permit to sell fireworks, the seller shall immediately remove their fireworks inventory from their premises and store them in a secure offsite location which meets all appropriate state and local fire codes. Alternatively, the seller may cease operations during the period of suspension if their premises are secure and otherwise meet the requirements of local and state fire codes.
- (d) For purposes of this division, a conviction includes the payment of the assessed fine by not contesting the notice of violation where there is no court appearance.
- (e) Parents or guardians are responsible for the violations of [by] minors.

Sec. 62-83. Territory embraced.

All territory within the legal boundaries at Pinellas County, Florida, including all unincorporated and incorporated areas, shall be embraced by the provisions of this division, unless a municipality adopts an ordinance which conflicts with this division, in which case the municipal ordinance shall prevail.

Sec. 62-84. Storage and sale of sparklers.

- (a) Sparklers shall be stored and sold in the unincorporated and incorporated areas of the county in accordance with the zoning laws, fire prevention code, license laws of the county and permits issued by the local fire official having jurisdiction and all other state and local laws.
- (b) All manufacturers, distributors, and wholesalers of sparklers shall be registered with the state division of fire marshal pursuant to F.S. § 791.015. A retailer of sparklers shall be required to comply with the provisions of F.S. § 791.01.

Sec. 62-85. Prohibition of fireworks; exceptions; permits and regulations.

- (a) Except as provided in F.S. §§ 791.02, 791.04, or 791.07, or under division 2 of this article, it shall be unlawful for any person, firm, partnership, or corporation to offer for sale at wholesale or retail, expose for sale at wholesale or retail, or use or explode any fireworks within the county.
- (b) The authority shall develop an affidavit which all sellers of fireworks within the county shall use to determine the entitlement of any purchaser at retail or wholesale to buy fireworks.
- (c) The purchaser of any fireworks must furnish to the seller, at the time of sale, proof of identification and, if applicable, proof that the purchaser is registered with the division of the state fire marshal and is otherwise in compliance with F.S. Ch. 791. The seller shall retain a copy of any proof of registration presented.
- (d) The seller must maintain an on-site record of all sales, including the name and address of each purchaser, the form of the purchaser's identification presented along with any unique identifier associated with that identification (e.g. drivers license number), and, where required, proof of registration and compliance with F.S. Ch. 791. If the seller determines that registration under chapter 791 is not required, then the basis for such exception or exemption shall be recorded on a form approved by the authority.
- (e) Any person, firm, partnership, or corporation who is not registered with the division of the state fire marshal and who, pursuant to F.S. § 791.04 purchases fireworks for shipment directly out of the state, shall not be allowed to take possession of such fireworks. The seller shall retain the possession of such fireworks and shall be responsible for shipping all fireworks purchased to the purchaser or other recipient at an out-of-state point of delivery.
- (f) Any person, firm, partnership or corporation who, pursuant to rules promulgated by the department of agriculture and consumer services under F.S. § 791.07, purchases fireworks for frightening birds must provide to the seller documentary evidence that the purchaser has complied with the regulations of the state department of agriculture and that the purchaser has filed with the sheriff of the county where the fireworks will be used the statement as required by the Florida Administrative Code. The purchaser shall provide to the seller a copy of any statement so filed with the sheriff as required by the Florida Administrative Code. The seller shall be required to maintain a copy of the proof offered in addition to the information required in subsection (d) above.

- (g) The purchaser of fireworks to be used by a railroad or other transportation agency must provide a copy of the business license or other government issued document evidencing that the purchaser is a legitimate railroad or transportation agency. A commercial drivers license, by itself, does not meet the requirements of this section. A copy of this document must be maintained by the seller.
- (h) The purchaser of fireworks to be used in quarrying or for blasting or other industrial use must produce a copy of the quarry or mine permit or business license or other governmentally issued document showing that the purchaser is operating a mine, quarry or other industrial enterprise. The seller shall maintain a copy of this proof and note the use for which the fireworks shall be used. The seller shall also record the location where the fireworks will be used. The purchaser of fireworks to be used in a public display such as those authorized under division 2 of this article, must produce a copy of the current permit from a county or municipality and the seller must keep a copy of this permit with the record of sale.
- (i) All appropriate local and state permits, registrations, certificates and licenses must be displayed at each retail, wholesale, distributing, or manufacturing site.
- (j) The seller must maintain copies of the records required by this chapter at the location where the sale took place for a period of four years from the date of the sale. If the location of the sale was in a temporary facility, the records must be maintained at that site for the duration of the existence of the temporary facility and thereafter for the remainder of the four years in a location within the county which location shall be listed on the application for the permit from the authority. These records must be available and provided immediately upon request for inspection by fire or law enforcement officials. In the event that the sales location, other than a temporary site, closes or moves, the records required by this section to be retained must be stored at a location in the county where they will be readily available for inspection by the authority, fire officials or law enforcement. The seller shall advise the authority of any change in the location of these records.

Sec. 62-86. Vendor receipts.

Every vendor of fireworks or sparklers shall be required to provide to each purchaser of such item a receipt showing the vendor's name and address. Such receipt shall be provided at the time of purchase.

Sec. 62-87. Labeling requirements.

Any device permitted by this division shall have printed in English on the label or container thereof the total weight of combustible substance, the name of the chemical composition and a brief statement describing its action when ignited.

Sec. 62-88. Designation as dangerous products.

It is the intent of this division to adopt and affirm the state tort law imposing strict liability upon vendors, distributors and manufacturers of dangerous products. Fireworks and sparklers shall be deemed ultra-hazardous and dangerous products, subjecting the vendors, distributors and manufacturers to strict liability for any injury sustained by a purchaser or user of such item.

Sec. 62-89. Fire authority to issue permits governing the sale of fireworks.

- (a) The fire authority is authorized to issue permits which shall be required for all sales of fireworks within the county subject to the limitations of section 62-83.
- (b) Any person, firm, partnership, or corporation engaging in the sale, at retail or wholesale, or in the distributing or manufacturing of fireworks must first apply for and secure a permit from the authority. This requirement is in addition to any licensing or permitting required by any municipality. Any sale of fireworks without first obtaining a permit is a violation of this division.
- (c) In order to obtain a permit, the applicant, must provide proof of compliance with all state and federal regulations regarding the storage, display for sale and sale of fireworks at each location listed on the application.
- (d) The application for such permit shall include proof that the applicant is registered with the division of the state fire marshal as a wholesaler, distributor or manufacturer of fireworks pursuant to F.S. § 791.015, and shall be accompanied by a permit fee in an amount to be established by resolution of the board of county commissioners which may be set in an amount sufficient to pay for the cost of regulatory requirements of this article.
- (e) The applicant must show evidence of financial responsibility pursuant to section 62-90.
- (f) The applicant must disclose the name and address of all persons or entities having an interest (financial, security or otherwise) in the inventory that will be offered for sale.
- (g) Each location at which the applicant intends to display fireworks for sale or sell fireworks must be listed on the application. The application must also list the name of the manager in charge of each location and their address. The permit shall be issued in the name of the applicant only and shall not be transferable.
- (h) The application for the permit shall also list the nature of any other sales or business operations of the applicant which are to take place at the permitted premises.
- (i) Once a permit is issued, the permit holder shall have a continuing obligation to notify the authority of any change in the information set forth in the application for the permit including, but not limited to any changes in physical address closure of the permit holders operations at any location where the permit holder does business in the county.
- (j) As a condition of maintaining the permit, the permit holder must comply with all federal, state and local regulations governing the sale and storage of fireworks, and must maintain all necessary permits required by federal, state or local law, ordinance or regulation. The permit holder must also comply with the record keeping provisions of this division.
- (k) The authority is authorized to issue temporary fireworks sales permits which shall be in force for a period not to exceed 90 days and annual fireworks sales permits which shall remain in effect for no longer than 12 months.

Sec. 62-90. Evidence of financial responsibility.

In furtherance of the provisions of section 62-88, all sellers of fireworks, must keep in force an insurance policy showing general, comprehensive, liability and property damage insurance

coverage on an occurrence basis with minimum limits in the policy of not less than \$1,000,000.00 combined single limit coverage for each loss that may result from the activities of the sellers. Sellers must maintain Workers' Compensation coverage as required pursuant to F.S. Ch. 440. A failure to maintain this required coverage after the procurement of a permit shall be a violation of this division and grounds for suspension of their permit from the authority and the sale of the permitted goods as set forth in section 62-82 shall cease until such time as the required insurance is obtained.

Sec. 62-91. Severability.

If any section, subsection, sentence, clause, phrase or provision of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this article invalid or unconstitutional.

Secs. 62-92—62-95. Reserved.

DIVISION 2. USE AND DISPLAY

Sec. 62-96. Authority.

This division is enacted pursuant to the Home Rule Charter of Pinellas County and F.S. ch. 791.

Sec. 62-97. Applicability and purpose.

This division is applicable to the unincorporated areas of ~~th~~ the county. The purpose of this division is to regulate the display of fireworks in the county and to provide permitting requirements for the outdoor display of fireworks and use of pyrotechnics before a proximate audience.

Sec. 62-98. Definitions.

The following words and terms shall have the meanings set out below, unless the context clearly indicates otherwise:

Business/Commercial User means any business or commercial operator who employs Pyrotechnic operators and/or has a license to buy, use, or transport 'display fireworks' or 'professional use only fireworks' as defined in the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 2026 Edition.

Designated Holiday means holidays designated by F.S. § 791.08 - New Years Day, January 1; Independence Day, July 4; New Year's Eve, December 31.

Fire district means the Pinellas County Fire Administration and any of the municipalities, special fire control districts, or not-for-profit corporations within whom the Pinellas County Fire Protection Authority contracts for fire protection services, pursuant to chapter 62, Article II, of the Pinellas County Code.

Fire district official means the fire chief of the respective fire district or his designee.

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, ~~daggo bombs~~, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

The term "fireworks" does not include the following items:

- (1) *Sparklers* approved by the State Fire Marshal's Office in accordance with Chapter 4A-50, Florida Administrative Code.
- (2) *Toy pistols, toy canes, toy guns*, or other devices in which paper cups containing .25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion.
- (3) *A snake or glowworm*, which is a pressed pellet of not more than ten grams of pyrotechnic composition that produces a large, snakelike ash that expands in length as the pellet burns and that does not contain mercuric thiocyanate.
- (4) *A smoke device*, which is a tube or sphere containing not more than ten grams of pyrotechnic composition that, upon burning, produces white or colored smoke as the primary effect.
- (5) *A trick noisemaker*, which is a device that produces a small report intended to surprise the user and includes:
 - a. *A party popper*, which is a small plastic or paper device containing not more than 16 milligrams of explosive composition that is friction sensitive and ignited by pulling a string protruding from the device that expels a paper streamer and produces a small report.
 - b. *A booby trap*, which is a small tube with a string protruding from both ends containing not more than 16 milligrams of explosive compound and ignited by pulling the ends of the string that produces a small report.
 - c. *A snapper*, which is a small paper-wrapped device containing not more than four milligrams of explosive composition coated on small bits of sand that, when dropped, explodes, producing a small report. A snapper may not contain more than 250 milligrams of total sand and explosive composition.
 - d. *A cigarette load*, which is a small wooden peg that has been coated with not more than 16 milligrams of explosive or pyrotechnic composition that, upon ignition of a cigarette containing one of the pegs, produces a small report.
 - e. *An auto burglar alarm*, which is a tube containing not more than ten grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and is ignited by use of a squib. A small quantity of explosives not exceeding 50 milligrams may also be used to produce a small report.

Proximate audience means an audience to an indoor display and which is closer to pyrotechnic devices than allowed by N.F.P.A. 1123, 1995 Edition.

Pyrotechnic operator means the person responsible for pyrotechnic safety and who controls, initiates, or otherwise creates special effects. The operator is also responsible for storing, setting up and removing pyrotechnic material or devices after a performance.

Pyrotechnic means the science of controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from least volume.

Pyrotechnics material means a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation. Such chemical mixture predominately consists of solids capable of producing a controlled, self-sustaining, and self-contained exothermic chemical reaction that results in heat, gas, sound, light, or a combination of these effects. The chemical reaction functions without external oxygen.

Sparkler means a device which emits showers of sparks upon burning, does not contain any explosive compound, does not detonate or explode, is hand-held or ground-based, cannot propel itself through the air, and contains not more than 100 grams of chemical compound which produces sparks upon burning. If a sparkler or item similar to a sparkler does not appear on the state fire marshal's "List of Approved Sparklers," it will be considered a firework.

Sec. 62-99. Use of fireworks.

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

- (1) The person or entity first obtains an appropriate county permit for the display of fireworks or pyrotechnics in accordance with this division; or
- (2) 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
- (3) The use in conjunction with a bona fide agricultural use, as provided in F.S. § 791.07; or
- (4) As used on a designated holiday, as per division 62-89; and F.S. § 791.08:

- (a) New Year's Day, January 1;
- (b) Independence Day, July 4; or
- (c) New Year's Eve, December 31.

a. 'As used on a designated holiday' exception does not apply if the fireworks are shot off, ignited, used, or exploded by any commercial or business user, or pyrotechnic operator. Further, this exception does not apply to 'display fireworks' or 'professional use only fireworks' as defined in the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 2026 Edition. If such fireworks are to be used, division 62-100 must be followed.

b. A non-business/commercial user may use, store, or explode fireworks without a permit as long as they comply with all other applicable state statutes and the fireworks are 'consumer fireworks' as defined in the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 2026 Edition.

Sec. 62-100. Display of fireworks.

The supervised public display of fireworks is permitted if the requirements of this section have been met. All displays must be in accordance with the Code for the Display of Fireworks, as set out in N.F.P.A. 1123, 1990 Edition and NFPA 1126, 1996 Edition.

(1) Application requirements.

- a. An application for a permit to operate a display of fireworks in accordance with this division shall be made with the appropriate fire district at least 15 days prior to the scheduled date of the event. The application shall be in a form prepared and approved by Pinellas County Fire Administration.
- b. The application submitted by any applicant must contain the following information:
 1. The name of the individual, group or organization sponsoring the fireworks display, together with the names of persons actually in charge of the firing of the display;
 2. Evidence of financial responsibility in the form of proof of public liability insurance in an amount not less than \$1,000,000.00 combined single limits bodily injury and property damage with no aggregate.
 3. The date and time the display is scheduled to be held;
 4. The exact location planned for the fireworks or pyrotechnics display;
 5. The approximate number and kinds of fireworks to be discharged;
 6. The manner and place of storage of the fireworks prior to delivery and discharge at the display site; and
 7. A diagram of the grounds, or buildings where the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, and the location of other possible overhead obstructions.

(2) Permit approval.

- a. All applications will be reviewed to determine if the requirements of this division have been met. Each proposed location will be inspected or investigated to determine if the location complies with the regulations for the display of fireworks.
- b. The appropriate fire district will determine if the display of fireworks, as proposed by the applicant, will provide an acceptable degree of life safety based upon the terrain, available fire protection features, or other requirements deemed appropriate by the fire official.
- c. The fire district official may, as a condition of the permit, require on-site uniformed district personnel, specialized fire protection equipment or extra

suppression equipment. Any costs incurred to comply with the conditions of the permit will be the responsibility of the applicant.

- d. A permit may be revoked at any time if the applicant fails to comply with the terms and conditions of the permit.
- e. A permit granted in accordance with this division is not transferable.

Sec. 62-101. Penalties and enforcement.

Any person, firm or corporation, or any agent thereof, who violates any provision of this division may be subject to criminal sanction in accordance with F.S. ch. 791. Each violation of this division constitutes a separate offense and is punishable as such.

Responsibility for the enforcement of this division lies with the Pinellas County Sheriff's Department and the appropriate fire district. In the event fireworks are displayed in violation of this division, the sheriff's department may seize, take or remove the illegal items at the owner's expense and seek criminal action against the violator as appropriate.

It will be the responsibility of the fire district official to obtain compliance with respect to building code and county permitting requirements applicable to the display, sale, storage and manufacture of fireworks and sparklers.

Nothing in this division may prevent the county from bringing a civil action or imposing civil penalties upon a violator in an appropriate case.

SECTION (2). Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION (3). Areas Embraced. This ordinance shall be effective in the incorporated and unincorporated areas of the County.

SECTION (4). Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION (5). Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.