

2020140er

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2 An act relating to fireworks; creating s. 791.08,
3 F.S.; defining the term "designated holiday";
4 providing an exemption for the use of fireworks solely
5 and exclusively during a designated holiday; providing
6 construction; providing legislative intent;
7 prohibiting homeowners' associations from promulgating
8 certain rules or regulations; providing an effective
9 date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 791.08, Florida Statutes, is created to
14 read:

15 791.08 Use during designated holidays; exemption.-

16 (1) As used in this section, the term "designated holiday"

17 means:

18 (a) New Year's Day, January 1;

19 (b) Independence Day, July 4; or

20 (c) New Year's Eve, December 31.

21 (2) This chapter does not prohibit the use of fireworks
22 solely and exclusively during a designated holiday. This section
23 is not intended to provide for the comprehensive regulation of
24 fireworks as described in s. 10(5), chapter 2007-67, Laws of
25 Florida, or to supersede any local governmental regulation
26 relating to the use of fireworks as provided in s. 10(5),
27 chapter 2007-67, Laws of Florida.

28 (3) The Legislature does not intend for the application of
29 this section to supersede any prohibition against the use of

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30 fireworks contained within a legally executed and properly
31 recorded declaration of covenants or covenant running with the
32 land of any homeowners' association pursuant to chapter 720.
33 However, a homeowners' association, through a board of
34 directors, may not promulgate rules that attempt to abrogate a
35 homeowner's right to use fireworks during a designated holiday
36 or under general law.

37 Section 2. This act shall take effect upon becoming a law.