

## CHAPTER 2020-11

### Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 140

An act relating to fireworks; creating s. 791.08, F.S.; defining the term “designated holiday”; providing an exemption for the use of fireworks solely and exclusively during a designated holiday; providing construction; providing legislative intent; prohibiting homeowners’ associations from promulgating certain rules or regulations; providing an effective date.

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

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

791.08 Use during designated holidays; exemption.—

(1) As used in this section, the term “designated holiday” means:

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

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

(3) The Legislature does not intend for the application of this section to supersede any prohibition against the use of fireworks contained within a legally executed and properly recorded declaration of covenants or covenant running with the land of any homeowners’ association pursuant to chapter 720. However, 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.

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

Approved by the Governor April 8, 2020.

Filed in Office Secretary of State April 8, 2020.