

Memorandum

From the Town of Juno Beach Planning & Zoning Department

To: Joseph Lo Bello, Town Manager
From: Ruben Cruz, Director of Planning & Zoning
Date: October 18, 2016
Subject: Ordinance No. 693 – Banning the Release of Floating Balloons and Sky Lanterns and Prohibiting Balloons in Town Parks (Second Reading)
Resolution 2016-08 – Enforcement of Balloon and Sky Lantern Ban by Code Citation

Background

In response to a request from the Loggerhead Marineline Center (“LMC”) (see attachment #1), staff is presenting Ordinance No. 693 to the Town Council to help support the LMC’s efforts to promote the safety and protection of marine life and “to form a partnership to prohibit the use of balloons in designated locations along the coast.” LMC has provided Staff with informational materials that explain why prohibiting balloons will help sea turtles and other marine life (see attachment #2). The proposed ordinance has been modified from the sample ordinance provided by LMC and ordinances adopted by other municipalities.

Discussion

The Town of Juno Beach is home to one of the densest sea turtle nesting beaches in the country and the proposed ordinance constitutes the strictest form of regulation of balloons, floating balloons and sky lanterns.

The proposed ordinance adopts a new Code section 12-3 to the prohibit the display, possession and release of floating balloons and sky lanterns on any property located within the Town. The ordinance does contain exceptions for: the display, possession or release of floating balloons and sky lanterns indoors; moving floating balloons and sky lanterns from a vehicle to a structure or between structures; and the use of floating balloons by governmental agencies for scientific or meteorological purposes.

The proposed ordinance also adopts a new Code section 18-48 to prohibit the display, release and distribution of balloons of any kind within any park within the Town. The Town Code defines the term “park” to include any playground, beach, recreation center or other area within the Town devoted to active or passive recreation. This section similarly excepts balloons utilized by a governmental agency for scientific or meteorological purposes.

At the last meeting, a Town resident questioned whether the prohibition against sky lanterns should include all types of sky lanterns, even those that are biodegradable. In response, Staff consulted both LMC and Chief Wells of Palm Beach County Fire Rescue. Both recommended that the ban include all types of sky lanterns. Furthermore, Florida Law already prohibits the use of sky lanterns because they fall within the statutory definition of fireworks. (Section

791.01(4)(a), Florida Statutes, defines fireworks to include “the type of balloons which require fire underneath to propel them”). Consequently, Staff recommends adoption of the Ordinance as originally presented.

Ordinance 693 is accompanied by Resolution 2016-08, which allows for enforcement of the sky lantern and floating balloon within the Town and the balloon ban within Town parks through the issuance of Code Enforcement Citations.

Recommendation

Staff recommends that the Town Council approve Ordinance No. 693 on second and final reading.

Staff recommends that the Town Council approve Resolution 2016-08.

1 TOWN OF JUNO BEACH, FLORIDA

2
3 ORDINANCE NO. 693

4
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO
6 BEACH, FLORIDA, RELATING THE POSSESSION, DISPLAY AND
7 RELEASE OF BALLOONS AND SKY LANTERNS; AMENDING ARTICLE
8 I, "IN GENERAL," OF CHAPTER 12, "ENVIRONMENT," OF THE TOWN
9 CODE OF ORDINANCES TO ADOPT A NEW SECTION 12-3,
10 "FLOATING BALLOONS AND SKY LANTERNS;" AMENDING ARTICLE
11 II, "USE AND CONDUCT REGULATIONS OF PARKS," OF CHAPTER
12 18, "PARKS AND RECREATION," OF THE TOWN CODE OF
13 ORDINANCES TO ADOPT A NEW SECTION 18-48, "BALLOONS
14 PROHIBITED;" PROVIDING FOR CODIFICATION, SEVERABILITY,
15 CONFLICTS AND AN EFFECTIVE DATE.

16
17 WHEREAS, the Town of Juno Beach is home to one of the densest sea turtle
18 nesting beaches in the entire country; and

19
20 WHEREAS, sea turtles and other marine wildlife mistake deflated balloons for
21 food, and once ingested, the balloons damage their digestive systems and may lead to
22 starvation and/or death; and

23
24 WHEREAS, the Town's park and recreation areas include the beach and other
25 areas immediately adjacent or in close proximity to the beach and the intentional or
26 inadvertent release or improper disposal of all types of balloons within these areas poses
27 a danger to the environment and to the wildlife that may ingest them; and

28
29 WHEREAS, the intentional or inadvertent release of floating balloons and sky
30 lanterns into the atmosphere from any location within the Town also poses a significant
31 danger to the environment and to the wildlife that may ingest them; and

32
33 WHEREAS, the Town Council determines that it is in the best interests of the public
34 health, safety and welfare to prohibit the display, release or distribution of balloons of any
35 kind within the Town's park and recreation areas and to prohibit the display, release or
36 distributions of floating balloons and sky lanterns on any property located within the Town.

37
38 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
39 TOWN OF JUNO BEACH, FLORIDA as follows:

40
41 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and
42 incorporated herein.

43
44 **Section 2.** The Town Council hereby amends Article I, "In General," of Chapter
45 12, "Environment," by adopting a new section 12-3 to read as follows (additional language
46 underlined):

47
48

1 **Sec. 12-3. Floating balloons and sky lanterns.**

2
3 (a) Definitions. For the purpose of this section, the following
4 words, terms and phrases shall have the meanings ascribed herein, except
5 where the context clearly indicates a different meaning:

6
7 Floating balloon means a balloon of any type inflated with a gas that
8 is lighter than air.

9
10 Sky lantern means a device that requires a flame which produces
11 heated air trapped in a balloon-type covering allowing the device to float in
12 the air. Sky lanterns shall not include hot air balloons used for transporting
13 persons.

14
15 (b) Prohibition. On any property located within the town's
16 corporate limits, no person shall:

17
18 (1) Display, possess or release one or more floating balloons; or

19
20 (2) Display, possess or release one or more sky lanterns.

21
22 (c) Exceptions. This section shall not prohibit the following
23 activities:

24
25 (1) Possession of floating balloons or sky lanterns where such
26 items are moved from a vehicle or structure to another
27 structure where the resulting exposure of such items to the
28 outdoors is de minimis;

29
30 (2) Display, possession or release of floating balloons indoors;

31
32 (3) Display, possession or release of sky lanterns indoors; or

33 (4) Display, possession or release of floating balloons by a
34 governmental agency for scientific or meteorological
35 purposes.

36
37 **Section 3.** The Town Council hereby amends Article II, "Use and Conduct of
38 Parks," of Chapter 18, "Parks and Recreation," of the Town's Code of Ordinances by
39 adopting a new Section 18-48 to read as follows (additional language underlined):

40
41 **Sec. 18-48. Balloons prohibited.**

42
43 For the protection of sea turtles and other wildlife, no person shall
44 display, release or distribute balloons of any kind in any park. This
45 prohibition shall not apply to the display, release or distribution of balloons
46 by a governmental agency for scientific or meteorological purposes.

Vanessa Mutchnik

From: Ruben Cruz
Sent: Friday, September 30, 2016 9:37 PM
To: Joseph F. Lo Bello, CPA; Vanessa Mutchnik
Subject: Fwd: Emailing: 379, 791, SkyLaterns
Attachments: image001.png

Please see Jack's response below.
Thanks,
Ruben

Sent from my iPhone

Begin forwarded message:

From: Jack Lighton <jlighton@marinelife.org>
Date: September 30, 2016 at 5:40:54 PM EDT
To: Ruben Cruz <rcruz@juno-beach.fl.us>
Cc: Tommy Cutt <tcutt@marinelife.org>
Subject: Re: FW: Emailing: 379, 791, SkyLaterns

Hello Ruben:

Tommy is traveling however, I can respond on his behalf.

Yes we are encouraging the ban of the Sky Lantern's as well. They are billed as an environmentally smart alternative to balloons and they are not.

In addition to the Chief Wells's concerns, these devices do go up and then come down. Wildlife does interact with them and they do cause a significant problem with litter.

Warm Regards,

Jack E. Lighton
President & CEO
Loggerhead Marinelifelife Center
14200 U.S. Highway One
Juno Beach, FL 33408

P: 561-627-8280 ext. 100
F: 561.627.8305
M: 561.386.8606
E: jlighton@marinelife.org

<http://www.marinelifelife.org/>

Save-The-Date:

8th annual Go Blue Awards Luncheon @ PGA National: Friday October 28
Swashbuckler's Soiree (Lights Out Gala) @ LMC: Friday January 27, 2017

Please read about LMC's novel approach to saving sea turtles in Juno Beach and around the globe:

<http://blogs.discovermagazine.com/crux/2015/03/19/health-care-sea-turtles/#.VRcnm-FZuaq>

***Mission:** To promote conservation of ocean ecosystems with a special focus on threatened and endangered sea turtles.*

***Vision:** To be recognized locally & internationally as the leading authority in sea turtle education, research, and rehabilitation.*

On Fri, Sep 30, 2016 at 9:32 AM, Ruben Cruz <rcruz@juno-beach.fl.us> wrote:

Hello Jack and Tommy,

Before second reading of the proposed balloon ban ordinance that will also ban sky lanterns. I wanted to know if the MLC is in support of the Town also banning sky lanterns? Please see the below email along with the attached documents from PBC Fire Battalion Chief Mike Wells regarding sky lanterns, as he is in favor of the ban. Thanks for your input.

Respectfully,

Ruben Cruz, CFM

Director of Planning and Zoning

Town of Juno Beach

340 Ocean Drive

Juno Beach, FL 33408

Office: [\(561\) 656-0306](tel:5616560306)



Please note: Florida has a very broad public records law. Most written communications to or from local officials regarding town business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Begin forwarded message:

From: "Mike Wells" <MWells@pbcgov.org>
To: "Joseph F. Lo Bello, CPA" <jlobello@juno-beach.fl.us>
Subject: Fwd: Emailing: 379, 791, SkyLaterns

Please find the attached in support of the second reading of the ordinance.

These are certainly problematic with the presence of the beachfront high rises and their balconies, where the lanterns could land.

Thank you for your consideration.

Mike Wells

Battalion Chief

Begin forwarded message:

From: "Larry Willhite" <LWillhit@pbcgov.org>
To: "Mike Wells" <MWells@pbcgov.org>
Cc: "Pam Summers" <PSummers@pbcgov.org>
Subject: FW: Emailing: 379, 791, SkyLaterns

Chief, we cannot permit or authorize the use/release of the sky lanterns in part because you cannot predict where they land. Florida State Stat. classifies them as fireworks. In the past environmental groups have expressed concerns. Let me know if you need additional assistance from us.

Larry

-----Original Message-----

From: Pam Summers

Sent: Thursday, September 29, 2016 7:34 AM

To: Mike Wells

Cc: Larry Willhite

Subject: Emailing: 379, 791, SkyLaterns

Good morning Chief Wells, I have attached information pertaining to Sky Lanterns. I will see if Ch. Willhite has anything further to add. Thanks Pam Your message is ready to be sent with the following file or link attachments:

379

791

SkyLaterns

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Vanessa Mutchnik

From: Vanessa Mutchnik
Sent: Friday, September 30, 2016 9:07 AM
To: Bill Greene; Caitlin Copeland; Ellen D. Andel; Frank Fahy; Jason Haselkorn (jason3072661@gmail.com); Jim Lyons (jrl1701@gmail.com); Joseph F. Lo Bello, CPA
Subject: FW: Emailing: 379, 791, SkyLaterns
Attachments: 379.pdf; ATT00001.htm; 791.pdf; ATT00002.htm; SkyLaterns.pdf; ATT00003.htm

Follow Up Flag: Follow up
Due By: Monday, October 17, 2016 9:00 AM
Flag Status: Flagged

Please see the below email from Battalion Chief Mike Wells regarding sky lanterns.

Vanessa M. Mutchnik, MMC

Town Clerk
Town of Juno Beach
340 Ocean Drive
Juno Beach, FL 33408
Direct Line (561) 656-0316 Fax (561) 775-0812
www.juno-beach.fl.us

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Mike Wells
Battalion Chief

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Cc: "Pam Summers" <PSummers@pbcgov.org>

Subject: FW: Emailing: 379, 791, SkyLaterns

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SkyLaterns

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The Florida Senate

2012 Florida Statutes

<u>Title XXVIII</u> NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE	<u>Chapter 379</u> FISH AND WILDLIFE CONSERVATION <u>Entire Chapter</u>	<u>SECTION 233</u> Release of balloons.
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379.233 Release of balloons. —

(1) The Legislature finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals.

(2) It is unlawful for any person, firm, or corporation to intentionally release, organize the release, or intentionally cause to be released within a 24-hour period 10 or more balloons inflated with a gas that is lighter than air except for:

(a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;

(b) Hot air balloons that are recovered after launching;

(c) Balloons released indoors; or

(d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act.

(3) Any person who violates subsection (2) is guilty of a noncriminal infraction, punishable by a fine of \$250.

(4) Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.

History.—s. 1, ch. 89-113; s. 186, ch. 99-245; s. 53, ch. 2008-247.

Note.—Former s. 372.995.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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Select Year: 2014

The 2014 Florida Statutes

[Title XLVI](#)
CRIMES

[Chapter 791](#)
SALE OF FIREWORKS

[View Entire Chapter](#)

CHAPTER 791 SALE OF FIREWORKS

- 791.001 Application and enforcement.
- 791.01 Definitions.
- 791.012 Minimum fireworks safety standards.
- 791.013 Testing and approval of sparklers; penalties.
- 791.015 Registration of manufacturers, distributors, wholesalers, and retailers of sparklers.
- 791.02 Sale of fireworks regulated; rules and regulations.
- 791.03 Bond of licensees.
- 791.04 Sale at wholesale, etc., exempted.
- 791.05 Seizure of illegal fireworks.
- 791.055 Restrictions upon storage of sparklers.
- 791.06 Penalties.
- 791.07 Agricultural and fish hatchery use.

791.001 Application and enforcement.—This chapter shall be applied uniformly throughout the state. Enforcement of this chapter shall remain with local law enforcement departments and officials charged with the enforcement of the laws of the state.

History.—s. 6, ch. 87-118.

791.01 Definitions.—As used in this chapter, the term:

- (1) “Distributor” means any person engaged in the business of selling sparklers to a wholesaler.
- (2) “Division” means the Division of the State Fire Marshal of the Department of Financial Services.
- (3) “Explosive compound” means any chemical compound, mixture, or device the primary or common purpose of which is to function by the substantially instantaneous release of gas and heat.
- (4)(a) “Fireworks” means and includes any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, 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, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.
- (b) “Fireworks” does not include sparklers approved by the division pursuant to s. 791.013; toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot

come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

(c) "Fireworks" also does not include the following novelties and trick noisemakers:

1. A snake or glow worm, which is a pressed pellet of not more than 10 grams of pyrotechnic composition that produces a large, snakelike ash which expands in length as the pellet burns and that does not contain mercuric thiocyanate.
2. A smoke device, which is a tube or sphere containing not more than 10 grams of pyrotechnic composition that, upon burning, produces white or colored smoke as the primary effect.
3. A trick noisemaker, which is a device that produces a small report intended to surprise the user and which 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, which is ignited by pulling a string protruding from the device, and which 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, which is ignited by pulling the ends of the string, and which 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, and which, when dropped, explodes, producing a small report. A snapper may not contain more than 250 milligrams of total sand and explosive composition.
 - d. A trick match, which is a kitchen or book match which is coated with not more than 16 milligrams of explosive or pyrotechnic composition and which, upon ignition, produces a small report or shower of sparks.
 - e. A cigarette load, which is a small wooden peg that has been coated with not more than 16 milligrams of explosive composition and which produces, upon ignition of a cigarette containing one of the pegs, a small report.
 - f. An auto burglar alarm, which is a tube which contains not more than 10 grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and which is ignited by use of a squib. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report.

The sale and use of items listed in this paragraph are permitted at all times.

(5) "Manufacturer" means any person engaged in the manufacture or construction of sparklers in this state.

(6) "Retailer" means any person who, at a fixed place of business, is engaged in selling sparklers to consumers at retail.

(7) "Seasonal retailer" means any person engaged in the business of selling sparklers at retail in this state from June 20 through July 5 and from December 10 through January 2 of each year.

(8) "Sparkler" means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is handheld or ground based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved by the division is classified as fireworks.

(9) "Wholesaler" means any person engaged in the business of selling sparklers to a retailer.

History.—s. 1, ch. 20445, 1941; s. 1, ch. 57-338; s. 1, ch. 84-201; s. 1, ch. 87-118; s. 36, ch. 89-233; s. 1906, ch. 2003-261.

791.012 Minimum fireworks safety standards.—The outdoor display of fireworks in this state shall be governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition, approved by the American National Standards Institute. Any state, county, or municipal law, rule, or ordinance may provide for more stringent regulations for the outdoor display of fireworks, but in no event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. The division shall promulgate rules to carry out the provisions of this section. The Code for Fireworks Display shall not govern the display of any fireworks on private, residential property and shall not govern the display of those items included under s. 791.01(4)(b) and (c) and authorized for sale thereunder.

History.—s. 1, ch. 96-285.

791.013 Testing and approval of sparklers; penalties.—

(1) A person who wishes to sell sparklers must submit samples of his or her product to the division for testing to determine whether it is a sparkler as defined in s. 791.01. Such samples must be received by the division by September 1 to be considered for approval the following year. On February 1 of each year the division shall approve those products which it has tested and found to meet the requirements for sparklers. All approved sparkler products are legal for sale until January 31 of the following year. The list of approved sparkler products shall be published in the Florida Administrative Register and shall prominently state the dates between which the products may be sold. The division shall make copies of this list available to the public. A product must be tested and approved for sale in accordance with the rules adopted to implement this section. Beginning February 1, 1988, only those products approved by the division may be sold in the state. The State Fire Marshal shall adopt rules describing the testing, approval, and listing procedures.

(2) Any person who alters an approved sparkler product, so that it is no longer a sparkler as defined in s. 791.01, and subsequently sells the product as if it were approved is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who fraudulently represents a device as approved for sale as a sparkler product when it is not so approved is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) For purposes of the testing requirement by this section, the division shall perform such tests as are necessary to determine compliance with the performance standards in the definition of sparklers, pursuant to s. 791.01. The State Fire Marshal shall adopt, by rule, procedures for testing products to determine compliance with this chapter. The division shall dispose of any samples which remain after testing.

History.—s. 2, ch. 87-118; s. 21, ch. 93-276; s. 1222, ch. 97-102; s. 58, ch. 2013-14.

791.015 Registration of manufacturers, distributors, wholesalers, and retailers of sparklers.—

(1) **REGISTRATION REQUIREMENTS.**—Any manufacturer, distributor, wholesaler, retailer, or seasonal retailer of sparklers who wishes to do business in this state or to otherwise sell, ship, or assign for sale its products in this state must register annually with the division on forms prescribed by the division. Any retailer who sells sparklers at more than one retail location may submit one registration form for all such locations but must provide the address of each location with the registration form; however, any retailer may submit multiple registration forms.

(2) **REGISTRATION FORM.**—The registration form filed with the division must be notarized and must include the following information: business name; address; telephone number; officers, if the business is a corporation; and an individual designated as a contact person.

(3) **FEES.**—

(a) Each manufacturer, distributor, or wholesaler must pay an annual registration fee to be set by the division not to exceed \$1,000. Each seasonal retailer must pay an annual registration fee to be set by the division not to exceed \$200. Each retailer shall pay an annual registration fee to be set by the division not to exceed \$15 for each retail location registered. Each certificateholder wishing to have a duplicate certificate issued for one which is lost or to reflect a change of address shall request such duplicate in writing and shall pay a fee of \$5.

(b) Revenue from registration fee payments shall be deposited in the Insurance Regulatory Trust Fund for the purposes of implementing the registration and testing provisions of this chapter.

(4) RULES.—The State Fire Marshal may adopt rules prescribing registration forms required by this section.

History.—s. 3, ch. 87-118; s. 37, ch. 89-233; s. 21, ch. 2000-370; s. 1907, ch. 2003-261.

791.02 Sale of fireworks regulated; rules and regulations.—

(1) Except as hereinafter provided it is unlawful for any person, firm, copartnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the board of county commissioners shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks by fair associations, amusement parks, and other organizations or groups of individuals when such public display is to take place outside of any municipality; provided, further, that the governing body of any municipality shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks within the boundaries of any municipality. Every such display shall be handled by a competent operator to be approved by the chiefs of the police and fire departments of the municipality in which the display is to be held, and shall be of such a character, and so located, discharged, or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person. Application for permits shall be made in writing at least 15 days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) A sparkler or other product authorized for sale under this chapter may not be sold by a retailer or seasonal retailer unless the product was obtained from a manufacturer, distributor, or wholesaler registered with the division pursuant to s. 791.015. Each retailer and seasonal retailer shall keep, at every location where sparklers are sold, a copy of an invoice or other evidence of purchase from the manufacturer, distributor, or wholesaler, which states the registration certificate number for the particular manufacturer, distributor, or wholesaler and the specific items covered by the invoice. Each seasonal retailer shall, in addition, exhibit a copy of his or her registration certificate at each seasonal retail location.

History.—s. 2, ch. 20445, 1941; s. 1, ch. 61-312; s. 4, ch. 87-118; s. 1223, ch. 97-102.

791.03 Bond of licensees.—The board of county commissioners shall require a bond deemed adequate by the board of county commissioners from the licensee in a sum not less than \$500 conditioned for the payment of all damages which may be caused either to a person or to property by reason of the licensee's display, and arising from any acts of the licensee, his or her agents, employees or subcontractors.

History.—s. 3, ch. 20445, 1941; s. 1, ch. 61-312; s. 1224, ch. 97-102.

791.04 Sale at wholesale, etc., exempted.—Nothing in this chapter shall be construed to prohibit any manufacturer, distributor, or wholesaler who has registered with the division pursuant to s. 791.015

to sell at wholesale such fireworks as are not herein prohibited; to prohibit the sale of any kind of fireworks at wholesale between manufacturers, distributors, and wholesalers who have registered with the division pursuant to s. 791.015; to prohibit the sale of any kind of fireworks provided the same are to be shipped directly out of state by such manufacturer, distributor, or wholesaler; to prohibit the sale of fireworks to be used by a person holding a permit from any board of county commissioners at the display covered by such permit; or to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or organizations composed of the Armed Forces of the United States; provided, nothing in this chapter shall be construed as barring the operations of manufacturers, duly licensed, from manufacturing, experimenting, exploding, and storing such fireworks in their compounds or proving grounds.

History.—s. 4, ch. 20445, 1941; s. 1, ch. 61-312; s. 5, ch. 87-118.

791.05 Seizure of illegal fireworks.—Each sheriff, or his or her appointee, or any other police officer, shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter.

History.—s. 5, ch. 20445, 1941; s. 1225, ch. 97-102.

791.055 Restrictions upon storage of sparklers.—

(1) Sparklers shall not be stored or kept for sale in any store:

(a) In which paints, oils, or varnishes are manufactured or kept for use or sale unless the paints, oils, or varnishes are in unbroken containers.

(b) In which resin, turpentine, gasoline, or flammable substances or substances which may generate vapors are used, stored, or offered for sale unless the resin, turpentine, gasoline, or substances are in unbroken containers.

(c) In which there is not at least one approved chemical fire extinguisher ready, available, and equipped for use in extinguishing fires.

(2) When sparklers are in storage to be offered for sale at retail, a sign shall be conspicuously displayed over the entrance to the room in which the sparklers are stored, which sign reads: "CAUTION SPARKLERS-NO SMOKING." No person shall be in such room while in possession of a lighted cigar, cigarette, or pipe.

History.—s. 2, ch. 84-201.

 **791.06 Penalties.**—Any firm, copartnership, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.083 or, in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 6, ch. 20445, 1941; s. 756, ch. 71-136.

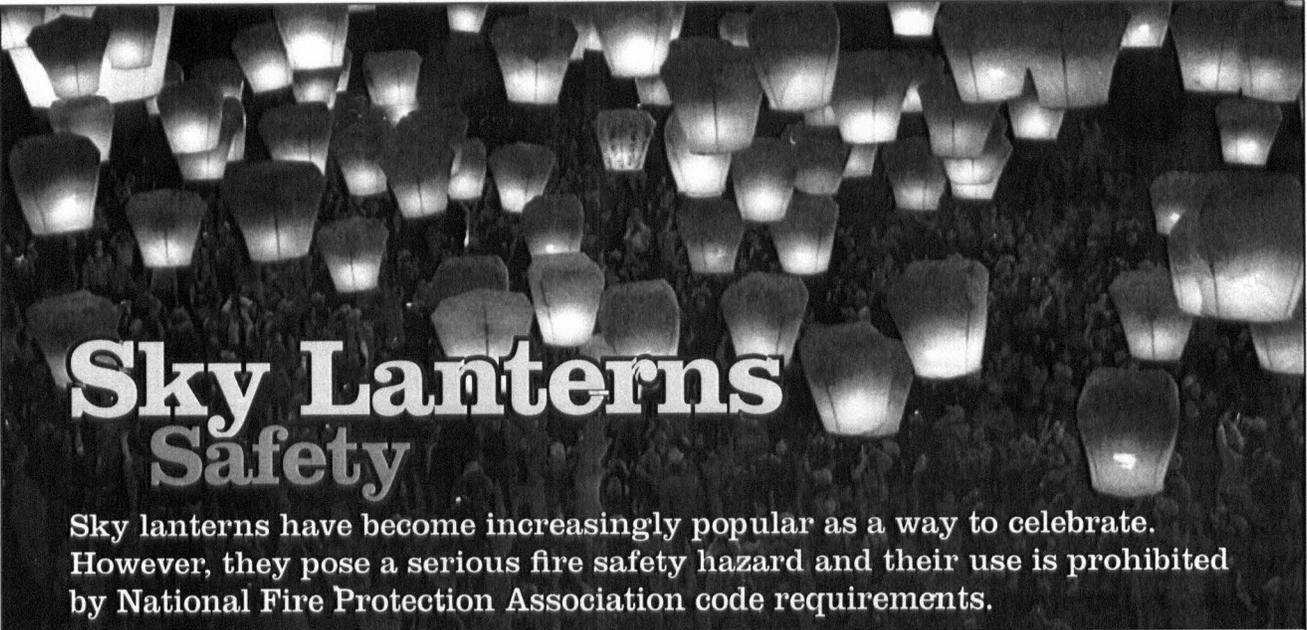
 **791.07 Agricultural and fish hatchery use.**—Nothing in this chapter shall prohibit the importation, purchase, sale, or use of fireworks used or to be used solely and exclusively in frightening birds from agricultural works and fish hatcheries; and such use shall be governed entirely by the rules prescribed by the Department of Agriculture and Consumer Services.

History.—s. 1, ch. 29780, 1955; s. 1, ch. 57-336; ss. 14, 35, ch. 69-106; s. 1, ch. 82-109.

Note.—Section 10(5), ch. 2007-67, provides that "[p]ending completion of the Legislature's review of the task force's report and to ensure that fire prevention and safety standards are uniform, a new permanent retail sales facility engaged in sales otherwise permitted under s. 791.07, Florida Statutes, may not be opened in this state after March 8, 2007, unless the

permanent retail sales facility has received site-plan approval and construction has begun on or before March 8, 2007; the number of permits for temporary retail sales facilities, such as tents, engaged in sales otherwise permitted by s. 791.07, Florida Statutes, which are issued after March 8, 2007, by a county, municipality, or other unit of local government may not exceed the number of permits that such governmental entity issued for such facilities during the previous calendar year; and a municipality, county, or other unit of local government may not adopt an ordinance, rule, regulation, or other law after March 8, 2007, which directly prohibits or directly interferes with the safety standards established by state law or the right to purchase, sell, use, or possess consumer fireworks in this state. However, if the Legislature enacts legislation to provide for the comprehensive regulation of fire prevention and safety standards for the use of consumer fireworks to replace this subsection on or before July 1, 2008, this subsection does not prohibit opening any such facility, permitting any such temporary facility, or adopting any such ordinance or other law after such legislation is enacted.”

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Sky Lanterns Safety

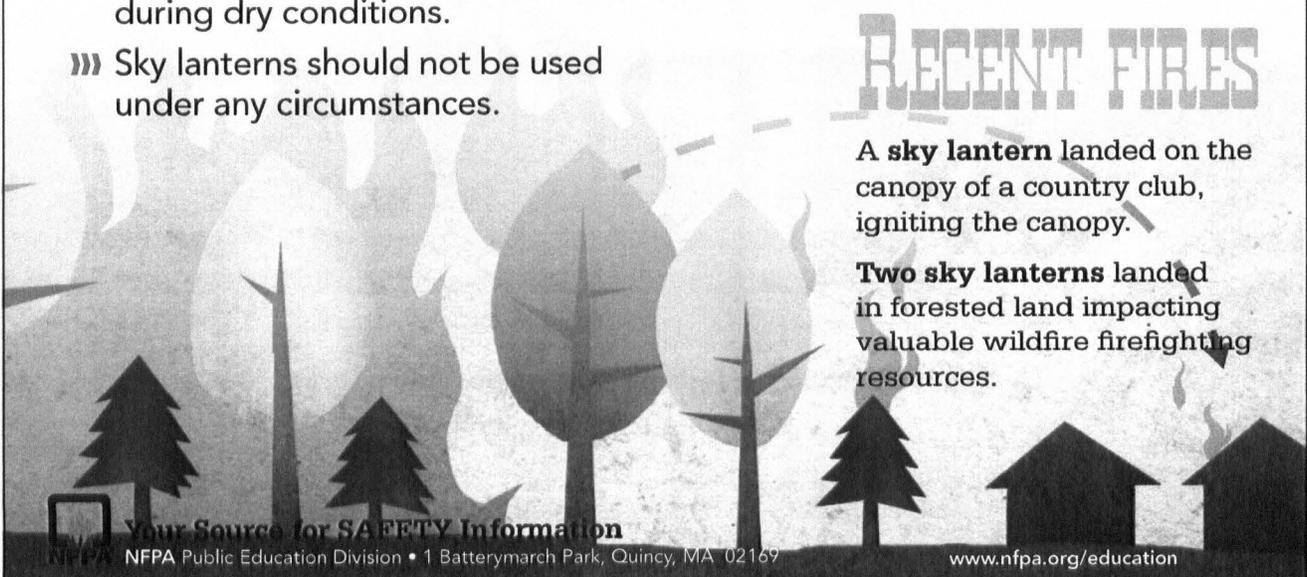
Sky lanterns have become increasingly popular as a way to celebrate. However, they pose a serious fire safety hazard and their use is prohibited by National Fire Protection Association code requirements.

- »» The lanterns are made of oiled rice paper with a bamboo frame, materials that can easily catch on fire.
- »» A candle or wax fuel cell is used with the device.
- »» The lit flame heats the inside of the lantern, causing it to rise into the air.
- »» Once lit and airborne, it can travel over a mile in distance.
- »» Wind can affect the sky lantern, blowing the sides, forcing the hot air out and sending the flaming lantern back to the ground.
- »» These lanterns have the potential to cause fires.
- »» A flaming lantern can drop onto a rooftop, field, trees or power lines before the flame is fully extinguished.
- »» A destructive fire can result when a flaming lantern reaches the ground during dry conditions.
- »» Sky lanterns should not be used under any circumstances.

RECENT FIRES

A **sky lantern** landed on the canopy of a country club, igniting the canopy.

Two sky lanterns landed in forested land impacting valuable wildfire firefighting resources.



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