

Laurel Lakes HOA FIREWORKS POLICY

Date: July 17, 2020

It has come to the attention of the HOA BOARD and confirmed by our Legal Counsel, Sarasota County Fire Marshall, and the County Sheriff's Department, that fireworks are **NOT ALLOWED** to be discharged by residents in Sarasota County and currently supersedes the Florida Statute that is copied below and was signed by the governor in June of 2020 as final legislation.

This was believed, by many including the HOA Board, to take precedence over Sarasota local jurisdiction ordinances. **This is not true** and hence the HOA must notify members of this matter. Neighbors can call a non-emergency number (**941- 316-1201**) if there are fireworks and wish to report this to the County Sheriff's Office. If owners are found not in compliance with the ordinance they can be fined by the County and all the fireworks will be confiscated.

There was an amendment (3), that was added addressing homeowners' associations and F.S. 720 in the new state law but this does not take precedence over the County Law either. This continued County regulation now forces the HOA to comply with this Ordinance and enforce a Nuisance Violation and/or possible Cease & Desist Letter, and fines to be sent to residents if an owner is found using, discharging, launching, firing, or handing out fireworks of any kind as defined in Section 58 of the County Ordinance.

Section 1. F.S. Section 791.08, Florida Statutes

791.08 Use during designated holidays; exemption

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

(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 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.

Sarasota County Ordinance

Section 58 2020 - FIRE PREVENTION AND PROTECTION

Section 58-4 (d) 1 - "Except as provided in F.S. § 791.02, 791.04, or 791.07, Florida Administrative Code, Rule 5A-3.001 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.**"

None of these sections addressed in 58-4 or in Rule 5A apply to an HOA or individuals allowing them to discharge fireworks or even use sparklers for personal for any reason including personal celebrations or the Holidays as defined in F.S. 791.08 approved by the Governor.

At this time, no fireworks will be approved for use with the Laurel Lakes Community. For your safety we are asking owners to please abide by these laws until such time the County Ordinance is changed, or the HOA decides to rescind this Policy.