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Paul Schofield

**Village Attorney**

Laurie Cohen

November 24, 2020

Representative David Silvers  
Chair, Palm Beach County Delegation  
1850 Forest Hill Boulevard  
Suite 200  
West Palm Beach, FL 33406

*Re: Letter of Intent for Local Bill (Wellington)*

Dear Representative Silvers:

On behalf of the Village of Wellington, this letter sets forth Wellington's request for a local bill relating to regulation of fireworks within the Equestrian Preserve Area of Wellington.

Wellington is well known as the Winter Equestrian Capital of the World. During the winter months, thousands of participants, spectators and vendors come to Wellington to enjoy the various equestrian sporting events held here, and Wellington houses approximately 13,000 horses during the season. These horses are bred and trained to compete in the various equestrian sports and are highly valuable. Their owners devote enormous time, energy and financial resources to their care and training.

It is well documented that horses are startled by loud noises and sudden flashing lights and are particularly frightened of fireworks. In fact, numerous equine publications publish articles and tips for helping horses handle the stress of fireworks displays, and there is concern for both the safety of the horse and the horse owner during these events. In anticipation of holidays and other celebrations throughout the year, Wellington receives many requests for assistance from those within the equestrian community, who are very concerned about the stress and anxiety experienced by their horses during these events, and who fear for the safety of their horses. It is very common for horses to gallop, sweat and tremble when "spooked" by the loud noise and flashing of fireworks, and this can result in cuts, strains and sprains in these prized animals. This is especially true on holidays such as New Year's Day, Independence Day and New Year's Eve.

Chapter 791 of the Florida Statutes is intended to create a uniform scheme of regulation with respect to the sale and use of fireworks throughout the state. Section 791.02 makes it unlawful to sell, expose for sale, sell at retail or use or explode any fireworks except for supervised public displays by fair associations, amusement parks, and other organizations or groups of individuals. Such displays must be handled by a competent operator and must be approved by the chiefs of the police and fire departments of the municipality in which the display is to be held. The fire chief must determine that they are not hazardous to property or

people. The prohibition found in section 791.02 does not apply to the purchase, sale or use of fireworks where such fireworks are used exclusively in frightening birds from agricultural works and fish hatcheries. The Department of Agriculture and Consumer Services is responsible for adopting rules relating to such agricultural uses. Fla. Stat. § 791.07.

In 2007, the Florida Legislature created a Consumer Fireworks Task Force pursuant to Chapter 2007-67, Laws of Florida. One of the legislative findings underpinning the creation of the Task Force was to ensure that local government regulation of agricultural uses was not inconsistent with legitimate agricultural purposes. As part of the 2007 law, the legislature directed that local governments may not adopt any ordinance, rule or regulation after March 8, 2007 that directly prohibits or directly interferes with the safety standards established by state law or the right to purchase, sell, use or possess consumer fireworks unless the Legislature enacted legislation to provide for the comprehensive regulation of fire prevention and safety standards for the use of consumer fireworks. To date, the Legislature has not adopted any such comprehensive regulation and Wellington had no existing ordinance regulating fireworks, other than use within Village parks, in existence on March 8, 2007.

The effect of the 2007 legislation is that Wellington is currently preempted from regulating the use of fireworks within its boundaries because it had no ordinance in existence on March 8, 2007. During the 2020 legislative session, the Legislature adopted SB 140, now codified as Chapter 2020-11, Laws of Florida and to be numbered as section 791.08, Florida Statutes. The new law provides that, notwithstanding the prohibition of section 791.02, the use of fireworks is not prohibited on the designated holidays of New Year's Day, July 4<sup>th</sup> and New Year's Eve. This exception to the general prohibition found in section 791.02 allows Wellington residents to set off fireworks on these holidays. The use of fireworks within Wellington's Equestrian Preserve Area, which is home to thousands of horses, is detrimental to the health, safety and welfare of those within the Wellington equestrian community.

Wellington does not believe the Legislature considered the impact of the legislation on unique communities such as Wellington, which is home to so many horses during the year. Wellington and its equestrian residents have grave concerns about the impact the unregulated use of fireworks on the designated holidays has on the horses located within Wellington's equestrian preserve. To be clear, Wellington is not seeking to preclude the agricultural exemption for fireworks use found in section 791.07. What it seeks is a local bill that will permit Wellington to regulate the non-agricultural use of fireworks within its Equestrian Preserve Area on the designated holidays set forth in section 791.08 (2020-11, Laws of Florida).

Without the passage of a local bill exempting Wellington from the provisions of Florida Statutes §§ 791.001 (application and enforcement section) and 791.08 (exemption for use of fireworks on certain holidays), Wellington will be unable to protect its equestrian citizens and their horses from the danger associated with the unregulated use of fireworks throughout the community on the designated holidays.

Accordingly, enclosed herewith please find our Summary Fact Sheet, draft Local Bill, Economic Impact Statement, a map of Wellington's Equestrian Preserve Area, and proposed Notice of Legislation for publication in the Palm Beach Post. We respectfully request that this matter be presented to the Palm Beach County Legislative Delegation for consideration and approval.



If there is anything further we can provide, please do not hesitate to contact me directly at (561) 791-4124.

Very truly yours,



Laurie Cohen  
Village Attorney

cc: Village Council  
Village Manager  
Deputy Assistant Manager  
Assistant Village Manager



Summary Fact Sheet Relating to Local Bill  
Partially Exempting Wellington from the Provisions  
of Florida Statute Sections 791.001 and 791.08

**Request:**

- Create a partial exemption for the Village of Wellington from the provisions of sections 791.001 and 791.08, Florida Statutes to permit Wellington to regulate fireworks within its Equestrian Preserve Area on certain designated holidays.

**Background:**

- Thousands of horses and equestrians come to Wellington each year for Wellington's equestrian sporting events.
- More than 13,000 stalls are occupied by horses during the equestrian season.
- The horses in Wellington are specially bred and trained for competitive equestrian events such as hunter/jumper sports, dressage and polo.
- Wellington citizens and visitors invest enormous time, energy and financial resources in the care and training of their horses.
- It is well established that horses are startled by loud noises and sudden flashing lights and are particularly frightened of fireworks. Fireworks are known to cause anxiety and stress in horses and cause them to gallop, sweat and tremble, causing cuts, strains and sprains.
- Section 791.001 creates uniform application of Chapter 791, Florida Statutes (regulation of fireworks) throughout the state.
- Section 791.02 generally prohibits the sale, exposure for sale, retail sale, use or explosion of fireworks.
- Section 791.07 permits the importation, purchase, sale and use of fireworks for used exclusively for frightening birds from agricultural works and fish hatcheries.
- Chapter 2007-67, Laws of Florida prohibited local governments from regulating fireworks unless they had ordinances in place on March 8, 2007.
- Wellington had no ordinances regulating fireworks in place on March 8, 2007.
- Newly adopted section 791.08, Florida Statutes, establishes an exemption from the general prohibition found in section 791.02 and allows the use of fireworks on the designated holidays of New Year's Day, Independence Day and New Year's Eve.
- Wellington is preempted from regulating fireworks on the designated holidays pursuant to section 791.001, Florida Statutes and 2007-67, Laws of Florida.
- The unregulated use of fireworks within the Equestrian Preserve Area poses a danger to the many thousands of horses that are stabled in Wellington, and their owners.
- Wellington's economy depends upon the viability and success of its unique equestrian industry.

**Purpose of the Legislation:**

- Protect the safety of life and horses and their owners in Wellington by permitting Wellington to regulate fireworks on the designated holidays set forth in section 791.08, Florida Statutes within the Equestrian Preserve Area.
- Preserve the character of Wellington's unique equestrian community by allowing Wellington to develop regulations that are best suited for its citizens.



**Strategies:**

- Protect the health, safety and welfare of highly valued horses in Wellington and their owners by preventing the stress, anxiety and injuries that can result from the unregulated use of fireworks within the Equestrian Preserve Area of Wellington on the designated holiday.
- Preserve the rural residential character of Wellington's equestrian neighborhoods.
- Result in no negative impact on tax revenue.
- Preserve the viability and success of Wellington's economy, which depends upon the equestrian events, and ensure that citizens and visitors are able to safely stable their horses in Wellington.

BILL

ORIGINAL

YEAR

1  
2 A bill to be entitled

3 An act relating to the Village of Wellington, Palm Beach  
4 County; providing for local regulation of fireworks  
5 located within Wellington's Equestrian Preserve Area;  
6 providing an exception to general law; providing an  
7 effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Notwithstanding ss. 791.001 and 791.08, Florida  
12 Statutes, the sale and use of fireworks within the Equestrian  
13 Preserve Area of the Village of Wellington are prohibited on all  
14 days of the year except for the following:

15 (a) supervised public displays within the jurisdictional  
16 boundaries of Wellington where such displays are handled by a  
17 competent operator to be approved by the chiefs of the police and  
18 fire departments of Wellington, and shall be of such a character,  
19 and so located, discharged, or fired as in the opinion of the chief  
20 of the fire department, after proper inspection, shall not be  
21 hazardous to property or endanger any person. Application for  
22 permits shall be made in writing at least 15 days in advance of  
23 the date of the display. After such privilege shall have been  
24 granted, sales, possession, use, and distribution of fireworks for  
25 such display shall be lawful for that purpose only. No permit  
26 granted hereunder shall be transferable.

Page 1 of 2

Fireworks EPA (v.2)

CODING: Words stricken are deletions; words underlined are additions.

BILL

ORIGINAL

YEAR

27        (b) Nothing herein is intended or shall prevent the  
 28        importation, purchase, sale or use of fireworks for agricultural  
 29        purposes as set forth in s. 791.07, Florida Statutes.

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



**HOUSE OF REPRESENTATIVES**  
**2020 ECONOMIC IMPACT STATEMENT FORM**

**\*Read all instructions carefully.\***

**House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please file this completed, original form with the Clerk of the House as soon as possible after a bill is filed. Additional pages may be attached as necessary.**

**BILL #:**

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**SPONSOR(S):**

Representative Matt Willhite
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**RELATING TO:**

Partial Exemption from Section 791.001 and 791.08, Florida Statutes
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[Indicate Area Affected (City, County or Special District) and Subject]

☐ Check if this is a revised Economic Impact Statement

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 20-21</u>	<u>FY 21-22</u>
Revenue decrease due to bill:	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Revenue increase due to bill:	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

<u>FY 20-21</u>	<u>FY 21-22</u>
\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

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### III. FUNDING SOURCE(S):

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 20-21</u>	<u>FY 21-22</u>
Local:	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
State:	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Federal:	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>

### IV. ECONOMIC IMPACT:

#### Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals:

Reduction of costs associated with injuries to horses within the Village of Wellington.

2. Advantages to Businesses:

Reduction of costs associated with injuries to horses within the Village of Wellington.

3. Advantages to Government:

Reduction of staff time and resources expended in responding to repeated requests from equestrians to prevent the effects of fireworks on their horses.

#### Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals:

None.

2. Disadvantages to Businesses:

None.

3. Disadvantages to Government:

None.

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

Prior to each holiday on which fireworks are permitted, Wellington receives numerous requests from equestrians to help them protect their horses from the effects of fireworks. Wellington expends staff time and resources in responding to and meeting with these residents to discuss the limitations it currently has in regulating this activity. If passed, this local bill will have a positive impact on governmental services by not only saving time and resources associated with addressing these concerns, but also by permitting Wellington to be responsive to the needs and requests of its equestrian community, which generates \$196 million in sales of goods and services in Wellington each year. It also allows Wellington to protect the health, safety and welfare of its equestrian residents and visitors, and their horses.

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

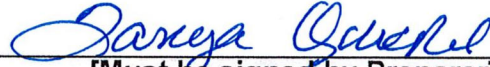
The annual sales of goods and services associated with the Equestrian Industry, as reported herein was obtain from the Housing and Economic study. This study was prepared by Florida International University (FIU) in 2018.



## VII. CERTIFICATION BY PREPARER

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:

  
[Must be signed by Preparer]

Print preparer's name:

Tanya Quickel

11-20-2020

Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Assistant Village Manager

REPRESENTING:

Village of Wellington

PHONE:

(561) 791-4113

E-MAIL ADDRESS:

TQuickel@wellingtonfl.gov



