



GOVERNMENT RELATIONS • PUBLIC POLICY AND STRATEGIC PLANNING • REGULATORY MONITORING AND ACTION • LAND USE AND ZONING

September 27, 2021

Representative Mike Caruso  
Chair, Palm Beach County Delegation  
301 North Olive Avenue, Suite 701.4  
West Palm Beach, FL 33401

*Ref: Letter of Intent for Local Bill for Town of Loxahatchee Groves*

Dear Representative Caruso,

On behalf of the Town of Loxahatchee Groves, this letter serves as Loxahatchee Groves' request for a local bill relating to the regulation of fireworks within the Agricultural Residential (AR) Zoned Area of Loxahatchee Groves.

Last year Town Council supported the Village of Wellington's Local Bill to the State Legislature to not only support our Western Equestrian Community, but with the intent to follow the Village's efforts and follow their success. The Village of Wellington was successful last year in its request for a Local Bill. This Local Bill relating to regulation of fireworks within the Agricultural Residential (AR) Zoned Area for the Town of Loxahatchee Groves will permit the Town to create regulations for this designated Area on certain designated holidays.

**Local Bill Request:**

This bill would request to create a partial exemption for the Town from the provision of sections 791.001 and 791.08, Florida Statutes to permit the Town of Loxahatchee Groves to regulate fireworks within its Agricultural Residential (AR) Zoned Area on certain designated holidays.

**Justification and Background:**

The Town of Loxahatchee Groves has a large Equestrian industry because of its rural nature, shared borders with the Village of Wellington, and typical large lots of five acres that are included in the designated Agricultural Residential (AR) Zoned Area. The Town is home to many equestrians and equestrian related goods and services throughout the year and especially during the winter months when our Western Equestrian Community expands in population. The winter season in the Town of Loxahatchee Groves is mostly equestrian related, similar to that seen in the Village of Wellington which is known as the Winter Equestrian Capital of the World. The economic impact of Wellington (adjacent community) was shown in a 2018 study by Florida International University (FIU) to be estimated at \$196 million each year that the Equestrian industry generates in sales of goods and services. It is well known that the Town of Loxahatchee Groves because of its rural and equestrian Agricultural Residential (AR) Zoned Area is benefiting from this economic impact with hundreds of equestrian residents, horses & equestrian related farms and services located within this Town.







GOVERNMENT RELATIONS • PUBLIC POLICY AND STRATEGIC PLANNING • REGULATORY MONITORING AND ACTION • LAND USE AND ZONING

*Letter of Intent for Local Bill for Town of Loxahatchee Groves*  
*Page 2*

Justification and Background (cont.):

It is well documented that horses are startled by loud noises and sudden flashing lights and are at particular risk by fireworks, that can cause both stress and harm to the horses and our residents. In anticipation of holidays during the year, Town staff receive numerous requests to assist these residents with the protection of their horses and livelihood from fireworks displayed throughout the Town. It is very common for horses to gallop, sweat and tremble when "spooked" by the loud noise and flashing lights of fireworks that can result in injury to animals and damage to property. This is especially evident on holidays such as New Year's Eve, New Year's Day, and Independence Day.

Chapter 791 of the Florida Statute 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. (FS 791.07.)

In 2007 the Legislature amended the law and 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 passed laws to do so.

The effect of the 2007 legislation is that the Town of Loxahatchee Groves is currently preempted from regulating fireworks within the Town since no ordinance has been found to be in existence on March 8, 2007. During 2020 the legislature adopted SB 140, codified as Chapter 2020-11 Laws of Florida, now Section 791.08 Florida Statutes. This law provides, that except for 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 allows residents to set off fireworks on these three holidays, which allows for the potential harm and safety to the horses and the equestrian industry within the Town of Loxahatchee Groves.







GOVERNMENT RELATIONS • PUBLIC POLICY AND STRATEGIC PLANNING • REGULATORY MONITORING AND ACTION • LAND USE AND ZONING

*Letter of Intent for Local Bill for Town of Loxahatchee Groves*  
Page 3

Summary:

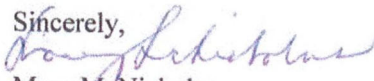
This Local Bill request ONLY seeks to create a partial exemption for the Town from the provision of sections 791.001 and 791.08, Florida Statutes to allow the Town to regulate fireworks within its Agricultural Residential (AR) Zoned Area for non-agricultural use of fireworks on these three holidays stated above. This Local Bill does NOT seek to preclude the agricultural exemption for fireworks use found in section 791.07.

Loxahatchee Groves does not believe the Legislature considered the impact of the legislation on unique equestrian communities such as Loxahatchee Groves and Wellington. Loxahatchee Groves and their equestrian residents have grave concerns about the impact the unregulated use of fireworks on the designated holidays has on the horses within the Agricultural Residential (AR) Zoned Area. The Town of Loxahatchee Groves seeks a local bill that will permit the Town to regulate the non-agricultural use of fireworks within its Agricultural Residential (AR) Zoned Area on the designated holidays set forth in 791.08 (2020-11, Laws of Florida).

Without passage of a local bill exempting the Town of Loxahatchee Groves from the provisions of Florida Statutes 791.001 (application and enforcement section) and 791.08 (exemption for use of fireworks on certain holidays), Loxahatchee Groves will be unable to protect its equestrian citizens and their horses from the danger associated with the unregulated use of fireworks throughout their Town on the designated holidays (New Year's Eve, New Year's Day, and Independence Day).

Please find enclosed our draft Local Bill, the Economic Impact Statement, and a map of the Town of Loxahatchee Groves' Agricultural Residential (AR) Zoned Area. The Town respectfully request that this information be presented to the Palm Beach County Legislative Delegation for consideration and approval. The Town of Loxahatchee Groves would like to extend appreciation to the Village of Wellington and Laurie Cohen, Village Attorney for support and guidance regarding this issue.

Sincerely,



Mary McNicholas

cc: Representative Matt Wilhite  
Town Council  
Town Manager  
Asst. Town Manager  
Town Attorney  
Town Clerk

Attachments



**A bill to be entitled**

**An act relating to the Town of Loxahatchee Groves, Palm Beach County;  
providing for local regulation of fireworks located within the Town of  
Loxahatchee Groves Agricultural Residential (AR) Zoned Area; providing an  
exception to general law; providing an effective date.**

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

**Section 1. Notwithstanding ss.791.001 and 791.08, Florida Statutes, the sale and use  
of fireworks within the Agricultural Residential (AR) Zoned Area of the Town of Loxahatchee  
Groves are prohibited on all days of the year except for the following:**

- (a) Supervised public displays within the jurisdictional boundaries of Loxahatchee  
Groves where such displays are handled by a competent operator to be approved by  
the chiefs of police and fire departments of Loxahatchee Groves, 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 permit shall be 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.**
- (b) Nothing herein is intended or shall prevent the importation, purchase, sale or use of  
fireworks for agricultural purposes as set forth in s. 791.07, Florida Statutes.**

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





**HOUSE OF REPRESENTATIVES  
2021 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 form with the Clerk of the House as soon as possible after a bill is filed. Additional pages may be attached as necessary.***

**BILL #:**

**SPONSOR(S):** Representative Matt Wilhite

**RELATING TO:** Partial Exemption from Section 791.001 and 791.08, Florida Statutes

[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 21-22</u>	<u>FY 22-23</u>
Revenue decrease due to bill:	\$ <u>0</u>	\$ <u>0</u>
Revenue increase due to bill:	\$ <u>0</u>	\$ <u>0</u>

**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 21-22</u>	<u>FY 22-23</u>
\$ <u>0</u>	\$ <u>0</u>

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





### 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 21-22</u>	<u>FY 22-23</u>
Local:	\$ <u>0</u>	\$ <u>0</u>
State:	\$ <u>0</u>	\$ <u>0</u>
Federal:	\$ <u>0</u>	\$ <u>0</u>

### 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 Town of Loxahatchee Groves   |
| 2. Advantages to Businesses:  | Reduction of costs associated with injuries to horses within the Town of Loxahatchee Grove  |
| 3. Advantages to Government:  | Reduction in staff time and resources expended in responding to repeated requests from residents and equestrians to prevent the effects of fireworks on their horses and barns. |

#### 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 determined.

2. Disadvantages to Businesses:

None determined.

3. Disadvantages to Government:

None determined.

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

Before each holiday where fireworks are permitted, the Town of Loxahatchee Groves receives numerous requests from residents and equestrians to help prevent and protect their horses from the effects of fireworks. Loxahatchee Groves staff spends time and resources addressing these requests informing residents of the limitations of the current law. If this local bill is passed, it will have a positive impact for Town staff by saving time and resources spent while addressing the residents and equestrians safety concerns. Because the Town is an overflow for the estimated \$196 million equestrian industry from the Village of Wellington on the Town's southern border, and due to Loxahatchee Groves' rural nature with mostly five acre tracts within this designated area, this local bill will afford the Town the ability to protect the health, safety and welfare of its equestrian residents, workers, 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 Town of Loxahatchee Groves is an overflow to the estimated \$196 million dollar equestrian industry of the Village of Wellington due to its rural nature of mostly five acre tracts within this designated AR-5 Area and shared borders with the Village. This information comes from the annual sales of goods and services associated with the Equestrian industry, as reported here was obtained from the Housing and Economic study prepared by Florida International University (FIU) in 2018.

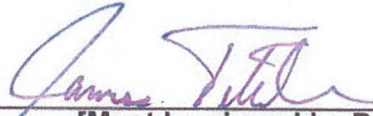




**VII. CERTIFICATION BY PREPARER**

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:

Jamie Titcomb

9-13-21

Date

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

Town Manager

REPRESENTING:

Town of Loxahatchee Groves

PHONE:

(561) 793-2418

E-MAIL ADDRESS:

jtitcomb@loxatcheegrovesfl.gov







June 2020

# Town of Loxahatchee Groves

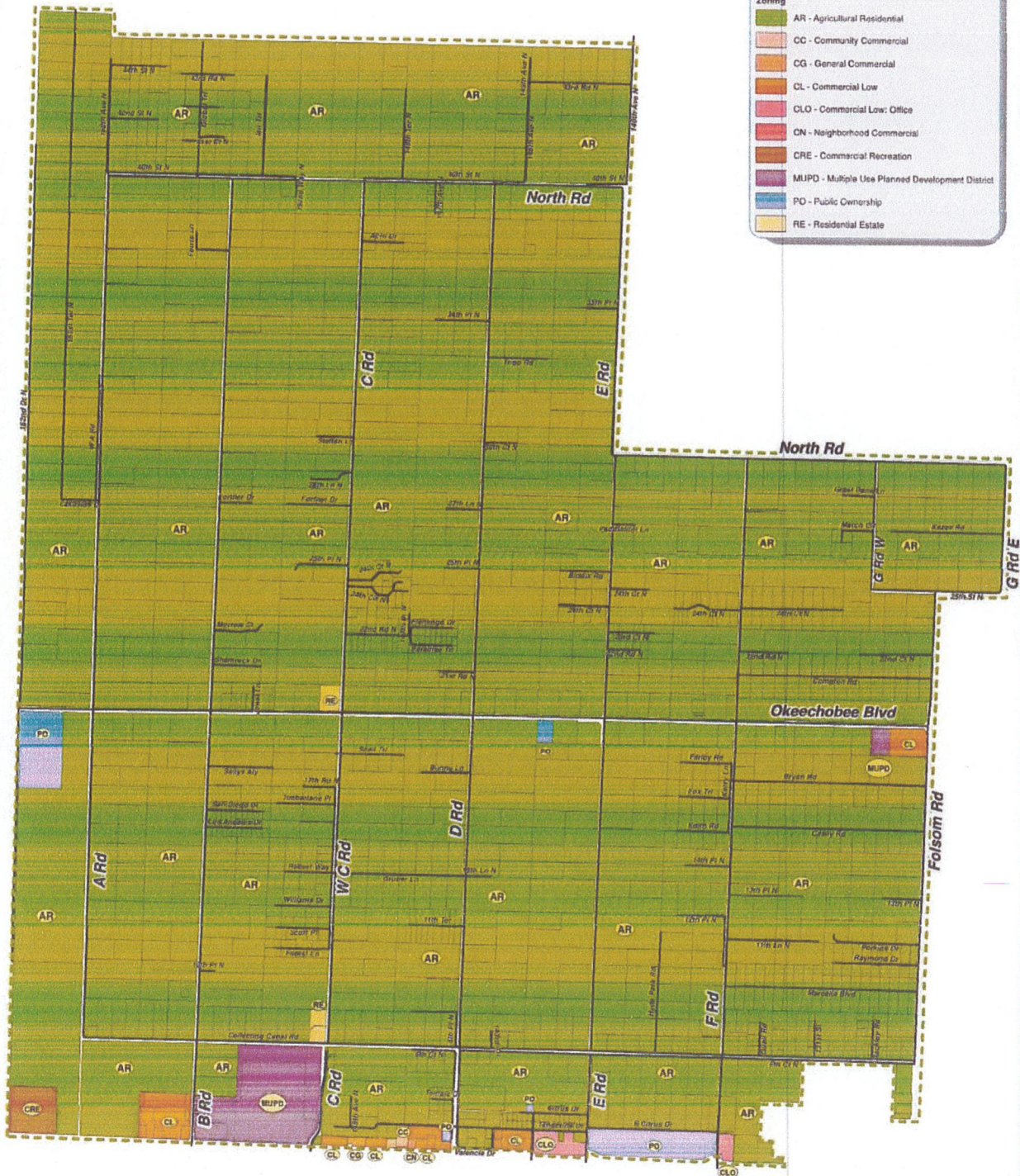
## 2020 Current Zoning Map



0 2,000 Feet

### Legend

- Municipal Boundary
- Parcel Boundary
- Roadway
- Zoning
  - AR - Agricultural Residential
  - CC - Community Commercial
  - CG - General Commercial
  - CL - Commercial Low
  - CLO - Commercial Low: Office
  - CN - Neighborhood Commercial
  - CRE - Commercial Recreation
  - MUPD - Multiple Use Planned Development District
  - PO - Public Ownership
  - RE - Residential Estate



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& ASSOCIATES**  
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