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FLORIDA ATTORNEY GENERAL ISSUES OPINION CONFIRMING CONTINUATION OF MORATORIUM ON ABILITY OF LOCAL GOVERNMENT TO ENACT REGULATIONS REGARDING THE SALE, USE AND POSSESSION OF CONSUMER FIREWORKS

The State of Florida Attorney General issued Attorney General Opinion 2009-018 on April 23, 2009, in response to a request submitted by Samuel S. Goren, City Attorney for the City of Coral Springs ("City"). The City had sought an opinion from the Attorney General as to whether the moratorium imposed by Chapter 2007-67, Laws of Florida, prohibiting a municipality from enacting an ordinance which would directly prohibit or directly interfere with the safety standards established by state law or the right to purchase, sell, use or possess consumer fireworks in Florida was still in effect. In the Attorney General's opinion, **the moratorium is still in effect** and will continue until such time as the state Legislature takes action to repeal the moratorium.

On March 6, 2009, the City of Coral Springs submitted a request for an opinion of the Attorney General regarding the status of Chapter 2007-67, Laws of Florida, related to a moratorium which essentially prohibits a municipality from enacting ordinances regulating consumer fireworks within its jurisdictional boundaries. The moratorium specifically precludes a municipality from adopting an ordinance which would directly prohibit or directly interfere with the safety standards established by state law or the right to purchase, sell, use or possess consumer fireworks.

The Attorney General issued his opinion and expressly stated that the moratorium on the regulation of fireworks **remains in effect** and that a municipality is **precluded** from adopting an ordinance which prohibits or interferes with the use or sale of fireworks. As noted in the Attorney General Opinion, the moratorium shall remain in effect until it is expressly repealed by action of the Florida Legislature.