

**STATE PREEMPTION OF  
COUNTY REGULATORY AUTHORITY**

**Areas over which the Legislature has preempted counties from acting. Note, in some cases preemption is complete. In other cases, it is partial. The particular statute should be evaluated.**

1. Regulation of smoking – Section 386.209
2. Testing of cigarettes for flammability – Section 633.142(11)
3. Cultivation and processing of medical cannabis by dispensing organizations – Section 381.986(8)
4. Mobile home park landlord-tenant issues – Section 723.004(2)
5. Sanitary standards in mobile home parks and R.V. parks – Section 513.051
6. Environmental control definitions – Section 403.7031
7. Regulation and certification of electrical power plants – Section 403.510(2)
8. Certification of electrical transmission lines – Section 403.536(2)
9. Maintenance of vegetation within electrical transmission and distribution rights-of-way – Section 163.3209
10. Certification and regulation of natural gas transmission pipelines – Section 403.942(2)
11. Biomedical waste generators – Section 381.0098(8)
12. Underground petroleum storage tanks – Section 376.317
13. Regulation of waters in the state controlled under Chapter 373 (except with respect to water quality) – Section 373.023(2)
14. Regulation of the consumptive use of water – Section 373.217(4)
15. Mangrove trimming – Section 403.9324
16. Use of explosives in construction materials mining activities – Section 552.30

17. All matters set forth in Chapters 97-105 (relating to elections) – Section 97.0115
18. Movers of household goods and moving brokers – Section 507.13
19. Vacation rentals – Section 509.032(7)(b)
20. Zoning of family day care homes – Section 125.0109
21. Retail refunds – Section 501.142(1)
22. Secondary metals recyclers – Section 538.21(4)
23. Regulated metals property – Section 538.28
24. Pawnbroking – Section 539.001(20)
25. Evidentiary standards and defenses regarding price gouging during a declared state of emergency – Section 501.160(6)
26. Possession or sale of ammunition – Section 125.0107
27. Firearms and ammunition – Section 790.33(1)
28. Firearms and ammunition use at shooting ranges – Section 790.333(8)
29. Impairment in public places – Section 397.701 (but some regulation allowed under Section 397.702)
30. Pest control – Section 482.242(1)
31. Pesticides – Section 487.051(2)
32. Wild animal life, fresh water aquatic life and marine life – Article IV, Section 9
33. Taking or possession of saltwater fish – Section 125.01(4)
34. Livestock at large – Chapter 588
35. Animal control and cruelty – Section 828.27(7)
36. Public health emergencies and quarantines – Section 381.00315(6)
37. Public lodging establishments and public food service establishments (except for compliance with Fla. Building Code and Fla. Fire Prevention Code) – Section 509.032(7)(a)

38. Ranking of food service establishments – Section 509.039
39. Manufacturing, processing, packing, holding or preparing food or selling food at wholesale or retail – Section 500.12(5)
40. Bottled water plants, water vending machines and packaged ice plants – Section 500.511(3)
41. Milk or milk products, or frozen desserts for wholesale – Section 502.232
42. Meat, poultry and fish – Section 500.60
43. Standards and fines in the following subject areas – Section 570.07(16):
  - a. Fruit and vegetable inspection and grading
  - b. Pesticide spray, residue inspection, and removal
  - c. Commercial stock feeds and commercial fertilizers
  - d. Poultry and eggs
  - e. Registration, inspection and analysis of gasoline and oils
  - f. Registration, labeling, inspection and analysis of pesticides
  - g. Seeds
  - h. Weights, measures and standards
  - i. Foods as set forth in the Food Safety Act
  - j. Honey
  - k. Sale of liquid fuels
  - l. Licensing of dealers in agricultural products
  - m. Administration and enforcement of all regulatory legislation applying to milk and milk products, ice cream and frozen desserts
  - n. Marks and brands of livestock
44. Fertilizer – Section 576.181(5)
45. Commercial feed and feedstuff – Section 580.0365
46. Beekeeping – Sections 586.10(1) & 586.055
47. Farm operations – Sections 823.14(6) & 163.3162(3)
48. Nonresidential farm buildings, farm fences and farm signs – Section 604.50
49. Hoisting equipment used in construction – Section 489.113(11)
50. Taxes or fees on dealers of communications services for occupying rights-of-way – Section 202.24(1)
51. Telecommunications companies – Section 364.01(2)

52. Rates and service of public electric and gas utilities – Section 366.04(1)
53. The authority, service and rates of water and wastewater utilities – Section 367.011
54. Other than ad valorem taxes, all other forms of taxation – Article VII, Section 1
55. Operation of the State lottery – Section 24.122(3)
56. Motor vehicle warranties – Section 681.116
57. Any matter covered by Chapter 316 (Florida Uniform Traffic Control Law) – Section 316.007
58. Use of cameras for enforcing Ch. 316 – Section 316.0076
59. Motor vehicle noise – Section 403.415
60. Commercial mobile radio services within a motor vehicle – Section 316.0075
61. Additional fees and fines on civil traffic penalties assessed under Ch. 318 – Section 318.121
62. Real estate brokers and salesmen – AGO 81-50
63. Insurers and agents – Section 624.401(3)
64. Taxes and fees on insurers – Section 624.520
65. Workers' compensation – Barragan v. City of Miami, 545 So.2d 252 (Fla. 1989)
66. Sellers of travel – Section 559.939
67. Standards for security cameras in businesses – Section 163.31802
68. Security standards for convenience stores – Section 812.1725
69. Customer safety standards at ATMs – Section 655.965
70. Handicapped accessibility standards – Section 553.513
71. Establishment of State roads and bridges – Department of Transportation v. Lopez-Torres, 526 So.2d 674 (Fla. 1988)

72. Access to or use of public facilities for collection of blood from volunteer donors based on whether the blood establishment is for-profit or not-for-profit – Section 381.06014(5)

73. Obscene movies and shows – Sections 847.09 & 847.013(5)

**Areas over which the Legislature has dictated to counties how they are to operate on certain subjects**

1. Eminent domain – Chapter 127
2. County budgets – Chapter 129
3. Adoption of millage – Chapter 200
4. Public records – Chapter 119
5. Public meetings – Section 286.011
6. Adoption of ordinances – Section 125.66
7. Purchase of voting equipment – Section 101.293
8. Public construction projects – Section 255.20
9. Procurement of certain professional services – Section 287.055
10. Contracting with companies on the Scrutinized Companies that Boycott Israel List, Scrutinized Companies with Activities in Sudan List, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged in business operations in Cuba or Syria – Section 287.135(7)
11. Purchase or sale of a water, sewer or wastewater reuse utility – Section 125.3401
12. Charges for first responder services – Section 125.01045(1)
13. Compliance with comprehensive plan – Section 163.3194(1)(a)
14. Zoning of community residential homes – Section 419.001
15. Sanitary sewer, solid waste, drainage and potable water concurrency – Section 163.3180(1)

16. Processing of comprehensive plan amendment applications for agricultural enclaves – Section 163.3162(4)

17. Dangerous dogs – Section 767.14

18. Payment of bonuses and severance pay to employees – Section 215.425