

PREEMPTION OF COUNTY REGULATORY AUTHORITY

The following is a list of areas over which the Legislature has preempted counties from acting in whole or in part. The relevant statute should be evaluated to determine the extent to which regulatory authority has been reserved to the state.

Section 57.112(2), Florida Statutes, provides for prevailing party attorney's fees, costs and damages in a civil action filed against a local government to challenge the adoption or enforcement of a local government ordinance on the grounds that it is expressly preempted by the State Constitution or by State law.

- A. State Lottery
 - 1. Operation of the State Lottery: §24.122(3)
- B. Elections--
 - 2. All matters set forth in Chapters 97-105 relating to elections: §97.0115
- C. Ethics, Public Records and Public Meetings
 - 3. Chapter 112, Part III, Florida Statutes.
 - 4. Chapter 119, Florida Statutes.
 - 5. Section 286.011, Fla. Stat.
- D. County Government
 - 6. Adoption of County Charter: §§125.60-125.64
 - 7. Ordinance Enactment Procedure: §§125.66-68
 - 8. Publication of Legal Notices: Chapter 50, Florida Statutes.
- E. Budget and Finance
 - 9. Chapter 129, Florida Statutes.
 - 10. Chapter 200, Florida Statutes.
 - 11. Minimum Wage and Employment Benefits: §218.077
 - 12. Part III, Chapter 218, Fla. Stat.: Local Financial Management and Reporting
 - 13. Part VII, Chapter 218: Local Government Prompt Payment Act
 - 14. Extra compensation prohibited: §215.425
- F. Taxation
 - 15. All forms of taxation except AVTs: Article VII, Section 1
 - 16. Ad Valorem Tax Exemptions: Art. 7 § 3 and § 6 and Chapter 196
 - 17. Excise Tax on Cigarettes: §210.03
 - 18. Tax on manufacture, distribution, exportation, transportation, importation, or sale of alcoholic beverages by municipality: §561.342
- G. Eminent Domain
 - 19. Chapter 127, Florida Statutes.
- H. Growth Policy, Land Use and Planning
 - 20. Community Planning Act-- §§163.3164 et seq.
 - 21. Impact Fee Act: §163.31801
 - 22. Zoning of solar facilities: §163.3205(3)

- 23. Zoning of family day care homes: §125.0109
- 24. Zoning of Community Residential Homes: §419.001
- 25. Zoning of home-based business: §559.995
- 26. Farm worker housing facilities: §381.00896(3)
- 27. Regulation of trimming of a tree on residential property: §163.045
- 28. Maintenance of vegetation within electrical transmission and distribution rights-of-way: §163.3209
- 29. Regulation of vegetable gardens on residential property: §604.71(2)
- 30. Farm operations: §163.3162(3); §823.14(6)
- 31. Regulation of motor vehicles parked on private property: §715.075(2)

I. Building Standards

- 32. Nonresidential farm buildings, farm fences, and farm signs: §604.50
- 33. Handicapped accessibility standards: §553.513
- 34. Amendments to Florida Building Code: §553.73(4); 553.79(4); and 125.56(1)
- 35. Requirements or conditions for gasoline signage: § 553.79(22)
- 36. Building permit to demolish single-family residential structures in certain flood prone areas: § 553.79(25)
- 37. Issuance of certificates of completion/occupancy: § 552.791
- 38. Review of building permit applications: § 553.792

J. Emergency Management

- 39. Emergency management powers of political subdivisions: §252.38

K. Competitive Procurements

- 40. Electronic bid submission:
- 41. Procuring voting machines and equipment: §101.293(2)
- 42. Public-Private Partnerships: §255.065
- 43. Procuring construction services paid with state funds: §255.0991
- 44. Contracts for Public Works Project paid with state funds: §255.0992
- 45. Person or affiliate on convicted vendor list: §287.133
- 46. Person or affiliate on discriminatory vendor list: §287.134
- 47. Prohibition against contracting with Scrutinized Companies: §287.135
- 48. Competitive award of contracts for Public Construction Works: §255.20
- 49. Consultants' Competitive Negotiation Act (CCNA): §287.055
- 50. Procuring services for which DOT issues certificate of qualification: §287.05705
- 51. Procurement of auditor: §218.391
- 52. Public Bid Disclosure Act: §218.80(3)
- 53. E-Verify: §448.095

L. Purchase and Sale of County Property

- 54. Sale of real/personal property and lease of real property owned by a county: §125.35
- 55. Purchase of real property by a county: §125.355
- 56. Purchase or sale of water, sewer, or wastewater reuse facility: §125.3401
- 57. Disposition of surplus property: §274.05-06

M. Maritime Commerce in Ports

- 58. Maritime commerce in Florida's seaports: §311.25

N. Motor Vehicles and Roads

- 59. Any matter covered by Chapter 316, Florida Uniform Traffic Control Law
- 60. Commercial mobile radio services within a motor vehicle: §316.0075

- 61. Use of cameras for enforcing Chapter 316: §316.0076
- 62. Additional fees and fines on civil traffic penalties assessed under Chapter 318: §318.121
- 63. State roads and bridges: DOT v. Lopez-Torres, 526 So.2d 674 (Fla. 1988)
- 64. Standards or specifications for permissible use of aggregates: §334.179
- 65. Standards or specifications for reclaimed asphalt pavement material: §336.044(5)

O. Drones

- 66. Unmanned Aircraft Systems Act: §330.41(3)

P. Regulated Utilities

- 67. Taxes or fees on dealers of communications services for occupying rights-of-way: §202.24(1)
- 68. Communications facilities in county rights-of-way: §337.401(3)
- 69. Wireless communications facilities: §365.172(13)(b)
- 70. Regulation of telecommunications companies (Public Service Commission): §364.01(2)
- 71. Rates and service of public electric and gas utilities (PSC): §366.04(1)
- 72. The authority, service, and rates of water and wastewater utilities (PSC): §367.011
- 73. Utility Service Restrictions: §366.032

Q. Natural Resources and Conservation

- 74. Regulation of waters in the state except with respect to water quality: §373.023(2)
- 75. Regulation of the consumptive use of water: §373.217(4)
- 76. Underground petroleum storage tanks: §376.317
- 77. Taking or possession of saltwater fish: §379.2412; §125.01(4)
- 78. Wild animal life, freshwater aquatic life, and marine life (FWCC): Art. IV §9

R. Environmental Control

- 79. Local Pollution Control Programs: §403.182(1)
- 80. Motor Vehicle Noise Prevention and Control Act: §403.415(10)
- 81. Regulation and certification of electrical power plants and power plant sites: §403.510
- 82. Regulation and certification of transmission lines and transmission line corridors: §403.536
- 83. Regulation and certification of gas transmission pipelines and natural gas transmission pipeline corridors: §403.942
- 84. Environmental control definitions: §403.7031
- 85. Auxiliary containers, wrappings, or disposable bags: §403.7033
- 86. Regulations relating to trimming of mangroves: §403.9324

S. Public Health

- 87. Public employee COVID-19 vaccine mandates: §112.0441
- 88. Public health emergencies and quarantines: §381.00315(6)
- 89. Documentation regarding COVID-19: §381.00316
- 90. Biomedical waste generators: §381.0098(8)
- 91. 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: §381.06014(5)
- 92. Licensing/regulation of medical marijuana treatment centers: §381.986(8)
- 93. Regulation of smoking: §386.209
- 94. Impairment in public places: §397.701 (some regulation allowed under §397.702)
- 95. Fees for services provided by first responders: §125.01045(1)
- 96. Emergency Medical Transportation Services Act: Chapter 401

T. Labor

- 97. Workers' Compensation: Chapter 440; Barragan v. City of Miami, 545 So.2d 252 (Fla. 1989)
- 98. Public Employees Relations Act: Chapter 447, Florida Statutes.

U. Regulation of Professions/Occupations

- 99. Occupational Licensing: §163.211
- 100. Real estate brokers and salesmen: Chapter 475; AGO 81-50
- 101. Pest control services: §482.242(1)
- 102. Pesticides: §487.051(2)
- 103. Specialty Contractors: §489.117
- 104. Fire Protections Systems Contractors: Op. Atty. Gen. Fla. 080-46 (1980)
- 105. Pawnbroking: §539.001(20)
- 106. Sellers of travel: §559.939
- 107. Insurers and their agents and representatives: §624.401(3)
- 108. Title insurers and title insurance: §624.785
- 109. Transportation Network Companies: §624.748(17)

V. Regulation of Trade and Commerce

- 110. Regulation of over-the-counter proprietary drugs and cosmetics: §499.002(7)
- 111. Manufacturing, processing, packing, holding or preparing food, or selling food at wholesale or retail: §500.12(5)
- 112. Bottled water plants, water vending machines, and packaged ice plants: §500.511(3)
- 113. Meat, poultry, and fish: §500.60
- 114. Polystyrene products: §500.90
- 115. Milk or milk products, or frozen desserts for wholesale: §502.232
- 116. Cottage Food Products: §500.80
- 117. Retail refunds: §501.142(1)
- 118. Evidentiary standards and defenses regarding price gouging during a declared state of emergency: §501.160(6)
- 119. Fines for shopping carts found off-premises: §506.5131(2)
- 120. Transactions of movers of household goods and moving brokers: §507.13(1)
- 121. Public lodging establishments and public food service establishments: §509.032(7)(a)
- 122. Ranking of food service establishments: §509.039
- 123. Vacation rentals: 509.032(7)(b)
- 124. Regulation of mobile food dispensing vehicles: §509.102(2)
- 125. Sanitary standards in mobile home parks and R.V. parks: §513.051
- 126. R.V. park lots: §513.1115(4)
- 127. Mobile home park landlord-tenant issues: §723.004(2)
- 128. Fuel Retailers: §377.707
- 129. Fuel Measuring Devices: §525.07
- 130. Fees for towing businesses: §323.002(4); §125.01047
- 131. Hoisting equipment used in construction: §489.113(11)
- 132. Regulated metals property: §538.28(1)
- 133. Secondary metals recyclers: §538.21(4)
- 134. Home-Based Businesses: §559.995
- 135. Sale of malt beverages: §563.02(1)(a)
- 136. Testing of cigarettes for flammability: §633.142(11)
- 137. Customer safety standards at ATMs: §655.965
- 138. Standards for security cameras in businesses: §163.31802

- 139. Security standards for convenience stores: §812.1725
- 140. Motor vehicle sales warranties: §681.116

W. Agriculture and Horticulture

- 141. Adoption of standards and fines in the following areas: §570.07(16)--
 - a. Fruit and vegetable inspection/grading;
 - b. Pesticide spray, residue inspection, and removal;
 - c. Commercial stock feeds and commercial fertilizers;
 - d. Classification/Inspection/sale of poultry and eggs;
 - e. Registration/inspection/analysis of gasoline and oils;
 - f. Registration/labeling/inspection/analysis of pesticides;
 - g. Registration/labeling/inspection/sale of seeds;
 - h. Weights, measures and standards;
 - i. Foods, as set forth in the Food Safety Act;
 - j. Inspection/certification of honey;
 - k. Sale of liquid fuels;
 - l. Licensing of dealers in agricultural products;
 - m. Administration/enforcement of regulatory legislation applying to milk and milk products, ice cream, and frozen desserts;
 - n. Recordation/inspection of marks and brands of livestock;
 - o. Regulation of fertilizer; and
 - p. All other regulatory laws relating to agriculture.
- 142. Agritourism: §570.85(1)
- 143. Fertilizer: §576.181(5)
- 144. Commercial feed and feedstuff: §580.0365
- 145. Regulation/inspection/permitting of honeybee colonies: §586.10(1)

X. Animals

- 146. Livestock at large: Chapter 588
- 147. Dangerous Dogs: Chapter 767
- 148. Animal control and cruelty: §828.27(7)

Y. Firearms and Ammunition

- 149. Possession or sale of ammunition: §125.0107
- 150. Firearms and ammunition: §790.33(1)
- 151. Firearms and ammunition use at shooting ranges: §790.333(8)

Z. Explosives and Fireworks

- 152. Sale of Fireworks: §791.001
- 153. Use of explosives in construction materials mining activities: §552.30(1)

Cybersecurity

- 154. Local Government Cybersecurity Act: § 282.3185

Obscenity

- 155. Obscene movies and shows: §847.09; §847.013(5)

National Guard

- 156. Regulation/compensation/operation of the National Guard: AGO 080-46