

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, 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 arbitrary, unreasonable, or expressly preempted by the State Constitution or by State law.

- A. State Lottery
 - 1. Operation of the State Lottery: FS § 24.122(3)
- B. Elections
 - 2. All matters set forth in Chapters 97-105 relating to elections: FS § 97.0115
- C. Ethics, Public Records and Public Meetings
 - 3. Chapter 112, Part III, Fla. Stat.
 - 4. Chapter 119, Fla. Stat.
 - 5. Section 286.011, Fla. Stat.
- D. County Organization and Government
 - 6. Commissioners' Districts: FS § 124.01; Art. VIII § 1(e), Fla. Const.
 - 7. Adoption of County Charter: FS §§ 125.60-125.64
 - 8. Ordinance Enactment Procedure: FS §§ 125.66-68
 - 9. Publication of Legal Notices: Chapter 50, Fla. Stat.
 - 10. Constitutional Officers: Art. VIII § 1(d), Fla. Const.; FS § 125.691
 - 11. Elected Sheriffs: FS § 30.15; FS § 125.01015
- E. Budget and Finance
 - 12. Chapter 129, Fla. Stat.
 - 13. Chapter 200, Fla. Stat.
 - 14. Part III, Chapter 218, Fla. Stat.: Local Financial Management and Reporting
 - 15. Part VII, Chapter 218, Fla. Stat.: Local Government Prompt Payment Act
 - 16. Extra compensation prohibited: FS § 215.425
- F. Taxation
 - 17. All forms of taxation except AVTs: Article VII § 1, Fla. Const.
 - 18. Ad Valorem Tax Exemptions: Art. VII § 3 and § 6, Fla. Const.; Chapter 196, Fla. Stat.
 - 19. Excise Tax on Cigarettes: FS § 210.03
 - 20. Tax on manufacture, distribution, exportation, transportation, importation, or sale of alcoholic beverages by municipality: FS § 561.342
- G. Eminent Domain
 - 21. Chapter 127, Fla. Stat.
- H. Growth Policy, Land Use and Planning
 - 22. Community Planning Act: FS §§ 163.3161, et seq.
 - 23. Florida Impact Fee Act: FS § 163.31801
 - 24. Zoning of solar facilities: FS § 163.3205(3)

- 25. Zoning of family day care homes: FS § 125.0109
- 26. Zoning of Community Residential Homes: FS § 419.001
- 27. Zoning of home-based business: FS § 559.995
- 28. Affordable housing: FS § 125.01055
- 29. Farm worker housing facilities: FS § 381.00896(3)
- 30. Regulation of trimming of a tree on residential property: FS § 163.045
- 31. Maintenance of vegetation within electrical transmission and distribution rights-of-way: FS § 163.3209
- 32. Regulation of vegetable gardens on residential property: FS § 604.71(2)
- 33. Farm operations: FS § 163.3162(3); FS § 823.14(6)
- 34. Regulation of motor vehicles parked on private property: FS § 715.075(2)

I. Building Standards

- 35. Nonresidential farm buildings, farm fences, and farm signs: FS § 604.50
- 36. Handicapped accessibility standards: FS § 553.513
- 37. Amendments to Florida Building Code: FS § 553.73(4); FS § 553.79(4); and FS § 125.56(1)
- 38. Review of building permit applications: FS § 553.79; FS §§ 553.792-.7922
- 39. Demolition and Replacement of Qualifying Structures: FS § 553.8991
- 40. Requirements or conditions for gasoline signage: FS § 553.79(24)
- 41. Restrooms and changing facilities: FS § 553.865
- 42. Lactation spaces: FS § 29.24

J. Emergency Management

- 43. Emergency management powers of political subdivisions: FS § 252.38
- 44. Temporary shelters: FS § 125.023

K. Competitive Procurements

- 45. Electronic bid submission: FS § 50.0311
- 46. Procuring voting machines and equipment: FS § 101.293(2)
- 47. Public-Private Partnerships: FS § 255.065
- 48. Procuring construction services paid with state funds: FS § 255.0991
- 49. Contracts for Public Works Project paid with state funds: FS § 255.0992
- 50. Procuring vehicles under state plan: FS § 286.29
- 51. Person or affiliate on convicted vendor list: FS § 287.133
- 52. Person or affiliate on discriminatory vendor list: FS § 287.134
- 53. Prohibition against contracting with Scrutinized Companies: FS § 287.135
- 54. Prohibition against contracting with entity in foreign country of concern: FS § 287.138
- 55. Competitive award of contracts for Public Construction Works: FS § 255.20
- 56. Consultants' Competitive Negotiation Act (CCNA): FS § 287.055
- 57. Procuring services for which DOT issues certificate of qualification: FS § 287.05705
- 58. Procurement of auditor: FS § 218.391
- 59. Public Bid Disclosure Act: FS § 218.80(3)
- 60. Prohibition against preference on basis of vendor's wages or benefits: FS § 218.077
- 61. Prohibiting preference on basis of employer's heat exposure requirements: FS § 448.106

L. Purchase and Sale of County Property; Public Property

- 62. Sale of real/personal property and lease of real property owned by a county: FS § 125.35
- 63. Purchase of real property by a county: FS § 125.355
- 64. Purchase or sale of water, sewer, or wastewater reuse facility: FS § 125.3401
- 65. Disposition of surplus property: FS § 274.05-06
- 66. Public Camping or Sleeping: FS § 125.0231

- M. Maritime Commerce in Ports
67. Maritime commerce in Florida's seaports: FS § 311.25
- N. Motor Vehicles and Roads
68. Any matter covered by Chapter 316, Fla. Stat.: Florida Uniform Traffic Control Law
69. Commercial mobile radio services within a motor vehicle: FS § 316.0075
70. Use of cameras for enforcing Chapter 316: FS § 316.0076
71. Additional fees and fines on civil traffic penalties assessed under Chapter 318: FS § 318.121
72. State roads and bridges: DOT v. Lopez-Torres, 526 So.2d 674 (Fla. 1988)
73. Standards or specifications for permissible use of aggregates: FS § 334.179
74. Standards or specifications for reclaimed asphalt pavement material: FS § 336.044(5)
75. Regulation of electric vehicle charging stations: FS § 366.94
- O. Drones
76. Unmanned Aircraft Systems Act: FS § 330.41(3)
- P. Regulated Utilities
77. Taxes or fees on dealers of communications services for occupying rights-of-way: FS § 202.24(1)
78. Communications facilities in county rights-of-way: FS § 337.401(3)
79. Wireless communications facilities: FS § 365.172(13)(b)
80. Regulation of telecommunications companies (Public Service Commission): FS § 364.01(2)
81. Rates and service of public electric and gas utilities (PSC): FS § 366.04(1)
82. The authority, service, and rates of water and wastewater utilities (PSC): FS § 367.011
83. Utility Service Restrictions: FS § 366.032
- Q. Natural Resources and Conservation
84. Regulation of waters in the state except with respect to water quality: FS § 373.023(2)
85. Regulation of the consumptive use of water: FS § 373.217(4)
86. Underground petroleum storage tanks: FS § 376.317
87. Taking or possession of saltwater fish: FS § 379.2412; FS § 125.01(4)
88. Wild animal life, freshwater aquatic life, and marine life (FWCC): Art. IV § 9, Fla. Const.
- R. Environmental Control
89. Local Pollution Control Programs: FS § 403.182(1)
90. Motor Vehicle Noise Prevention and Control Act: FS § 403.415(10)
91. Regulation and certification of electrical power plants and power plant sites: FS § 403.510
92. Regulation and certification of transmission lines and transmission line corridors: FS § 403.536
93. Regulation and certification of gas transmission pipelines and natural gas transmission pipeline corridors: FS § 403.942
94. Environmental control definitions: FS § 403.7031
95. Auxiliary containers, wrappings, or disposable bags: FS § 403.7033
96. Regulations relating to trimming of mangroves: FS § 403.9324
- S. Public Health
97. Public employee COVID-19 vaccine mandates: FS § 112.0441
98. Public health emergencies and quarantines: FS § 381.00315(6)
99. Documentation/Discrimination regarding COVID-19: FS § 381.00316
100. Public health policies: FS § 381.00321
101. Biomedical waste generators: FS § 381.0098(8)

- 102. 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: FS § 381.06014(5)
- 103. Licensing/regulation of medical marijuana treatment centers: FS § 381.986(8)
- 104. Regulation of smoking: FS § 386.209
- 105. Impairment in public places: FS § 397.701 (some regulation allowed under FS § 397.702)
- 106. Fees for services provided by first responders: FS § 125.01045(1)
- 107. Emergency Medical Transportation Services Act: Chapter 401, Fla. Stat.

T. Labor

- 108. Workers' Compensation: Chapter 440, Fla. Stat.; Barragan v. City of Miami, 545 So.2d 252 (Fla. 1989)
- 109. Public Employees Relations Act: Chapter 447, Fla. Stat.
- 110. Minimum Wage and Employment Benefits: FS § 218.077
- 111. Regulation of employee scheduling regulation: FS § 448.077
- 112. Prohibition against heat exposure requirements: FS § 448.106
- 113. E-Verify: FS § 448.095

U. Regulation of Professions/Occupations

- 114. Occupational Licensing: FS § 163.211
- 115. Real estate brokers and salesmen: Chapter 475, Fla. Stat.; Op. Atty. Gen. Fla 081-50
- 116. Pest control services: FS § 482.242(1)
- 117. Pesticides: FS § 487.051(2)
- 118. Specialty Contractors: FS § 489.117

V. Regulation of Trade and Commerce

- 119. Regulation of over-the-counter proprietary drugs and cosmetics: FS § 499.002(7)
- 120. Manufacturing, processing, packing, holding or preparing food, or selling food at wholesale or retail: FS § 500.12(5)
- 121. Bottled water plants, water vending machines, and packaged ice plants: FS § 500.511(3)
- 122. Meat, poultry, and fish: FS § 500.60
- 123. Polystyrene products: FS § 500.90
- 124. Milk or milk products, or frozen desserts for wholesale: FS § 502.232
- 125. Cottage Food Products: FS § 500.80
- 126. Fines for shopping carts found off-premises: FS § 506.5131(2)
- 127. Public lodging establishments and public food service establishments: FS § 509.032(7)(a)
- 128. Vacation rentals: FS § 509.032(7)(b)
- 129. Ranking of food service establishments: FS § 509.039
- 130. Regulation of mobile food dispensing vehicles and temporary commercial kitchens: FS § 509.102(2)
- 131. Pawnbroking: FS § 539.001(20)
- 132. Sellers of travel: FS § 559.939
- 133. Home-Based Businesses: FS § 559.995
- 134. Sanitary standards in mobile home parks and R.V. parks: FS § 513.051
- 135. R.V. park lots: FS § 513.1115(4)
- 136. Mobile home park landlord-tenant issues: FS § 723.004(2)
- 137. Fuel Retailers: FS § 377.707
- 138. Fuel Measuring Devices: FS § 525.07
- 139. Fees for towing businesses: FS § 323.002(4); FS § 125.01047
- 140. Hoisting equipment used in construction: FS § 489.113(11)
- 141. Transactions of movers of household goods and moving brokers: FS § 507.13(1)
- 142. Regulated metals property: FS § 538.28(1)

- 143. Secondary metals recyclers: FS § 538.21(4)
- 144. Beverage Law: Chapters 561-565; 567 and 568
- 145. Testing of cigarettes for flammability: FS § 633.142(11)
- 146. Fire Protections Systems Contractors: FS § 633.322; Op. Atty. Gen. Fla. 080-46
- 147. Insurers and their agents and representatives: FS § 624.401(3)
- 148. Title insurers and title insurance: FS § 627.785
- 149. Transportation Network Companies: FS § 627.748(17)
- 150. Price controls: FS § 125.0103
- 151. Retail refunds: FS § 501.142(1)
- 152. Price gouging during a declared state of emergency: FS § 501.160(6)
- 153. Customer safety standards at ATMs: FS § 655.965
- 154. Standards for security cameras in businesses: FS § 163.31802
- 155. Security standards for convenience stores: FS § 812.1725
- 156. Motor vehicle sales warranties: FS § 681.116

W. Agriculture and Horticulture

- 157. Adoption of standards and fines in the following areas: FS § 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.
- 158. Agritourism: FS § 570.85(1)
- 159. Fertilizer: FS § 576.181(5)
- 160. Commercial feed and feedstuff: FS § 580.0365
- 161. Regulation/inspection/permitting of honeybee colonies: FS § 586.10(1)

X. Animals

- 162. Livestock at large: Chapter 588, Fla. Stat.
- 163. Dangerous Dogs: Chapter 767, Fla. Stat.
- 164. Animal control and cruelty: FS § 828.27(7)

Y. Firearms and Ammunition

- 165. Possession or sale of ammunition: FS § 125.0107
- 166. Firearms and ammunition: FS § 790.33(1)
- 167. Firearms and ammunition use at shooting ranges: FS § 790.333(8)

Z. Explosives and Fireworks

- 168. Sale of Fireworks: FS § 791.001
- 169. Use of explosives in construction materials mining activities: FS § 552.30(1)

AA. Cybersecurity and Technology

- 170. Local Government Cybersecurity Act: FS § 282.3185
- 171. Prohibited Applications: FS § 112.22
- 172. Technology Transparency: FS § 112.23

BB. Obscenity

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