

By the Committees on Community Affairs; and Commerce and Tourism; and Senators Hutson and Bradley

578-04076-19

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1 A bill to be entitled
2 An act relating to preemption of local regulations;
3 creating s. 499.072, F.S.; prohibiting certain
4 governmental entities from adopting or enforcing local
5 ordinances or regulations relating to over-the-counter
6 proprietary drugs and cosmetics before a specified
7 date; providing penalties for violations of the
8 moratorium by a local governmental entity; amending s.
9 526.143, F.S.; preempting the establishment of the
10 requirements for alternate generated power sources to
11 the state and to the Division of Emergency Management;
12 providing an effective date.

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

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16 Section 1. Section 499.072, Florida Statutes, is created to
17 read:

18 499.072 Local regulation of over-the-counter proprietary
19 drugs and cosmetics; moratorium; penalties.-

20 (1) Before July 1, 2021, a county, a municipality, or
21 another local governmental entity may not adopt or enforce an
22 ordinance or other local regulation relating to over-the-counter
23 proprietary drugs and cosmetics.

24 (2) An attempt by a county, a municipality, or another
25 local governmental entity to adopt or enforce over-the-counter
26 proprietary drugs and cosmetics regulations before July 1, 2021,
27 is a violation of this chapter and shall result in a fine of
28 \$25,000 imposed on the offending county, municipality, or other
29 local governmental entity. Further, the offending entity is

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30 responsible for the attorney fees and costs of any party filing
31 and prevailing in a civil action to enforce the terms of the
32 moratorium.

33 Section 2. Subsection (6) is added to section 526.143,
34 Florida Statutes, to read:

35 526.143 Alternate generated power capacity for motor fuel
36 dispensing facilities; preemption.—

37 (6) The establishment of requirements for alternate
38 generated power sources, including transfer switches, is
39 preempted to the state and the Division of Emergency Management.

40 Section 3. This act shall take effect July 1, 2019.