

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: [CS/HB 1217](#)

TITLE: Prohibited Governmental Policies Regulating Greenhouse Gas Emissions

SPONSOR(S): Snyder and Jacques

COMPANION BILL: [CS/SB 1628](#) (Avila)

LINKED BILLS: None

RELATED BILLS: [CS/SB 7046](#)

FINAL HOUSE FLOOR ACTION: 80 Y's 29 N's **GOVERNOR'S ACTION:** Approved

SUMMARY

Effect of the Bill:

The bill provides a legislative finding that net zero policies, carbon taxes and assessments, and emission trading programs are detrimental to the energy security and economic interest of the state and inconsistent with the energy and environmental policies of the state; establishes certain prohibitions on a governmental entity adopting, implementing, using public funds to support, or imposing any charge to advance net zero policies; and defines terms related to such prohibitions.

Fiscal or Economic Impact:

The bill may have an indeterminate negative impact on state and local government revenues.

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ANALYSIS

EFFECT OF THE BILL:

Legislative Findings and Policy

The bill provides a legislative finding that [net zero policies](#), [carbon taxes](#) and assessments, and [emission trading programs](#),¹ are detrimental to this state's energy security and economic interests and inconsistent with the [energy policy](#) and the [environmental policy](#) of this state. (Section [1](#))

Net-Zero Policies

The bill defines the term "net-zero policy" to mean any policy, program, or initiative designed to achieve a balance between total amount of [greenhouse gas](#)² emitted into the atmosphere with an equal amount removed from the atmosphere. (Section [1](#))

Restrictions on Government Actions

Prohibited Government Policies and Programs

The bill provides that a governmental entity³ may not enact or enforce, or require any person or legal entity to enact or enforce, a resolution, ordinance, rule, code, or policy to support a net zero policy, including as a condition of any contract or agreement between the governmental entity and a third party. (Section [1](#))

¹ The bill defines the term "emission trading program" to mean any program that establishes a greenhouse gas emission limit for a particular activity and provides for the allocation, auction, sale, or transfer of emissions allowances or credits among pollutant sources as a means of compliance with such limits.

² The bill defines the term "greenhouse gas" to mean any of the following gases, or a combination thereof: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride, nitrogen trifluoride.

³ The bill defines the term "governmental entity" to have the same meaning as in [s. 215.985, F.S.](#): a state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to,

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The bill also prohibits a governmental entity from implementing, administering, or enforcing any program or joining any organization that has a policy of:

- Establishing a statewide, regional, or geographic limit or cap on the amount of greenhouse gas emissions that results from the use, production, or consumption of any product or from any activity.
- Requiring or incentivizing a governmental entity or any person in this state to participate in an emissions trading program. (Section [1](#))

Prohibited Use of Public Funds

The bill prohibits a governmental entity from using, paying, or distributing public funds⁴ in any manner that supports, implements, or advances a net zero policy by doing any of the following:

- Providing procurement or purchasing preferences for a product or vendor on the basis that the procurement or purchase of such product or from such vendor will advance or support a net zero policy.
- Providing procurement or purchasing preferences for any goods, including, but not limited to, vehicles, equipment, appliances, or other products, based solely on the types or sources of fuel used by, or used in the production of, such goods.
- Using public funds to pay dues, membership fees, subscription fees, or charitable contributions to any nongovernmental agency or other private organization, including any trade association or organization, that:
 - Adopts a net zero policy;
 - Requires adoption of, or any commitment to support, a net zero policy as a condition of membership or of receiving any benefit of membership; or
 - Uses such funds to advocate for a net zero policy. (Section [1](#))

Prohibited Charges

The bill prohibits a governmental entity from imposing any charge, including a tax, fee, penalty, offset, or assessment, to advance a net zero policy, including, but not limited to :

- A charge based on the carbon content of a fuel.
- A charge based on the emission of greenhouse gases that results from the use, production, or consumption of any product, service, or activity.
- A charge assessed in connection with an emission trading program. (Section [1](#))

The bill requires each governmental entity to annually submit to the Department of Revenue an affidavit attesting to compliance with the bill's provisions on prohibited charges. (Section [1](#))

The bill provides that its restrictions on actions of a governmental entity do not prevent:

- The board of a municipality or governmental entity which owns or operates and directly controls an electric or natural gas utility from passing rules, regulations, or policies governing the utility.
- The Public Service Commission from exercising its powers and duties to regulate public utilities in accordance with applicable law.
- A governmental entity from otherwise exercising its authority as provided by general law, including by implementing energy policies consistent with the energy policies set forth in s. 377.601 or implementing local and regional air and water pollution control programs consistent with the environmental policies set forth in s. 403.021. (Section [1](#))

Miscellaneous Provisions

The bill makes other conforming changes to limit the power of county or municipal governments in accordance with the provisions of the bill. (Sections [2](#), [3](#), and [4](#))

a department, division, bureau, commission, authority, district, or agency thereof, or public school, Florida College System institution, state university, or associated board.

⁴ The bill defines the term "public funds" to mean all moneys under the jurisdiction or control of a governmental entity.

The bill was approved by the Governor on April 22, 2026, ch. 2026-45, L.O.F., and will become effective on July 1, 2026. (Section [5](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative impact on state government revenues. The bill may limit the ability of state government and state agencies to impose taxes or fees on activities that could otherwise be subject to taxes or fees.

LOCAL GOVERNMENT:

The bill may have an indeterminate negative impact on local government revenues. The bill may limit the ability of local governments to impose taxes or fees on carbon-intensive products and activities that could otherwise be subject to taxes or fees.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Greenhouse Gas

The term “[greenhouse gas](#)” (GHG) refers to a category of gases that trap heat in the atmosphere.⁵ Some GHGs occur naturally, such as carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O), while others, known as “fluorinated gases,” are products primarily of household, commercial, and industrial applications and processes (hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride).⁶ Each gas’s effect on the earth’s climate depends on several factors:

- How abundant the gas is in the atmosphere.
- How long the gas stays in the atmosphere.
- How strongly the gas impacts the atmosphere.⁷

The EPA estimated that in 2022, total GHG emissions in the U.S. were 17 percent below 2005 levels, after accounting for offsets from land management uses.⁸

Carbon Dioxide

The most common GHG emitted through human activities, carbon dioxide (CO₂), is naturally present in the atmosphere as part of the earth’s carbon cycle (the natural circulation of carbon among the atmosphere, oceans, soil, plants, and animals).⁹ CO₂ is constantly exchanged among the atmosphere, ocean, and land surface as it is both produced and absorbed by many microorganisms, plants, and animals.¹⁰ Emissions and removals of CO₂ by these natural processes tend to balance over time, absent effects related to human activity, such as the combustion of fossil fuels for energy and transportation.¹¹ Some activity, such as the management of forests and other natural and agricultural lands, acts as a net sink of CO₂, removing and storing in plants and trees more CO₂ from the

⁵ United States Environmental Protection Agency (EPA), *Overview of Greenhouse Gases*, <https://www.epa.gov/ghgemissions/overview-greenhouse-gases> (last visited Mar. 12, 2026).

⁶ *Id.*

⁷ *Id.*

⁸ EPA, *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks> (last visited Mar. 12, 2026).

⁹ EPA, *Carbon Dioxide Emissions*, <https://www.epa.gov/ghgemissions/carbon-dioxide-emissions#CO2-references> (last visited Mar. 12, 2026).

¹⁰ *Id.*

¹¹ *Id.*

atmosphere than is emitted.¹² Excluding offsets from land management uses, annual CO₂ emissions in the U.S. decreased by 1.5 percent between 1990 and 2022.¹³

Methane

Methane (CH₄) accounts for 12 percent of all U.S. GHG emissions from human activities, but most methane emission occurs naturally as a result of the normal digestive process of animals, including domestic livestock such as cattle, swine, sheep, and goats.¹⁴ Human activity contributing to the emission of methane includes natural gas and petroleum systems, as well as waste management, landfills, and wastewater treatment.¹⁵ Annual methane emissions in the U.S. decreased by 19 percent between 1990 and 2022.¹⁶

Nitrous Oxide

Nitrous oxide (N₂O) is naturally present in the atmosphere from a variety of natural sources, including as part of the earth's nitrogen cycle, the natural circulation of nitrogen among the atmosphere, plants, animals, and microorganisms that live in soil and water.¹⁷ Human activities that contribute to nitrous oxide emissions include agriculture (especially the application of synthetic and organic fertilizers and other cropping practices), fuel combustion, wastewater management, and industrial processes.¹⁸ In 2022, nitrous oxide accounted for 6 percent of all U.S. GHG emissions from human activities, and annual nitrous oxide emissions in the United States decreased by 3 percent between 1990 and 2022.

Fluorinated Gases

Unlike many other GHGs, fluorinated gases have no significant natural sources and come almost entirely from human-related activities.¹⁹ Relative to other GHGs, fluorinated gases also have a higher potential to trap heat in the atmosphere, and last for much longer in the atmosphere.²⁰ In general, fluorinated gases are the most potent and longest lasting type of greenhouse gases emitted by human activities, and many fluorinated gases are removed from the atmosphere only when they are destroyed by sunlight in the upper atmosphere.²¹

There are four main categories of fluorinated gases:

- Hydrofluorocarbons (HFCs), which accounted for 90 percent of fluorinated gas emissions in 2022, are used as refrigerants, aerosol propellants, foam blowing agents, solvents, and fire retardants in products used by homes, businesses and industry. The major emissions source of these compounds is their use as refrigerants—for example, in air conditioning systems in both vehicles and buildings.
- Perfluorocarbons (PFCs) are produced as a byproduct of aluminum production and are used in the manufacturing of semiconductors.
- Sulfur hexafluoride (SF₆) is used in magnesium processing and semiconductor manufacturing, as well as a tracer gas for leak detection. Sulfur hexafluoride is also used as an insulating gas in electrical transmission equipment, including circuit breakers.
- Nitrogen trifluoride (NF₃) is used in semiconductor manufacturing.²²

Fluorinated gas emissions in the U.S. increased by 105 percent between 1990 and 2022, with the increase primarily driven by a 349 percent increase in emissions of hydrofluorocarbons.²³

¹² *Id.*

¹³ *Id.*

¹⁴ EPA, *Methane Emissions*, <https://www.epa.gov/ghgemissions/methane-emissions> (last visited Mar. 12, 2026).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ EPA, *Nitrous Oxide Emissions*, <https://www.epa.gov/ghgemissions/nitrous-oxide-emissions> (last visited Mar. 12, 2026).

¹⁸ *Id.*

¹⁹ EPA, *Fluorinated Gas Emissions*, <https://www.epa.gov/ghgemissions/fluorinated-gas-emissions> (last visited Mar. 12, 2026).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

Net-Zero Policies

“Net-zero” policies aim at achieving a balance between GHGs emitted from human activity and the amount of carbon dioxide (CO₂) removed from the atmosphere.²⁴ Human activities also emit other greenhouse gases, including methane, nitrous oxide, and fluorinated gases. To compare the climate impacts of different GHGs, their effects on the climate are commonly expressed relative to CO₂ using a metric known as “CO₂ equivalent.”²⁵

Net-zero GHG emissions means the combined net emissions of all greenhouse gases, expressed in CO₂ equivalents, equal zero.²⁶ Methods of CO₂ removal include natural absorption and storage in forests and other ecosystems as well as technological removal and storage.²⁷ However, because there are currently no commercially available methods to remove non-CO₂ GHGs from the atmosphere, achieving net-zero GHG emissions requires additional removal of CO₂ to counterbalance emissions of other GHGs.²⁸ Net-zero GHG emissions would therefore be achieved when total GHG emissions, measured in CO₂ equivalents, are offset by removal of CO₂ from the atmosphere.²⁹

Carbon Control Policies

Examples of efforts to control GHG emissions released into the atmosphere include [carbon taxation](#) and [carbon emission trading](#) (“cap-and-trade”) programs. A carbon tax directly sets a price per unit of emissions, requiring companies to pay a fee based on the amount of greenhouse gases they emit.³⁰ The price is usually expressed as a monetary unit per ton of CO₂ equivalent.³¹

In a cap-and-trade system, a governmental entity or other authority sets an emissions cap and issues a fixed quantity of emission allowances.³² Covered entities must hold sufficient allowances to account for the greenhouse emissions they produce. These entities can buy and sell allowances from each other based on their need. This supply and demand dynamic establishes a market price for carbon.³³ Cap-and-trade programs have been implemented in several U.S. jurisdictions.³⁴ For example, the Regional Greenhouse Gas Initiative is a cooperative effort among several participating U.S. states to cap and reduce power sector CO₂ emissions.³⁵ The initiative establishes a regional CO₂ emissions cap, implemented through individual state CO₂ budget trading programs, and requires regulated fossil-fuel-fired power plants to hold allowances equal to their emissions. Allowances are

²⁴ Jonathan D. Haskett, U.S. Congressional Research Service (CRS), *Climate Change: What Are Net-Zero Emissions?*, 1 (Sep. 4, 2024), available at https://www.congress.gov/crs_external_products/IF/PDF/IF12753/IF12753.2.pdf (last visited Mar. 12, 2026).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Haskett, *Climate Change: What Are Net-Zero Emissions?*, *supra* note 27 at 1.

³⁰ Noah Kaufman, World Research Institute, *Carbon Tax vs. Cap-and-Trade: What's a Better Policy to Cut Emissions*, (Mar. 1, 2016) <https://www.wri.org/insights/carbon-tax-vs-cap-and-trade-whats-better-policy-cut-emissions> (last visited Mar. 12, 2026).

³¹ World Bank Group, *State and Trends of Carbon Pricing*, 15 (2024), available at <https://openknowledge.worldbank.org/entities/publication/b0d66765-299c-4fb8-921f-61f6bb979087> (last visited Mar. 12, 2026).

³² Michigan State University (MSU), *State Cap-and-Trade Programs*, 2 (Nov. 2023), available at https://www.canr.msu.edu/fccp/Uploads/Files/2b.%20Cap%20and%20Trade_FINAL_v2.pdf (last visited Mar. 12, 2026). *See, e.g.*, EPA, *What is Emissions Trading?*, <https://www.epa.gov/emissions-trading/what-emissions-trading> (last visited Mar. 12, 2026).

³³ *Id.*

³⁴ States with cap-and-trade programs include California, Oregon, Washington, and those states participating in the Regional Greenhouse Gas Initiative, namely Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. MSU, *State Cap-and-Trade Programs*, *supra* note 35, at 7-13.

³⁵ Regional Greenhouse Gas Initiative (RGGI), *Elements of RGGI*, <https://www.rggi.org/program-overview-and-design/elements> (last visited Mar. 12, 2026). Participating states include Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. *Id.*

distributed through quarterly regional auctions, with proceeds used by states to support energy efficiency, renewable energy, and other consumer benefit programs.³⁶

There are 75 carbon tax and emissions trading systems in operation worldwide, covering approximately 24 percent of global emissions.³⁷

Environmental Regulations

Federal Activity Regulating Greenhouse Gas

The U.S. Congress originally passed the Clean Air Act (CAA) in 1970 to protect public health and welfare by requiring the U.S. Environmental Protection Agency (EPA) to establish national ambient air quality standards for certain common and widespread pollutants.³⁸ Under the CAA, the EPA has set air quality standards for six common pollutants: particulate matter (also known as particle pollution), ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead.³⁹ The CAA requires states to adopt enforceable plans to achieve and maintain air quality meeting the air quality standards.⁴⁰

In 2009, the EPA issued a final order finding that then-current and projected concentrations of six GHGs—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)—in the atmosphere threaten the public health and welfare.⁴¹ The EPA also found that the combined emissions of these GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution that threatens public health and welfare.⁴² On August 1, 2025, the EPA issued a proposed rule rescinding the 2009 findings, with a proposed finding that the CAA “does not authorize the EPA to prescribe emission standards to address global climate change concerns,” and on that basis, proposed repealing all GHG emissions standards for vehicles.⁴³

Florida Energy Policy

Florida’s state [energy policy](#) is to ensure an adequate, reliable, and cost-effective supply of energy for the state in a manner that promotes the health and welfare of the public and economic growth.⁴⁴ The Legislature intends that governance of the state’s energy policy be efficiently directed toward achieving this purpose.⁴⁵ The state’s energy policy is guided by the following goals:

- Ensuring a cost-effective and affordable energy supply.
- Ensuring adequate supply and capacity.
- Ensuring a secure, resilient, and reliable energy supply, with an emphasis on a diverse supply of domestic energy resources.
- Protecting public safety.
- Protecting the state’s natural resources, including its coastlines, tributaries, and waterways.
- Supporting economic growth.⁴⁶

³⁶ *Id.*

³⁷ World Bank Group, *State and Trends of Carbon Pricing*, *supra* note 34, at 9, 18, 22.

³⁸ EPA, *Clean Air Act Requirements and History*, <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history> (last visited Mar. 12, 2026).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ EPA, *Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, <https://www.epa.gov/climate-change/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a> (last visited Mar. 12, 2026).

⁴² *Id.*

⁴³ EPA, *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 146, Aug. 1, 2025, available at <https://www.govinfo.gov/content/pkg/FR-2025-08-01/pdf/2025-14572.pdf> (last visited Mar. 12, 2026).

⁴⁴ [S. 377.601\(1\), F.S.](#)

⁴⁵ *Id.*

⁴⁶ [S. 377.601\(2\), F.S.](#)

In furtherance of these goals, it is the policy of the state to:

- Promote the cost-effective development and use of a diverse supply of domestic energy resources in the state and discourage energy waste.
- Promote the cost-effective development and maintenance of energy infrastructure that is resilient to natural and manmade threats to the security and reliability of the state's energy supply.
- Reduce reliance on foreign energy resources.
- Include energy reliability and security considerations in all state, regional, and local planning.
- Utilize and manage effectively energy resources used within state agencies.
- Encourage local governments to include energy considerations in all planning and to support their work in promoting energy management programs.
- Include the full participation of citizens in the development and implementation of energy programs.
- Consider in its decisions the energy needs of each economic sector, including residential, industrial, commercial, agricultural, and governmental uses, and reduce those needs whenever possible.
- Promote energy education and the public dissemination of information on energy and its impacts in relation to the state's energy goals.
- Encourage the research, development, demonstration, and application of domestic energy resources, including the use of renewable energy resources.
- Consider the impacts of energy-related activities on the state's energy goals, including the whole-life-cycle impacts of any potential energy use choices, so that detrimental effects of these activities are understood and minimized.
- Develop and maintain energy emergency preparedness plans to minimize the effects of an energy shortage within this state.⁴⁷

Florida Environmental Policy

The [Florida Air and Water Pollution Control Act](#)⁴⁸ provides that the prevention, abatement, and control of the pollution of the air and waters of this state are affected with a public interest.⁴⁹ Florida law states that it is the public policy of the state to achieve and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state, and facilitate the enjoyment of the natural attractions of this state.⁵⁰ It further provides that local and regional air and water pollution control programs are to be supported to the extent practicable as essential instruments to provide for a coordinated statewide program of air and water pollution prevention, abatement, and control for the securing and maintenance of appropriate levels of air and water quality.⁵¹

In Florida law, the Legislature finds and declares that control, regulation, and abatement of the activities that cause pollution of the air or water resources in the state and which are or may be detrimental to human, animal, aquatic, or plant life, or to property, or unreasonably interfere with the comfortable enjoyment of life or property be increased to:

- Ensure conservation of natural resources;
- Ensure a continued safe environment;
- Ensure purity of air and water;
- Ensure domestic water supplies;
- Ensure protection and preservation of the public health, safety, welfare, and economic well-being;
- Ensure and provide for recreational and wildlife needs as the population increases and the economy expands;

⁴⁷ [S. 377.601\(3\), F.S.](#)

⁴⁸ The Florida Air and Water Pollution Control Act was adopted in 1967, and is codified as amended in ch. 403, part I, F.S. See section 2, Chapter 1967-436, Laws of Fla.

⁴⁹ [S. 403.021\(5\), F.S.](#)

⁵⁰ [S. 403.021\(3\), F.S.](#)

⁵¹ [S. 403.021\(4\), F.S.](#)

- Ensure a continuing growth of the economy and industrial development.⁵²

Florida law also includes a number of other provisions addressing matters related to global climate change, greenhouse gases, and carbon offset programs. For example:

- Florida law preempts the authority of local governments to adopt policies aimed at restricting the ability of certain utility and energy entities to choose the types and fuel sources of energy production which may be used or supplied.⁵³ However, while a local government’s ability to restrict others is preempted, Florida law does not prevent a municipality or governmental entity which owns or operates and directly controls an electric or natural gas utility from passing rules, regulations, or policies governing the utility.⁵⁴
- The Executive Office of the Governor may, in the state comprehensive plan, include goals, objectives, and policies related to global climate change.⁵⁵
- The Division of State Lands,⁵⁶ in its annual work plan, must consider as a category for land conservation expenditures a climate-change category list of lands where acquisition or other conservation measures will address the challenges of global climate change, such as through protection, restoration, mitigation, and strengthening of Florida’s land, water, and coastal resources.⁵⁷ This category includes lands that provide opportunities to sequester carbon, provide habitat, protect coastal lands or barrier islands, and otherwise mitigate and help adapt to the effects of sea-level rise and meet other objectives of the program.⁵⁸
- The Board of Trustees of the Internal Improvement Trust Fund⁵⁹ must adopt rules that pertain to the use of state lands for carbon sequestration, carbon mitigation, or carbon offsets and that provide for climate-change-related benefits.⁶⁰

Local Green Initiatives and Sustainability Plans

Some local governments in Florida have adopted plans aimed at reducing GHG emissions. For example:

- Leon County has adopted an Integrated Sustainability Action Plan with the goal of reducing “harmful GHG emissions stemming from [c]ounty operations that contribute to changing climate,” with a target of achieving 30 percent reduction by 2030 from a 2015 baseline, primarily through energy efficiency in county buildings, fleet electrification and fuel efficiency, waste reduction, sustainable purchasing, and public education on energy efficiency.⁶¹
- The City of Doral’s Citywide Integrated Sustainability Plan sets a goal of reducing GHG emissions by 10-15 percent by 2050 through preserving greenspaces, enhancing public transportation, and creating energy efficiency standards for buildings, transportation, and infrastructure.⁶²
- Alachua County’s Climate Action Plan includes a goal to reduce GHG emissions by 80 percent by 2050, from a 2009 baseline, with objectives targeting energy efficiency in private as well as county government

⁵² [S. 403.021\(6\), F.S.](#)

⁵³ [S. 366.032, F.S.](#)

⁵⁴ [S. 366.032\(3\), F.S.](#)

⁵⁵ [S. 186.007\(3\), F.S.](#)

⁵⁶ The Florida Department of Environmental Protection’s (FDEP) Division of State Lands is Florida’s lead agency for environmental management and stewardship, administers the state’s land acquisition program Florida Forever, and serves as staff to the Governor and Cabinet as they act in their role as the Board of Trustees of the Internal Improvement Trust Fund. See FDEP, *Division of State Lands*, <https://floridadep.gov/lands> (last visited Mar. 12, 2026); [S. 216.0153, F.S.](#)

⁵⁷ [S. 259.105\(17\)\(d\), F.S.](#)

⁵⁸ *Id.*

⁵⁹ The Internal Improvement Trust Fund is a fund into which is deposited revenues from the sale, use, or lease of state lands, and is to be used for the acquisition, management, administration, protection, and conservation of state-owned lands. [S. 253.01, F.S.](#)

⁶⁰ [S. 259.105\(5\)\(c\), F.S.](#)

⁶¹ Leon County, *Integrated Sustainability Action Plan*, 5-24 (April 2019), available at <https://cms.leoncountyfl.gov/Portals/0/DeptFiles/Sustain/Docs/isap.pdf> (last visited Mar. 12, 2026).

⁶² City of Doral, *Resolution No. 24-222, Ex. A* (July 2024), available at <https://www.cityofdoral.com/files/assets/city/v/1/city-hall/city-clerk/resolutions-archived/2024/res.-no.-24-222-adoption-citywide-integrated-sustainability-plan-cisp.pdf> (last visited Mar. 12, 2026).

buildings, renewable energy generation, education and public information, and intergovernmental and community collaboration.⁶³

Other climate action plans are the product of collaborations between city, county, and non-profit entities. For example, the Southeast Florida Regional Climate Change Compact (SFRCCC) is led by Broward, Miami-Dade, Monroe, and Palm Beach Counties, in partnership with various stakeholders, including a climate-focused non-profit⁶⁴ and certain planning councils, chambers of commerce, economic councils, and private companies.⁶⁵ SFRCCC adopted the Southeast Florida Priority Climate Action Plan, a regional GHG reduction plan establishing GHG emission reduction targets for participating counties and outlining strategies to achieve those targets.⁶⁶ These strategies include transitioning government fleets to electric alternatives, including work trucks, buses, and refuse vehicles; expanding publicly available electric vehicle charging infrastructure; increasing public transit ridership; leveraging existing residential programs that reduce greenhouse gas emissions through building improvements; promoting commercial equipment and building upgrades; and diverting organic waste from landfills, among other measures.⁶⁷ The plan is funded in part by the EPA's Climate Pollution Reduction Grants program, which in turn was funded by the Inflation Reduction Act passed by the U.S. Congress in 2022.⁶⁸

International Climate Agreements

One example of an international agreement establishing goals for global temperature stabilization is the Paris Agreement. The Paris Agreement is an international treaty with a stated goal of strengthening the global response to the threat of climate change through a number of efforts, including the reduction of GHG emissions.⁶⁹ The Paris Agreement's goal is to hold the increase in the global average temperature to well below 2 degrees Celsius above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels.⁷⁰ The agreement does not include mandatory targets or timetables for parties to reduce their emissions. Instead, parties to the agreement submit nationally determined contributions (NDCs) every five years and pursue mitigation measures with the aim of achieving the objectives of such contributions.⁷¹ The Paris Agreement was adopted by 195 parties at the United Nations Climate Change Conference in Paris on December 12, 2015, and took effect on November 4, 2016.⁷² The U.S. joined the Paris Agreement in September 2016⁷³ but subsequently withdrew.⁷⁴

⁶³ Alachua County, *Alachua County Climate Action Plan*, 2-3, 15-189 (2025), available at https://www.alachuacounty.us/Depts/epd/Documents/ADACompliant/Alachua-County-Climate-Action-Plan_Final_29Oct25.pdf (last visited Mar. 12, 2026).

⁶⁴ The Institute for Sustainable Communities (ISC) is a non-profit partner of the SFRCCC, and its stated mission is “to develop practical, lasting solutions that build climate-resilient communities in the U.S. and across the world.” ISC, *About Us*, <https://sustain.org/about-us/> (last visited Mar. 12, 2026).

⁶⁵ SFRCC, *Partners*, <https://southeastfloridaclimatecompact.org/partners/> (last visited Mar. 12, 2026).

⁶⁶ SFRCC, *Southeast Florida Priority Climate Action Plan*, (March 2024), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2024/03/Southeast-Florida-Priority-Climate-Action-Plan_Final2024.pdf (last visited Mar. 12, 2026).

⁶⁷ *Id.* at 27-46.

⁶⁸ See *id.* at page v; Inflation Reduction Act of 2022, Pub. L. 117-169, 136 Stat. 1818 (Aug. 16, 2022).

⁶⁹ Paris Agreement to the United Nations Framework Convention on Climate Change (UNFCCC), art. 2 (Dec. 12, 2015), available at https://unfccc.int/sites/default/files/english_paris_agreement.pdf (last visited Mar. 12, 2026). The Paris Agreement is part of the UNFCCC, a framework established in 1992 for coordinated global action “to combat climate change and its impact on humanity and ecosystems.” UN Climate Change (UNCC), *The Convention*, <https://unfccc.int/resource/bigpicture/> (last visited Mar. 12, 2026).

⁷⁰ UNFCCC Paris Agreement, *supra* note 72, at art. 2.1.

⁷¹ *Id.* at 4.2, 4.9. The United States, during its participation in the Paris Agreement, established an NDC with an economy-wide target of reducing its net greenhouse gas emissions by 61-66 percent below 2005 levels in 2035. See UNFCCC, *The United States of America—Nationally Determined Contribution*, 2 (2024), available at <https://unfccc.int/sites/default/files/2024-12/United%20States%202035%20NDC.pdf> (last visited Mar. 12, 2026).

⁷² See UNCC, *The Paris Agreement*, <https://unfccc.int/process-and-meetings/the-paris-agreement> (last visited Mar. 12, 2026).

⁷³ UN Treaty Collection, Chapter XXVII: Environment, 7.d, Paris Agreement (Sept. 3, 2016), available at <https://treaties.un.org/doc/Publication/CN/2016/CN.612.2016-Eng.pdf> (last visited Mar. 12, 2026).

Local Government Authority

The Florida Constitution grants county and municipal governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.⁷⁵ Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.⁷⁶ Likewise, municipalities⁷⁷ have those governmental, corporate, and proprietary powers enabling them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.⁷⁸

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.⁷⁹ Special districts are created by general law,⁸⁰ special act,⁸¹ local ordinance,⁸² or by rule of the Governor and Cabinet.⁸³ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁸⁴ As of January 25, 2026, there are 601 active dependent⁸⁵ special districts and 1,486 active independent special districts in Florida.⁸⁶

State Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature “has [preempted](#) a particular subject area” or (2) the local enactment conflicts with a state statute. State preemption precludes a local government from exercising authority in that particular area.⁸⁷

⁷⁴ On November 4, 2019, the U.S. formally notified the UN Secretary General of its withdrawal. Michael, R. Pompeo, U.S. Secretary of State, *On the U.S. Withdrawal from the Paris Agreement*, Nov. 4, 2019, available at <https://2017-2021.state.gov/on-the-u-s-withdrawal-from-the-paris-agreement/> (last visited Mar. 12, 2026). The U.S. rejoined the Agreement on February 19, 2021. Antony J. Blinken, U.S. Secretary of State, *The United States Officially Rejoins the Paris Agreement*, <https://2021-2025.state.gov/the-united-states-officially-rejoins-the-paris-agreement/> (last visited Mar. 12, 2026). On January 20, 2025, President Donald J. Trump issued an executive order directing the withdrawal from the Agreement. Putting America First in International Environmental Agreements, 90 Fed. Reg. 8455 (Jan. 20, 2025), also available at <https://www.whitehouse.gov/presidential-actions/2025/01/putting-america-first-in-international-environmental-agreements/> (last visited Mar. 12, 2026).

⁷⁵ [Art. VIII, s. 1\(f\), Fla. Const.](#)

⁷⁶ [Art. VIII, s. 1\(g\), Fla. Const.](#)

⁷⁷ A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term “municipality” may be used interchangeably with the terms “town,” “city,” and “village.”

⁷⁸ [Art. VIII, s. 2\(b\), Fla. Const.](#) See also [s. 166.021\(1\), F.S.](#)

⁷⁹ See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

⁸⁰ [S. 189.031\(3\), F.S.](#)

⁸¹ *Id.*

⁸² [S. 189.02\(1\), F.S.](#)

⁸³ [S. 190.005\(1\), F.S.](#) See, generally, [s. 189.012\(6\), F.S.](#)

⁸⁴ *Local Gov’t Formation Manual*, p. 56, available at

<https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf> (last visited Mar. 12, 2026).

⁸⁵ Dependent special districts are under some control by a single county or municipality. [S. 189.012\(2\), F.S.](#) An independent special district is any district that is not a dependent special district. [S. 189.012\(3\), F.S.](#) A special district that includes more than one county is independent unless it lies wholly within the boundaries of a single municipality.

⁸⁶ Florida Department of Commerce, Official List of Special Districts,

<https://specialdistrictreports.floridajobs.org/OfficialList/CustomList> (last visited Mar. 12, 2026).

⁸⁷ Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), available at

<https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Mar. 12, 2026).

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.⁸⁸ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.⁸⁹ In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.⁹⁰ In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.⁹¹

⁸⁸ See *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

⁸⁹ *Mulligan*, 934 So. 2d at 1243.

⁹⁰ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

⁹¹ See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).