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2026 Legislature

1
 2 An act relating to prohibited governmental policies
 3 regulating greenhouse gas emissions; creating s.
 4 377.816, F.S.; providing legislative findings;
 5 providing definitions; prohibiting governmental
 6 entities from adopting certain net zero policies;
 7 prohibiting governmental entities from using public
 8 funds in any manner that supports, implements, or
 9 advances certain net zero policies; prohibiting
 10 governmental entities from imposing any charge to
 11 advance certain net zero policies; requiring each
 12 governmental entity to annually submit to the
 13 Department of Revenue a certain affidavit; prohibiting
 14 governmental entities from implementing,
 15 administering, or enforcing certain programs;
 16 providing construction; providing applicability;
 17 amending ss. 125.01, 166.021, and 166.201, F.S.;
 18 conforming provisions to changes made by the act;
 19 providing an effective date.
 20

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

22
 23 Section 1. Section 377.816, Florida Statutes, is created
 24 to read:
 25 377.816 Prohibiting the adoption or implementation of net

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26 zero policies by governmental entities.-

27 (1) The Legislature finds that net zero policies, carbon
 28 taxes and assessments, and emission trading programs are
 29 detrimental to this state's energy security and economic
 30 interests and inconsistent with the energy policy and the
 31 environmental policy of this state.

32 (2) As used in this section:

33 (a) "Emission trading program," also known as a "cap-and-
 34 tax" or "cap-and-trade" program, means any program that
 35 establishes a greenhouse gas emission limit for a particular
 36 activity and provides for the allocation, auction, sale, or
 37 transfer of emissions allowances or credits among pollutant
 38 sources as a means of compliance with such limits.

39 (b) "Governmental entity" has the same meaning as in s.
 40 215.985.

41 (c) "Greenhouse gas" means any of the following gases, or
 42 a combination thereof:

- 43 1. Carbon dioxide.
- 44 2. Methane.
- 45 3. Nitrous oxide.
- 46 4. Hydrofluorocarbons.
- 47 5. Perfluorocarbons.
- 48 6. Sulphur hexafluoride.
- 49 7. Nitrogen trifluoride.

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50 (d) "Public funds" means all moneys under the jurisdiction
 51 or control of a governmental entity.

52 (e) "Net zero policy" means any policy, program, or
 53 initiative designed to achieve a balance between total amount of
 54 greenhouse gas emitted into the atmosphere with an equal amount
 55 removed from the atmosphere.

56 (3) A governmental entity may not enact or enforce, or
 57 require any person or legal entity to enact or enforce, a
 58 resolution, ordinance, rule, code, or policy to support a net
 59 zero policy, including as a condition of any contract or
 60 agreement between the governmental entity and a third party.

61 (4) A governmental entity may not use, pay, or distribute
 62 public funds in any manner that supports, implements, or
 63 advances a net zero policy by doing any of the following:

64 (a) Providing procurement or purchasing preferences for a
 65 product or vendor on the basis that the procurement or purchase
 66 of such product or from such vendor will advance or support a
 67 net zero policy.

68 (b) Providing procurement or purchasing preferences for
 69 any goods, including, but not limited to, vehicles, equipment,
 70 appliances, or other products, based solely on the types or
 71 sources of fuel used by, or used in the production of, such
 72 goods.

73 (c) Using public funds to pay dues, membership fees,
 74 subscription fees, or charitable contributions to any

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75 | nongovernmental agency or other private organization, including
 76 | any trade association or organization, that:
 77 | 1. Adopts a net zero policy;
 78 | 2. Requires adoption of, or any commitment to support, a
 79 | net zero policy as a condition of membership or of receiving any
 80 | benefit of membership; or
 81 | 3. Uses such funds to advocate for a net zero policy.
 82 | (5) (a) A governmental entity may not impose any charge,
 83 | including a tax, fee, penalty, offset, or assessment, to advance
 84 | a net zero policy, including, but not limited to:
 85 | 1. A charge based on the carbon content of a fuel.
 86 | 2. A charge based on the emission of greenhouse gases that
 87 | results from the use, production, or consumption of any product,
 88 | service, or activity.
 89 | 3. A charge assessed in connection with an emission
 90 | trading program.
 91 | (b) Each governmental entity shall annually submit to the
 92 | Department of Revenue an affidavit, signed under penalty of
 93 | perjury by an authorized official of the governmental entity,
 94 | attesting to compliance with this subsection.
 95 | (6) A governmental entity may not implement, administer,
 96 | or enforce any program or join any organization that has a
 97 | policy of:
 98 | (a) Establishing a statewide, regional, or geographic
 99 | limit or cap on the amount of greenhouse gas emissions that

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100 results from the use, production, or consumption of any product
 101 or from any activity.

102 (b) Requiring or incentivizing a governmental entity or
 103 any person in this state to participate in an emissions trading
 104 program.

105 (7) The restrictions of this section do not prevent:

106 (a) The board of a municipality or governmental entity
 107 which owns or operates and directly controls an electric or
 108 natural gas utility from passing rules, regulations, or policies
 109 governing the utility.

110 (b) The Public Service Commission from exercising its
 111 powers and duties to regulate public utilities in accordance
 112 with applicable law.

113 (c) A governmental entity from otherwise exercising its
 114 authority as provided by general law, including by implementing
 115 energy policies consistent with the energy policies set forth in
 116 s. 377.601 or implementing local and regional air and water
 117 pollution control programs consistent with the environmental
 118 policies set forth in s. 403.021.

119 (8) This section applies to any proposed action by a
 120 governmental entity on or after July 1, 2026, that is not
 121 otherwise permissible by general law.

122 Section 2. Paragraphs (g), (h), and (r) of subsection (1)
 123 of section 125.01, Florida Statutes, are amended to read:

124 125.01 Powers and duties.—

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125 (1) The legislative and governing body of a county shall
 126 have the power to carry on county government. To the extent not
 127 inconsistent with general or special law, this power includes,
 128 but is not restricted to, the power to:

129 (g) Prepare and enforce comprehensive plans for the
 130 development of the county, to the extent such plans do not
 131 contain the prohibitions in s. 377.816.

132 (h) Establish, coordinate, and enforce zoning and such
 133 business regulations as are necessary for the protection of the
 134 public, to the extent such zoning and business regulations do
 135 not include the prohibitions in s. 377.816.

136 (r) Levy and collect taxes, both for county purposes and
 137 for the providing of municipal services within any municipal
 138 service taxing unit, and special assessments; borrow and expend
 139 money; and issue bonds, revenue certificates, and other
 140 obligations of indebtedness, excluding the prohibitions in s.
 141 377.816, which power shall be exercised in such manner, and
 142 subject to such limitations, as may be provided by general law.
 143 A ~~There shall be no~~ referendum is not required for the levy by a
 144 county of ad valorem taxes, both for county purposes and for the
 145 providing of municipal services within any municipal service
 146 taxing unit.

147 1. Notwithstanding any other provision of law, a county
 148 may not levy special assessments on lands classified as
 149 agricultural lands under s. 193.461 unless the revenue from such

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150 assessments has been pledged for debt service and is necessary
 151 to meet obligations of bonds or certificates issued by the
 152 county which remain outstanding on July 1, 2023, including
 153 refundings thereof for debt service savings where the maturity
 154 of the debt is not extended. For bonds or certificates issued
 155 after July 1, 2023, special assessments securing such bonds may
 156 not be levied on lands classified as agricultural under s.
 157 193.461.

158 2. ~~The provisions of~~ Subparagraph 1. does ~~de~~ not apply to
 159 residential structures and their curtilage.

160 Section 3. Subsection (2) of section 166.021, Florida
 161 Statutes, is amended to read:

162 166.021 Powers.—

163 (2) "Municipal purpose" means any activity or power which
 164 may be exercised by the state or its political subdivisions. The
 165 term does not include any activity or power exercised relating
 166 to the prohibitions in s. 377.816.

167 Section 4. Section 166.201, Florida Statutes, is amended
 168 to read:

169 166.201 Taxes and charges.—Subject to the prohibitions in
 170 s. 377.816, a municipality may raise, by taxation and licenses
 171 authorized by the constitution or general law, or by user
 172 charges or fees authorized by ordinance, amounts of money which
 173 are necessary for the conduct of municipal government and may
 174 enforce their receipt and collection in the manner prescribed by

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175 | ordinance not inconsistent with law.

176 | Section 5. This act shall take effect July 1, 2026.