The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL:	SB 1628
INTRODUCER:	Senator Avila
SUBJECT:	Net-zero Policies by Governmental Entities
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Pre-meeting**
2.			FT	
3.			AP	

I. Summary:

SB 1628 provides a legislative finding that net-zero policies, carbon taxes or assessments, and carbon emissions trading programs are detrimental to the state's energy security and economic interests. The bill prohibits governmental entities from adopting net-zero policies, including through comprehensive plans, land development regulations, transportation plans, or any other government policy or procedure. The bill defines "net-zero policy" to include any target, threshold, action, initiative, framework, requirement, or policy related to reducing the use of carbon-intensive products or activities, including policies related to achieving goals under the Paris Agreement. The bill defines "carbon-intensive products" and "carbon-intensive activities" to include products and activities related to transportation, agricultural, energy production and transmission, hunting, mining, and manufacturing of products to support the continued livelihood of mankind.

The bill prohibits governmental entities from expending funds to implement, support, or advance net-zero policies, including through procurement preferences, vehicle purchasing decisions based solely on the fuel source, or payment of dues to organizations that support net-zero policies. The bill further prohibits the imposition of taxes, fees, penalties, charges, offsets, or assessments to advance a net-zero policy. Governmental entities are also prohibited from implementing, administering, or enforcing cap-and-trade or carbon emissions trading programs, including establishing emissions caps, allocating or trading emissions allowances or credits, or requiring participation in such programs.

The bill provides that, beginning January 1, 2027, the Department of Environmental Protection must annually require all governmental entities to submit a sworn affidavit attesting to compliance with these requirements. The bill applies to proposed actions by governmental entities on or after July 1, 2026.

II. Present Situation:

Greenhouse gases trap heat in the atmosphere and warm the surface of the earth. There is broad scientific consensus that if the accumulation of greenhouse gases in the atmosphere continues, the risk of more severe climate impacts will increase,[1] including biodiversity loss, threats to human health, reduced food and water security, and more frequent and severe extreme weather events.[2] Every additional degree of warming will intensify multiple and concurrent hazards.[3] Near-term actions that limit warming to close to 1.5 degrees Celsius would be expected to substantially reduce projected losses and damages to human systems and ecosystems related to climate change.[4]

Mechanisms used to achieve emissions reductions include net-zero policies, carbon taxes, carbon emissions trading programs, and other green initiatives.

Net-Zero

"Net-zero" refers to a scenario where human-caused greenhouse gas emissions from sources such as fossil fuel combustion and deforestation are offset by carbon dioxide (CO_2) removal from the atmosphere.[5]

When the amount of CO_2 emitted is equal to the amount of CO_2 removed from the atmosphere, there is no net increase of CO_2 in the atmosphere.[6] This balance is referred to as net-zero CO_2. However, CO_2 is not the only greenhouse gas that contributes to climate change. Human activities also emit other greenhouse gases, including methane, nitrous oxide, and hydrofluorocarbons, all of which contribute to warming. To compare the climate impacts of different greenhouse gases, their warming effects are commonly expressed relative to CO_2 using a metric known as "CO_2 equivalent."[7]

Net-zero greenhouse gas emissions means the combined net emissions of all greenhouse gases, expressed in CO_2 equivalents, equal zero.[8] However, because there are currently no commercially available methods to remove non-CO_2 greenhouse gases from the atmosphere, achieving net-zero greenhouse gases emissions requires additional removal of CO_2 to counterbalance emissions of other greenhouse gases.[9] Net-zero greenhouse gas emissions is therefore achieved when total greenhouse gas emissions, measured in CO_2 equivalents, are offset

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[1] U.S. Congressional Research Service, *Climate Change: What Are Net-Zero Emissions?*, 1 (2024), *available at* https://www.congress.gov/crs-product/IF12753.
[2] *See* Intergovernmental Panel on Climate Change (IPCC), *Synthesis Report of the IPCC Sixth Assessment Report (AR6): Summary for Policymakers*, 4-18 (2023), *available at* https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf. *See generally* Levent Kutlu, *Greenhouse Gas Emission Efficiencies of World Countries*, 1 (2020), *available at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7728308/pdf/ijerph-17-08771.pdf.
[3] IPCC, *AR6 Summary for Policymakers* at 12.
[4] *Id.*
[5] U.S. Congressional Research Service, *Climate Change: What Are Net-Zero Emissions?* at 1.
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] *Id.*

by CO_2 removal from the atmosphere. Methods of CO_2 removal include natural absorption and storage in forests and other ecosystems as well as technological removal and storage.[10]

An increasing number of countries, cities, businesses, and institutions are pledging to achieve net-zero emissions.[11] These net-zero initiatives include objectives such as transitioning to electric fleet vehicles, encouraging utilization of electric bikes and scooters, increasing greenspaces, installing solar panels on public buildings or parking structures, and requiring energy efficient standards for buildings.[12]

Carbon Taxes and Carbon Emissions Trading Programs

Carbon pricing is a fee on each unit of CO_2 or other greenhouse gas emissions released into the atmosphere. There are two primary methods of pricing carbon: carbon taxes and carbon emissions programs like cap-and-trade programs.[13] 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.[14] The price is usually expressed as a monetary unit per ton of CO_2 equivalent.[15]

In a cap-and-trade system, a government entity or other authority sets an emissions cap and issues a fixed quantity of emission allowances.[16] 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.[17] Cap-and-trade programs have been implemented in several U.S. jurisdictions.[18] For example, the Regional Greenhouse Gas Initiative is a cooperative effort among several participating U.S. states to cap and reduce power sector CO_2 emissions.[19] The

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[10] *Id.*
[11] United Nations (UN), *Net Zero*, https://www.un.org/en/climatechange/net-zero-coalition (last visited Jan. 21, 2026).
[12] *See, e.g.*, City of Miami, *Miami Forever Carbon Neutral: Executive Summary*, 5-6, *available at* https://www.miami.gov/files/d4782104-3340-460c-a086-6a466c00a3a1/Miami-Forever-Carbon-Neutral-Executive-Summary.pdf; City of Fort Lauderdale, *Net Zero Plan*, 8-21 (2025), *available at* https://www.fortlauderdale.gov/government/departments-i-z/parks-recreation/sustainability/sustainability-climate-resilience/net-zero; City of Miramar, *Race to Zero*, https://www.miramarfl.gov/Departments/Building-Planning-Zoning/Sustainable-Living/Race-to-Zero (last visited Jan. 22, 2026); City of Boca Raton, *Race to Zero*, https://www.myboca.us/2192/Race-to-Zero (last visited Jan. 22, 2026); Broward County, *Broward County Net-Zero Plan*, https://www.broward.org/Climate/Pages/netzeroplan.aspx (last visited Jan. 22, 2026).
[13] Columbia University, School of International and Public Affairs, *What You Need to Know About a Federal Carbon Tax in the United States* (2019), https://www.energypolicy.columbia.edu/publications/what-you-need-to-know-about-a-federal-carbon-tax-in-the-united-states/.
[14] *See* World Research Institute, *Carbon Tax vs. Cap-and-Trade: What's a Better Policy to Cut Emissions*, https://www.wri.org/insights/carbon-tax-vs-cap-and-trade-whats-better-policy-cut-emissions (last visited Jan. 22, 2026).
[15] World Bank Group, *State and Trends of Carbon Pricing*, 15 (2024), *available at* https://openknowledge.worldbank.org/entities/publication/b0d66765-299c-4fb8-921f-61f6bb979087.
[16] Michigan State University, *State Cap-and-Trade Programs*, 2 (2023), *available at* https://www.canr.msu.edu/fccp/Uploads/Files/2b.%20Cap%20and%20Trade_FINAL_v2.pdf. *See generally* EPA, *What is Emissions Trading?*, https://www.epa.gov/emissions-trading/what-emissions-trading (last visited Jan. 21, 2026).
[17] *Id.*
[18] States with cap-and-trade programs include California, Oregon, Washington, and those states participating in the Regional Greenhouse Gas Initiative. Michigan State University, *State Cap-and-Trade Programs* at 7-13.
[19] Regional Greenhouse Gas Initiative (RGGI), *Elements of RGGI*, https://www.rggi.org/program-overview-and-design/elements (last visited Jan. 21, 2026). Participating states include Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. *Id.*

initiative establishes a regional CO_2 emissions cap, implemented through individual state CO_2 budget trading programs, and requires regulated fossil-fuel-fired power plants to hold allowances equal to their emissions. Allowances are distributed through quarterly regional auctions, with proceeds used by states to support energy efficiency, renewable energy, and other consumer benefit programs.[20]

There are 75 carbon tax and emissions trading schemes in operation worldwide, covering approximately 24 percent of global emissions.[21]

Green Initiatives and Sustainability Plans

Many cities and counties throughout Florida have adopted green initiatives and plans to advance environmental sustainability by reducing emissions, conserving resources, and minimizing waste and pollution. For example, Leon County has adopted an Integrated Sustainability Action Plan with the goal of reducing greenhouse gas emissions from county operations by 30 percent by 2030, primarily through energy efficiency in county buildings, fleet electrification and fuel efficiency, waste diversion, sustainable purchasing, and public education on energy efficiency.[22] The City of Doral's sustainability plan sets a goal of reducing greenhouse gas emissions by 10-15 percent by 2050 through preserving greenspaces, enhancing public transportation, and creating energy efficiency standards for buildings, transportation, and infrastructure.[23] Alachua County's Climate Action Plan includes a goal to reduce greenhouse gas emissions by 80 percent by 2050, with objectives that include strengthening food system security, supporting local production, improving energy efficiency and renewable energy use, protecting public health and critical infrastructure, conserving natural and water resources, enhancing waste management, and promoting land-use and transportation strategies that increase climate resilience.[24]

Regional plans such as the Southeast Florida Priority Climate Action Plan establish greenhouse gas emission reduction targets for participating counties and outline strategies to achieve those targets. 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.[25]

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[20] *Id.*
[21] World Bank Group, *State and Trends of Carbon Pricing*, 9, 18, 22 (2024), *available at* https://openknowledge.worldbank.org/entities/publication/b0d66765-299c-4fb8-921f-61f6bb979087.
[22] Leon County, *Integrated Sustainability Action Plan*, 5-24 (2019), *available at* https://cms.leoncountyfl.gov/Portals/0/DeptFiles/Sustain/Docs/isap.pdf.
[23] City of Doral, *Resolution No. 24-222*, Ex. A (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.
[24] 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.
[25] Southeast Florida Regional Climate Change Compact, *Southeast Florida Priority Climate Action Plan*, 27-46 (2024), *available at* https://southeastfloridaclimatecompact.org/wp-content/uploads/2024/03/Southeast-Florida-Priority-Climate-Action-Plan_FinaL2024.pdf. The Southeast Florida Regional Climate Change Compact is a partnership between Broward, Miami-Dade, Monroe, and Palm Beach counties.

These initiatives often include a mix of planning commitments, regulatory measures, voluntary programs, and investments in renewable energy, energy efficiency, and waste diversion.

Paris Agreement

Goals for global temperature stabilization have been set by the Paris Agreement. The Paris Agreement is an international treaty to strengthen the global response to the threat of climate change, including through the reduction of greenhouse gas emissions.[26] The Agreement was adopted by 195 parties at the United Nations Climate Change Conference in Paris on December 12, 2015, and entered into force on November 4, 2016.[27]

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.[28] 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.[29] In 2024, the U.S. announced an updated NDC establishing an economy-wide target of reducing its net greenhouse gas emissions by 61-66 percent below 2005 levels in 2035.[30]

The U.S. joined the Paris Agreement in September 2016[31] but subsequently withdrew twice.[32] Researchers using varying techniques and different assumptions have found differing potential effects on the U.S. economy and global emissions as a result of withdrawal from the Paris Agreement.[33]

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[26] Paris Agreement to the United Nations Framework Convention on Climate Change (UNFCCC), art. 2 (Dec. 12, 2015), T.I.A.S. No. 16-1104, *available at* https://unfccc.int/sites/default/files/english_paris_agreement.pdf. The Paris Agreement is part of the UNFCCC, a framework established in 1992 for coordinated global action to address climate change. UN Climate Change (UNCC), *The Convention*, https://unfccc.int/resource/bigpicture/ (last visited Jan. 21, 2026).

[27] *See* UNCC, *The Paris Agreement*, https://unfccc.int/process-and-meetings/the-paris-agreement (last visited Jan. 21, 2026).

[28] UNFCCC Paris Agreement, art. 2.1.

[29] UNFCCC Paris Agreement, art. 4.2, 4.9.

[30] 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. The U.S. met and surpassed its 2020 target of net economy-wide emissions reductions in the range of 17 percent below 2005 levels, its initial Paris Agreement target set in 2015. *Id.* at 3.

[31] 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.

[32] On November 4, 2019, the U.S. formally notified the UN Secretary General of its withdrawal. U.S. Department of State, *On the U.S. Withdrawal from the Paris Agreement*, https://2017-2021.state.gov/on-the-u-s-withdrawal-from-the-paris-agreement/. The withdrawal took effect on November 4, 2020, pursuant to article 28 of the Paris Agreement, which states that withdrawal takes effect one year after notification of withdrawal. *See* UNFCCC Paris Agreement, art. 28.2. The U.S. rejoined the Agreement on February 19, 2021. U.S. Department of State, *The United States Officially Rejoins the Paris Agreement*, https://2021-2025.state.gov/the-united-states-officially-rejoins-the-paris-agreement/. On January 20, 2025, President Trump issued an executive order directing the withdrawal from the Agreement. 90 Fed. Reg. 8455 (Jan. 30, 2025).

[33] U.S. Congressional Research Service, *U.S. Withdrawal from the Paris Agreement: Process and Potential Effects*, 1, 12-16 (2025) *available at* https://www.congress.gov/crs-product/R48504.

Florida's Energy Policy

The purpose of the state's 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.[34] The Legislature intends that governance of the state's energy policy be efficiently directed toward achieving this purpose.[35] 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.[36]

In furtherance of the 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.[37]

[34] Section 377.701(1), F.S.
[35] *Id.*
[36] Section 377.601(2), F.S.
[37] *Id*.

III. Effect of Proposed Changes:

Section 1 creates s. 377.817, F.S., regarding net-zero and carbon policies, expenditures, taxes, assessments, and trade programs. The bill provides a legislative finding that net-zero policies, carbon taxes and assessments, and carbon emissions trading programs, commonly known as "cap-and-trade" or "cap-and-tax" programs, are detrimental to the state's energy security and economic interests. The bill provides that it is the policy of this state to govern under the energy policy outlined in s. 377.601, F.S., and to prohibit the adoption or implementation of a net-zero policy by a governmental entity[38] in any way, including through government expenditures, taxes, assessments, or carbon emissions[39] trading programs.

The bill prohibits a governmental entity from not adopting, or requiring a person to adopt, a net-zero policy. This prohibition includes references to or the inclusion of such policies in comprehensive plans, land development regulations, transportation plans, or any published or adopted government policy or procedure.

The bill defines "net-zero policy" as any target, threshold, initiative, action, framework, requirement, or policy related to reducing the use of a carbon-intensive product or activity, including:

- A requirement imposed by a governmental entity which requires the governmental entity to meet a statewide, regional, or geographically specific reduction in carbon dioxide or greenhouse gas[40] emissions equal to zero or when annual anthropogenic emissions of greenhouse gases or carbon dioxide equivalent emissions[41] to the atmosphere are balanced by removals over a specific period.
- A requirement imposed by a governmental entity which requires a person or business activity, including a carbon-intensive activity, to do any of the following:
  - Meet a specific reduction in greenhouse gas or carbon dioxide equivalent emissions equal to zero or when annual anthropogenic emissions of greenhouse gases into the atmosphere are balanced by removals over a specific period.
  - Meet any goal of the Paris Agreement, defined as the resolution adopted by the United Nations Framework Convention on Climate Change's 21st Conference of the Parties in Paris, France; or any similar initiative adopted by the Federal Government or any geopolitical organization affiliated with the World Bank or World Economic Forum related to such.
  - Support the goal of a regional governing authority or multistate entity that commits to a reduction in greenhouse gas emissions equal to zero or when annual anthropogenic emissions of greenhouse gases to the atmosphere are balanced by removals over a specific period.

[38] The bill defines "governmental entity" as the state or any political subdivision thereof, including the executive, legislative, and judicial branches of government; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; and any agencies subject to ch. 377, F.S., regarding energy resources. The term also includes community development districts, improvement districts, and homeowners' associations.
[39] The bill defines "emissions" as the release of greenhouse gases into the atmosphere or air by a person.
[40] The bill defines "greenhouse gas" as carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrogen trifluoride.
[41] The bill defines "carbon dioxide equivalent emissions" as the number of metric tons of carbon dioxide emissions with the same global warming potential as one metric ton of another greenhouse gas.

- Restrict a carbon-intensive activity from which a person would not otherwise be restricted, for the sole purpose of meeting a net-zero policy. This may not be construed to legalize an otherwise illegal action by a person.
- Prohibit the use, sale, purchase, or exchange of a carbon-intensive product or carbon for the sole purpose of meeting a net-zero policy. This may not be construed to legalize an otherwise illegal action by a person.

The bill defines "carbon dioxide" as a naturally occurring gas that occurs as a byproduct of burning fossil fuels, such as oil, gas, or coal; a byproduct of burning biomass; a byproduct of land use changes; or a byproduct of industrial processes.

The bill defines "carbon-intensive product" as any of the following, including a product containing a component of such:

- Products containing iron; steel; steel mill products, including pipe and tube; aluminum; cement; glass, including flat, container, and specialty glass and fiberglass; oil or a component thereof; minerals and metals; pulp; and paper.
- An agricultural commodity or product, whether raw or processed, including a commodity or product derived from livestock which is marketed in the United States for human or livestock consumption. The term also includes agricultural, aquacultural, horticultural, viticultural, and dairy products; livestock and the products thereof; the products of poultry and bee raising; the edible products of forestry; and products raised or produced on farms and the processed or manufactured products thereof transported or intended to be transported in interstate or foreign commerce.

The bill defines "carbon-intensive activity" as any business activity[42] or other activity performed by a person which supports any of the following:

- The movement of people or goods through methods of transportation, including automobiles, commercial vehicles, freight haulers, aircraft, vessels, pipelines, delivery devices, and similar methods, and the use of energy resources to power or operate such transportation methods.
- The creation or transmission of energy resources for the following commercial and residential uses: electricity; manufacturing; sustaining human life, including refrigeration and cooling in enclosed or partially enclosed spaces; waste management; or the operation or manufacturing of appliances for human use.
- The performance of activities to support the production of a carbon-intensive product, including farming, agriculture, hunting and gathering, or the taking of fish and wildlife to sustain human life.
- The operation or purchase of a vessel for transporting a person or an object by use of an energy source.
- The use of methods authorized by authorities to take fish and wildlife resources.
- The mining, exploration, or manufacturing of products to support the continued livelihood of mankind.

[42] The bill defines "business activity" as any activity or series of activities that (1) involve the emission of a greenhouse gas or a combination thereof; and (2) form a single undertaking or enterprise with regard to any relevant circumstances.

The bill prohibits a governmental entity from expending government funds[43] to a person in a manner that supports, implements, or advances a net-zero policy, including by doing any of the following:

- Providing procurement or purchasing preferences for non-carbon-intensive products.
- Instituting purchasing preferences for passenger vehicles, commercial vehicles, or heavy equipment based solely on the fuel source of such vehicles or equipment.
- Expending government funds to pay dues for a nongovernmental organization, including a trade association or league of government entities, that has adopted or supports a net-zero policy.

The bill prohibits a governmental entity from imposing a tax, a fee, a penalty, a charge, an offset, or an assessment to advance a net-zero policy. This includes, but is not limited to, a tax, a fee, a penalty, a charge, an offset, or an assessment on any of the following:

- The carbon content of a fuel.
- The emission of carbon dioxide or other greenhouse gas which results from the use, production, or consumption of a good or service.
- A carbon-intensive activity.
- The use, sale, purchase, or exchange of a carbon-intensive product or carbon-intensive activity to advance a net-zero policy.

The bill provides that a governmental entity may not implement, administer, or enforce a program that has the effect of doing any of the following:

- Establishing a statewide, regional, or geographic specific limit or cap on the amount of emissions of carbon dioxide or other greenhouse gas which result from the use, production, or consumption of a carbon-intensive product or carbon-intensive activity.
- Providing for the allocation, auction, or transfer of emissions allowances or credits among pollutant sources as a means of compliance with emissions limits.
- Requiring a governmental entity or a person within this state to participate in a carbon emissions trading program.

The bill provides that, beginning January 1, 2027, the Department of Environmental Protection must annually require all governmental entities to submit an affidavit signed under penalty of perjury by an authorized official of the governmental entity attesting compliance with this section.

The bill provides that this section applies to a proposed action by a governmental entity on or after July 1, 2026, which is otherwise not allowable by law.

Section 2 amends s. 125.01, F.S., regarding powers and duties of county governments. The bill provides that county comprehensive plans and zoning and business regulations must comply with this bill. The bill provides that counties may not levy and collect taxes that are prohibited by this bill.

[43] The bill defines "government funds" as state funds, as that term is described in s. 215.31, F.S., and any moneys of the state or of any Florida College System institution or state university, county, school district, political subdivision, special district, metropolitan government, or municipality, including agencies, boards, bureaus, commissions, and institutions of any of the foregoing, or of any court, and includes the moneys of all county officers, including constitutional officers.

Section 3 amends s. 166.021, F.S., regarding powers of municipalities. Currently, "municipal purpose" is defined as any activity or power which may be exercised by the state or its political subdivisions. The bill specifies that this term does not include the prohibitions listed in this bill.

Section 4 amends s. 166.201, F.S., regarding taxes and charges by municipalities. The bill prohibits a municipality from raising money through taxation and licenses or other charges or fees that are inconsistent with this bill.

Section 5 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on governmental entities to the extent that it limits the use of existing or future net-zero policies that could affect agency planning and procurement decisions.

VI. Technical Deficiencies:

The bill's definition for "carbon dioxide" likely captures more chemicals than carbon dioxide. A definition is likely unnecessary. If it is defined, it should be defined by its chemical composition.

In addition, it is unclear whether lines 199-201 of the bill are intended to allow existing policies to remain in effect. As written, the bill would apply to "a proposed action" by a government entity after July 1, 2026, which could be interpreted to include actions related to implementing and enforcing existing policies.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.01, 166.021, and 166.201.

This bill creates section 377.817 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.