

By Senator Avila

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A bill to be entitled  
An act relating to net-zero policies by governmental entities; creating s. 377.817, F.S.; defining terms; providing legislative findings; providing a declaration of state policy; prohibiting governmental entities from adopting or requiring the adoption of net-zero policies; prohibiting governmental entities from expending government funds to support, implement, or advance net-zero policies; prohibiting governmental entities from imposing taxes, fees, penalties, charges, offsets, or assessments to advance net-zero policies; prohibiting governmental entities from implementing, administering, or enforcing a program that functions as a cap-and-trade program; requiring the Department of Environmental Protection to require a specified annual affidavit from all governmental entities; providing applicability; amending ss. 125.01, 166.021, and 166.201, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 377.817, Florida Statutes, is created to read:

377.817 Net zero and carbon policies, expenditures, taxes, assessments, or trade programs; prohibition.-

(1) DEFINITIONS.—As used in this section, the term:

(a) "Business activity" means any activity or series of

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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.

(b) "Carbon dioxide" means 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.

(c) "Carbon dioxide equivalent emissions" means the number of metric tons of carbon dioxide emissions with the same global warming potential as one metric ton of another greenhouse gas.

(d) "Carbon-intensive activity" means any business activity or other activity performed by a person which supports any of the following:

1. 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.

2. 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.

3. 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

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59 sustain human life.

60 4. The operation or purchase of a vessel for transporting a  
61 person or an object by use of an energy source.

62 5. The use of methods authorized by authorities to take  
63 fish and wildlife resources.

64 6. The mining, exploration, or manufacturing of products to  
65 support the continued livelihood of mankind.

66 (e) "Carbon-intensive product" means any of the following,  
67 including a product containing a component of such:

68 1. Products containing iron; steel; steel mill products,  
69 including pipe and tube; aluminum; cement; glass, including  
70 flat, container, and specialty glass and fiberglass; oil or a  
71 component thereof; minerals and metals; pulp; and paper.

72 2. An agricultural commodity or product, whether raw or  
73 processed, including a commodity or product derived from  
74 livestock which is marketed in the United States for human or  
75 livestock consumption. The term also includes agricultural,  
76 aquacultural, horticultural, viticultural, and dairy products;  
77 livestock and the products thereof; the products of poultry and  
78 bee raising; the edible products of forestry; and products  
79 raised or produced on farms and the processed or manufactured  
80 products thereof transported or intended to be transported in  
81 interstate or foreign commerce.

82 (f) "Emissions" means the release of greenhouse gases into  
83 the atmosphere or air by a person.

84 (g) "Governmental entity" means the state or any political  
85 subdivision thereof, including the executive, legislative, and  
86 judicial branches of government; the independent establishments  
87 of the state, counties, municipalities, districts, authorities,

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boards, or commissions; and any agencies subject to this chapter. The term also includes community development districts, improvement districts, and homeowners' associations.

(h) "Government funds" means state funds, as that term is described in s. 215.31, 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.

(i) "Greenhouse gas" means any of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrogen trifluoride.

(j) "Net-zero policy" means any target, threshold, initiative, action, framework, requirement, or policy related to reducing the use of a carbon-intensive product or activity, including:

1. 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 emissions equal to zero or when annual anthropogenic emissions of greenhouse gases or carbon dioxide equivalent emissions to the atmosphere are balanced by removals over a specific period.

2. 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:

a. Meet a specific reduction in greenhouse gas or carbon

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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.

b. 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.

c. 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.

d. 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.

e. 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.

(2) DECLARATION OF POLICY.—The Legislature finds 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. It is the policy of this state to govern under the energy policy outlined in s. 377.601 and to prohibit the adoption or implementation of a net-zero policy by

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146 a governmental entity in any way, including through government  
147 expenditures, taxes, assessments, or carbon emissions trading  
148 programs.

149 (3) PROHIBITED POLICIES.—A governmental entity may not  
150 adopt, or require a person to adopt, a net-zero policy. This  
151 prohibition includes references to or the inclusion of such  
152 policies in comprehensive plans, land development regulations,  
153 transportation plans, or any published or adopted government  
154 policy or procedure.

155 (4) PROHIBITED EXPENDITURES.—A governmental entity may not  
156 expend government funds to a person in a manner that supports,  
157 implements, or advances a net-zero policy, including by doing  
158 any of the following:

159 (a) Providing procurement or purchasing preferences for  
160 non-carbon-intensive products.

161 (b) Instituting purchasing preferences for passenger  
162 vehicles, commercial vehicles, or heavy equipment based solely  
163 on the fuel source of such vehicles or equipment.

164 (c) Expending government funds to pay dues for a  
165 nongovernmental organization, including a trade association or  
166 league of government entities, that has adopted or supports a  
167 net-zero policy.

168 (5) PROHIBITED TAXATION AND ASSESSMENTS.—A governmental  
169 entity may not impose a tax, a fee, a penalty, a charge, an  
170 offset, or an assessment to advance a net-zero policy. This  
171 includes, but shall not be limited to, a tax, a fee, a penalty,  
172 a charge, an offset, or an assessment on any of the following:

173 (a) The carbon content of a fuel.

174 (b) The emission of carbon dioxide or other greenhouse gas

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175 which results from the use, production, or consumption of a good  
176 or service.

177 (c) A carbon-intensive activity.

178 (d) The use, sale, purchase, or exchange of a carbon-  
179 intensive product or carbon-intensive activity to advance a net-  
180 zero policy.

181 (6) PROHIBITED CAP-AND-TRADE PROGRAMS.—A governmental  
182 entity may not implement, administer, or enforce a program that  
183 has the effect of doing any of the following:

184 (a) Establishing a statewide, regional, or geographic  
185 specific limit or cap on the amount of emissions of carbon  
186 dioxide or other greenhouse gas which result from the use,  
187 production, or consumption of a carbon-intensive product or  
188 carbon-intensive activity.

189 (b) Providing for the allocation, auction, or transfer of  
190 emissions allowances or credits among pollutant sources as a  
191 means of compliance with emissions limits.

192 (c) Requiring a governmental entity or a person within this  
193 state to participate in a carbon emissions trading program.

194 (7) AFFIDAVIT.—Beginning January 1, 2027, the Department of  
195 Environmental Protection shall annually require all governmental  
196 entities to submit an affidavit signed under penalty of perjury  
197 by an authorized official of the governmental entity attesting  
198 compliance with this section.

199 (8) APPLICABILITY.—This section applies to a proposed  
200 action by a governmental entity on or after July 1, 2026, which  
201 is otherwise not allowable by law.

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

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125.01 Powers and duties.—

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

(g) Prepare and enforce comprehensive plans for the development of the county. Such plans must comply with s. 377.817.

(h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public. Such zoning and business regulations must comply with s. 377.817.

(r) Except as prohibited in s. 377.817, levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit.

1. Notwithstanding any other provision of law, a county may not levy special assessments on lands classified as agricultural lands under s. 193.461 unless the revenue from such assessments has been pledged for debt service and is necessary to meet obligations of bonds or certificates issued by the county which remain outstanding on July 1, 2023, including refundings thereof for debt service savings where the maturity of the debt is not



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extended. For bonds or certificates issued after July 1, 2023,  
special assessments securing such bonds may not be levied on  
lands classified as agricultural under s. 193.461.

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

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

166.021 Powers.—

(2) "Municipal purpose" means any activity or power which  
may be exercised by the state or its political subdivisions. The  
term does not include the prohibitions listed in s. 377.817.

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

166.201 Taxes and charges.—Except as prohibited in s.  
377.817, a municipality may raise, by taxation and licenses  
authorized by the constitution or general law, or by user  
charges or fees authorized by ordinance, amounts of money which  
are necessary for the conduct of municipal government and may  
enforce their receipt and collection in the manner prescribed by  
ordinance not inconsistent with law.

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