

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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30 activities that:31 1. Involve the emission of a greenhouse gas or a
32 combination thereof; and33 2. Form a single undertaking or enterprise with regard to
34 any relevant circumstances.35 (b) "Carbon dioxide" means a naturally occurring gas that
36 occurs as a byproduct of burning fossil fuels, such as oil, gas,
37 or coal; a byproduct of burning biomass; a byproduct of land use
38 changes; or a byproduct of industrial processes.39 (c) "Carbon dioxide equivalent emissions" means the number
40 of metric tons of carbon dioxide emissions with the same global
41 warming potential as one metric ton of another greenhouse gas.42 (d) "Carbon-intensive activity" means any business activity
43 or other activity performed by a person which supports any of
44 the following:45 1. The movement of people or goods through methods of
46 transportation, including automobiles, commercial vehicles,
47 freight haulers, aircraft, vessels, pipelines, delivery devices,
48 and similar methods, and the use of energy resources to power or
49 operate such transportation methods.50 2. The creation or transmission of energy resources for the
51 following commercial and residential uses: electricity;
52 manufacturing; sustaining human life, including refrigeration
53 and cooling in enclosed or partially enclosed spaces; waste
54 management; or the operation or manufacturing of appliances for
55 human use.56 3. The performance of activities to support the production
57 of a carbon-intensive product, including farming, agriculture,
58 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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117 dioxide equivalent emissions equal to zero or when annual
118 anthropogenic emissions of greenhouse gases into the atmosphere
119 are balanced by removals over a specific period.

120 b. Meet any goal of the Paris Agreement, defined as the
121 resolution adopted by the United Nations Framework Convention on
122 Climate Change's 21st Conference of the Parties in Paris,
123 France; or any similar initiative adopted by the Federal
124 Government or any geopolitical organization affiliated with the
125 World Bank or World Economic Forum related to such.

126 c. Support the goal of a regional governing authority or
127 multistate entity that commits to a reduction in greenhouse gas
128 emissions equal to zero or when annual anthropogenic emissions
129 of greenhouse gases to the atmosphere are balanced by removals
130 over a specific period.

131 d. Restrict a carbon-intensive activity from which a person
132 would not otherwise be restricted, for the sole purpose of
133 meeting a net-zero policy. This may not be construed to legalize
134 an otherwise illegal action by a person.

135 e. Prohibit the use, sale, purchase, or exchange of a
136 carbon-intensive product or carbon for the sole purpose of
137 meeting a net-zero policy. This may not be construed to legalize
138 an otherwise illegal action by a person.

139 (2) DECLARATION OF POLICY.—The Legislature finds that net-
140 zero policies, carbon taxes and assessments, and carbon
141 emissions trading programs, commonly known as "cap-and-trade" or
142 "cap-and-tax" programs, are detrimental to the state's energy
143 security and economic interests. It is the policy of this state
144 to govern under the energy policy outlined in s. 377.601 and to
145 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) Expend 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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204 125.01 Powers and duties.—

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

209 (g) Prepare and enforce comprehensive plans for the
210 development of the county. Such plans must comply with s.
211 377.817.

212 (h) Establish, coordinate, and enforce zoning and such
213 business regulations as are necessary for the protection of the
214 public. Such zoning and business regulations must comply with s.
215 377.817.

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

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

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

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

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

240 166.021 Powers.—

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

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

246 166.201 Taxes and charges.—Except as prohibited in s.
247 377.817, a municipality may raise, by taxation and licenses
248 authorized by the constitution or general law, or by user
249 charges or fees authorized by ordinance, amounts of money which
250 are necessary for the conduct of municipal government and may
251 enforce their receipt and collection in the manner prescribed by
252 ordinance not inconsistent with law.

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