

**By** the Committee on Environment and Natural Resources; and 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; specifying prohibited expenditures; 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 or has such effect; 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:

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30        (a) "Business activity" means any activity or series of  
31        activities that:

32        1. Involve the emission of a greenhouse gas or a  
33        combination thereof; and

34        2. Form a single undertaking or enterprise with regard to  
35        any relevant circumstances.

36        (b) "Carbon dioxide" means a naturally occurring gas  
37        composed of one carbon atom and two oxygen atoms that occurs as  
38        a byproduct of burning fossil fuels, such as oil, gas, or coal;  
39        a byproduct of burning biomass; a byproduct of land use changes;  
40        or a byproduct of industrial processes.

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

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

47        1. The movement of people or goods through methods of  
48        transportation, including automobiles, commercial vehicles,  
49        freight haulers, aircraft, vessels, pipelines, delivery devices,  
50        and similar methods, and the use of energy resources to power or  
51        operate such transportation methods.

52        2. The creation or transmission of energy resources for the  
53        following commercial and residential uses: electricity;  
54        manufacturing; sustaining human life, including refrigeration  
55        and cooling in enclosed or partially enclosed spaces; waste  
56        management; or the operation or manufacturing of appliances for  
57        human use.

58        3. The performance of activities to support the production

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59 of a carbon-intensive product, including farming, agriculture,  
60 hunting and gathering, or the taking of fish and wildlife to  
61 sustain human life.

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

64 5. The use of methods authorized by authorities to take  
65 fish and wildlife resources.

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

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

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

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

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

86 (g) "Governmental entity" means the state or any political  
87 subdivision thereof, including the executive, legislative, and

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88 judicial branches of government; the independent establishments  
89 of the state, counties, municipalities, districts, authorities,  
90 boards, or commissions; and any agencies subject to this  
91 chapter. The term also includes community development districts,  
92 improvement districts, and homeowners' associations.

93 (h) "Government funds" means state funds, as that term is  
94 described in s. 215.31, and any moneys of the state or of any  
95 Florida College System institution or state university, county,  
96 school district, political subdivision, special district,  
97 metropolitan government, or municipality, including agencies,  
98 boards, bureaus, commissions, and institutions of any of the  
99 foregoing, or of any court, and includes the moneys of all  
100 county officers, including constitutional officers.

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

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

108 1. A requirement imposed by a governmental entity which  
109 requires the governmental entity to meet a statewide, regional,  
110 or geographically specific reduction in carbon dioxide or  
111 greenhouse gas emissions equal to zero or when annual  
112 anthropogenic emissions of greenhouse gases or carbon dioxide  
113 equivalent emissions to the atmosphere are balanced by removals  
114 over a specific period.

115 2. A requirement imposed by a governmental entity which  
116 requires a person or business activity, including a carbon-

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117 intensive activity, to do any of the following:

118 a. Meet a specific reduction in greenhouse gas or carbon  
119 dioxide equivalent emissions equal to zero or when annual  
120 anthropogenic emissions of greenhouse gases into the atmosphere  
121 are balanced by removals over a specific period.

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

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

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

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

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

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146 to govern under the energy policy outlined in s. 377.601 and to  
147 prohibit the adoption or implementation of a net-zero policy by  
148 a governmental entity in any way, including through government  
149 expenditures, taxes, assessments, or carbon emissions trading  
150 programs.

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

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

161 (a) Providing procurement or purchasing preferences for  
162 non-carbon-intensive products.

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

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

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

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175                   (a) The carbon content of a fuel.  
176                   (b) The emission of carbon dioxide or other greenhouse gas  
177 which results from the use, production, or consumption of a good  
178 or service.

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

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

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

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

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

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

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

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

206       125.01 Powers and duties.—

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

211       (g) Prepare and enforce comprehensive plans for the  
212 development of the county. Such plans must comply with s.  
213 377.817.

214       (h) Establish, coordinate, and enforce zoning and such  
215 business regulations as are necessary for the protection of the  
216 public. Such zoning and business regulations must comply with s.  
217 377.817.

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

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

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233 remain outstanding on July 1, 2023, including refundings thereof  
234 for debt service savings where the maturity of the debt is not  
235 extended. For bonds or certificates issued after July 1, 2023,  
236 special assessments securing such bonds may not be levied on  
237 lands classified as agricultural under s. 193.461.

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

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

242 166.021 Powers.—

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

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

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

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