

By the Committee on Environment and Natural Resources; and
Senator Avila

592-02265-26

20261628c1

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:

592-02265-26

20261628c1

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

592-02265-26

20261628c1

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

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

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

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

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

1. 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.

2. 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.

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

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

592-02265-26

20261628c1

judicial branches of government; the independent establishments of the state, counties, municipalities, districts, authorities, 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-

592-02265-26

20261628c1

intensive activity, to do any of the following:

a. 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.

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

592-02265-26

20261628c1

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

(3) PROHIBITED POLICIES.—A governmental entity may not adopt, or require 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.

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

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

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

(c) 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.

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

592-02265-26

20261628c1

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.

592-02265-26

20261628c1

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

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

592-02265-26

20261628c1

remain outstanding on July 1, 2023, including refundings thereof for debt service savings where the maturity of the debt is not 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.