

CHAPTER 2026-45

Committee Substitute for House Bill No. 1217

An act relating to prohibited governmental policies regulating greenhouse gas emissions; creating s. 377.816, F.S.; providing legislative findings; providing definitions; prohibiting governmental entities from adopting certain net zero policies; prohibiting governmental entities from using public funds in any manner that supports, implements, or advances certain net zero policies; prohibiting governmental entities from imposing any charge to advance certain net zero policies; requiring each governmental entity to annually submit to the Department of Revenue a certain affidavit; prohibiting governmental entities from implementing, administering, or enforcing certain programs; providing construction; 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 377.816, Florida Statutes, is created to read:

377.816 Prohibiting the adoption or implementation of net zero policies by governmental entities.—

(1) The Legislature finds that net zero policies, carbon taxes and assessments, and emission trading programs are detrimental to this state's energy security and economic interests and inconsistent with the energy policy and the environmental policy of this state.

(2) As used in this section:

(a) "Emission trading program," also known as a "cap-and-tax" or "cap-and-trade" program, means any program that establishes a greenhouse gas emission limit for a particular activity and provides for the allocation, auction, sale, or transfer of emissions allowances or credits among pollutant sources as a means of compliance with such limits.

(b) "Governmental entity" has the same meaning as in s. 215.985.

(c) "Greenhouse gas" means any of the following gases, or a combination thereof:

1. Carbon dioxide.

2. Methane.

3. Nitrous oxide.

4. Hydrofluorocarbons.

5. Perfluorocarbons.

6. Sulphur hexafluoride.

7. Nitrogen trifluoride.

(d) “Public funds” means all moneys under the jurisdiction or control of a governmental entity.

(e) “Net zero policy” means any policy, program, or initiative designed to achieve a balance between total amount of greenhouse gas emitted into the atmosphere with an equal amount removed from the atmosphere.

(3) A governmental entity may not enact or enforce, or require any person or legal entity to enact or enforce, a resolution, ordinance, rule, code, or policy to support a net zero policy, including as a condition of any contract or agreement between the governmental entity and a third party.

(4) A governmental entity may not use, pay, or distribute public funds in any manner that supports, implements, or advances a net zero policy by doing any of the following:

(a) Providing procurement or purchasing preferences for a product or vendor on the basis that the procurement or purchase of such product or from such vendor will advance or support a net zero policy.

(b) Providing procurement or purchasing preferences for any goods, including, but not limited to, vehicles, equipment, appliances, or other products, based solely on the types or sources of fuel used by, or used in the production of, such goods.

(c) Using public funds to pay dues, membership fees, subscription fees, or charitable contributions to any nongovernmental agency or other private organization, including any trade association or organization, that:

1. Adopts a net zero policy;

2. Requires adoption of, or any commitment to support, a net zero policy as a condition of membership or of receiving any benefit of membership; or

3. Uses such funds to advocate for a net zero policy.

(5)(a) A governmental entity may not impose any charge, including a tax, fee, penalty, offset, or assessment, to advance a net zero policy, including, but not limited to:

1. A charge based on the carbon content of a fuel.

2. A charge based on the emission of greenhouse gases that results from the use, production, or consumption of any product, service, or activity.

3. A charge assessed in connection with an emission trading program.

(b) Each governmental entity shall annually submit to the Department of Revenue an affidavit, signed under penalty of perjury by an authorized official of the governmental entity, attesting to compliance with this subsection.

(6) A governmental entity may not implement, administer, or enforce any program or join any organization that has a policy of:

(a) Establishing a statewide, regional, or geographic limit or cap on the amount of greenhouse gas emissions that results from the use, production, or consumption of any product or from any activity.

(b) Requiring or incentivizing a governmental entity or any person in this state to participate in an emissions trading program.

(7) The restrictions of this section do not prevent:

(a) The board of a municipality or governmental entity which owns or operates and directly controls an electric or natural gas utility from passing rules, regulations, or policies governing the utility.

(b) The Public Service Commission from exercising its powers and duties to regulate public utilities in accordance with applicable law.

(c) A governmental entity from otherwise exercising its authority as provided by general law, including by implementing energy policies consistent with the energy policies set forth in s. 377.601 or implementing local and regional air and water pollution control programs consistent with the environmental policies set forth in s. 403.021.

(8) This section applies to any proposed action by a governmental entity on or after July 1, 2026, that is not otherwise permissible by general law.

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, to the extent such plans do not contain the prohibitions in s. 377.816.

(h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public, to the extent such zoning and business regulations do not include the prohibitions in s. 377.816.

(r) 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, excluding the prohibitions in s. 377.816, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. ~~A~~ ~~There shall be no referendum is not~~ 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 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~~ ~~do~~ 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 any activity or power exercised relating to the prohibitions in s. 377.816.

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

166.201 Taxes and charges.—Subject to the prohibitions in s. 377.816, 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.

Approved by the Governor April 22, 2026.

Filed in Office Secretary of State April 22, 2026.