

To: Saharnaz Mirzazad, CEO, ICLEI USA
From: Erin L. Deady, AICP, Esq.
Date: June 1, 2026
Re: Application of FL HB 1217 with Regard to the ICLEI USA Organization's Activities

1. **Background**

Florida House Bill 1217, titled *An Act Relating to Prohibited Governmental Policies Regulating Greenhouse Gas Emissions*, was passed by the Florida Legislature during the 2026 Regular Session and signed into law by Governor Ron DeSantis on April 22, 2026. The bill was chaptered on April 23, 2026, as Chapter No. 2026-45, with an effective date of July 1, 2026.

The act created Section 377.816, Florida Statutes (F.S.)¹, providing legislative findings, definitions, and prohibitions on governmental entities with respect to net zero greenhouse gas emissions policies. Specifically, the law defines a "net zero policy" as any policy, program, or initiative designed to balance total greenhouse gas emissions with an equal amount removed from the atmosphere, and defines "governmental entity" by reference to Florida's government-transparency statute at Section 215.985, Florida Statutes. The statute prohibits governmental entities from enacting or enforcing net zero policies, requiring compliance with such policies as a condition of contracts with third parties, or using public funds to support net zero policies — including through procurement preferences or payments to organizations that adopt, require, or advocate for such policies. § 377.816(3)–(4), Fla. Stat. (2026). Governmental entities are also required to annually submit a compliance affidavit to the Florida Department of Revenue. The act additionally amended Sections 125.01, 166.021, and 166.201, Florida Statutes, to conform those provisions to the new prohibitions.

It is important to note that the law states, "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." The law also requires each governmental entity to annually submit to the Department of

¹ The law is codified at Section 377.816, Florida Statutes (2026), and may be cited by its session law designation as Ch. 2026-45, Laws of Florida.

Revenue an affidavit attesting to compliance with the law's provisions on prohibited charges so local governments are likely going to be seeking advice on ICLEI activities. This memorandum is an opinion to determine whether any provisions within the statute would prohibit or restrict Florida local governments from maintaining their membership with ICLEI USA.

2. ICLEI USA Foundational Documents

ICLEI Local Governments for Sustainability USA operates as an independent 501(c)(3) nonprofit, founded in Massachusetts in 1991 and headquartered in Denver, Colorado, with staff located across the country. The ICLEI USA Board consists of US elected officials that direct the budget and membership offerings. These are the general purposes of the organization:

1. To operate and function as an international clearinghouse for information and data about local environmental policies and programs.
2. To coordinate and provide technical expertise for the development of local environmental initiatives.
3. To educate the public industry and government about global environmental, global local environmental initiatives and to assist in the coordination of information about international local environmental initiatives.
4. To assist with the development of local environmental initiatives by doing research and by facilitating projects with local government and non-profit organizations to identify local solutions to specific environmental problems.
5. To act exclusively for educational, charitable, scientific or literary purposes, including for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501 (c)(3) of the Internal Revenue Code of 1964 (or the corresponding provision of any future United States Internal Revenue Law).

ICLEI USA is distinct from Global ICLEI which is a separate international body. Its World Secretariat is based in Bonn, Germany, and it operates as a global network working with more than 2,500 local and regional governments committed to sustainable urban development. Global ICLEI has regional offices and secretariats across multiple continents. The two operate according to the ICLEI Affiliate Agreement and at paragraph 5. of the Affiliate Agreement, it states:

“The Association and the Affiliate expressly acknowledge and agree that they have, and shall keep, separate legal personalities and that no partnership or agency is created by virtue of this Agreement. As such, neither party shall be

authorized to incur any liability, obligation, or expense on behalf of the other, unless explicitly agreed otherwise.

The connection between them is an affiliate relationship, not a parent-subsidary one. Since 1991, ICLEI USA has served as an affiliate office of the global ICLEI network, operating as an independent 501(c)(3) nonprofit while being part of a community of more than 2,500 local and regional governments in 125+ countries. ICLEI USA uses the brand and connects to the global network but governs itself independently. Governance between the two organizations is also structurally distinct. Global ICLEI's governance bodies are elected every three years and are designed for members to steer the organization. ICLEI USA members can separately participate in that global structure, but ICLEI USA itself has its own leadership and governance.

In short, ICLEI USA is best understood as a U.S.-based, independently incorporated nonprofit that voluntarily operates within the broader ICLEI global network as an affiliate, rather than as a subsidiary or chapter that is directly controlled by the global body. The distinction matters legally and structurally: the member's formal dues and accountability relationship is with ICLEI USA as the independent U.S. nonprofit, and ICLEI USA in turn maintains the affiliate relationship with global ICLEI on their behalf. A U.S. local government is not directly a dues-paying member of the Bonn-based global organization — they're a member of ICLEI USA, which connects them to the global network.

3. ICLEI USA Activities

ICLEI USA's programs fall into three main categories: proprietary software tools (ClearPath 2.0, LEARN), technical standards (the U.S. Community Protocol), and structured cohort programs that walk local governments through planning processes with hands-on ICLEI USA staff support. Examples of ICLEI USA activities, organized by type:

A. Tools and Software

ICLEI USA develops and maintains software platforms that member governments use for day-to-day planning and tracking work, including ClearPath 2.0 for greenhouse gas emissions inventories and climate action planning, and LEARN, a forest and trees emissions mapping tool.

B. Technical Standards Greenhouse Gas Activities

ICLEI USA has worked closely with the U.S. Community Protocol Steering Committee to develop the Sustainable Communities Suite that supports communities with a snapshot of mitigation, adaptation and equity analyses, providing guidance for conducting a community-wide greenhouse gas (GHG) emissions profile, equity assessment and climate vulnerability

assessment. This is essentially the guidance that U.S. local governments use to measure and report their emissions in a standardized way.

ClearPath 2.0 is provided by ICLEI USA and developed with ClimateView. It is a powerful platform streamlining the entire climate action process through smarter data, dynamic economic and emissions modeling, and cross-departmental collaboration that helps local governments turn climate plans into measurable action. It completes GHG inventories, emissions forecasting, scenario modeling, climate action strategy development, and implementation monitoring — all in one platform tailored specifically for U.S. local governments.

C. Technical Planning Cohorts

These are structured group programs where member governments work through a specific planning process together with ICLEI USA staff support.

- The 2024 Sustainability Planning & Implementation Cohort guided 44 local governments through the climate action planning process over eight months, with twelve live web-based sessions, peer exchange, and ICLEI's Sustainability Planning Toolkit and templates.
- The 2024 Climate Risk and Vulnerability Assessment Cohort developed materials and a project plan for 21 participating local governments. Over six months, ICLEI USA trained participants on key vulnerability assessment concepts and provided one-on-one support through their assessment processes.
- The 2024 Integrating Nature into Climate Planning Cohort increased member capacity to protect nature and reverse biodiversity loss by helping local governments develop nature-based solutions and integrate them into climate action plans or standalone local biodiversity strategies.

D. Funding and Grant Programs

ICLEI USA provides funding for technical support, market development and grants for deeper investment in strategy development and project implementation.

4. Net Zero Policies in the Law

By way of background, “net-zero” policies aim at achieving a balance between GHGs emitted from human activity and the amount of carbon dioxide (CO₂) removed from the atmosphere. The law provides that 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.² The law defines the term “net-zero policy” to mean **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**.

For local governments, general policies related to reducing greenhouse gas emissions (GHGEs) generally may not be triggered if the policy specifically does not seek to achieve a balance between GHGs emitted with an equal amount removed from atmosphere. A general goal such as “local government x seeks to reduce emissions by encouraging energy efficient and transportation practices” is different than “local government x shall achieve (or target achievement of) net zero emissions by 2050 based on a 2000 baseline”. The general goal likely would not violate law whereas the specific target or language that seeks carbon neutrality would be violative. These examples are used to frame what a violative net zero policy may look like. But more importantly, the inquiry of this memorandum is focused on whether local governments will violate the law by being a member of ICLEI USA related to any of its activities.

5. Use of Public Funds Related to Net Zero Policies

There are two elements to these prohibitions:

- 1) The use of public funds to join any organization that has a policy which requires adoption of a net zero policy or uses funds to advocate for a net zero policy and
- 2) Prohibition on local governments from joining an organization that has a policy of **limiting or capping the amount of GHGEs** that result from the use, production, or consumption of any product or from any activity

In the law, (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:

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.

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

² Final Bill Analysis, HB 1217, Florida House of Representatives, 4/23/26:

(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.***

Conclusions

For subsection (4), as indicated by the example activities above, ICLEI USA does not have an adopted net zero policy, require adoption of, or any commitment to, a net zero policy as a condition of membership or of receiving any benefit of membership in ICLEI USA. Additionally, ICLEI USA's activities are squarely focused on technical assistance, tools, and voluntary target-setting frameworks that do not constitute advocating or lobbying for a net zero policy.

For subsection (6), ICLEI USA's activities show that they do not implement, administer or enforce or have a policy of establishing a limit or cap on the amount of GHGs that results from the use, production or consumption of any product or from any activity. ICLEI USA's GHG-related work centers on helping local governments measure their emissions through tools like ClearPath 2.0 and the U.S. Community Protocol and then plan voluntary reduction strategies. The protocols and tools are accounting frameworks — they tell local governments how to count and track emissions, not what the legal limit should be. ICLEI USA helps member local governments set their own emissions reduction targets, but those targets are self-determined by each local government. ICLEI USA does not have a policy of establishing a statewide, regional or geographic limit or cap on the amount of GHGs from any activity. ICLEI USA is a nonprofit membership organization, and as such, it has no legal authority to regulate emissions from products or activities, either for its member governments or for anyone else. That kind of cap or limit-setting authority belongs to regulatory agencies like the EPA at the federal level, or state environmental agencies.

In summary, membership in ICLEI USA or use of public funds to support membership in ICLEI USA does not violate the law based on its organizational structure or its activities.