

HB 1007

2026

A bill to be entitled
An act relating to hyperscale data centers; amending ss. 125.66 and 166.041, F.S.; revising applicability to not require the preparation a business impact estimate before enactment of ordinances relating to the construction, operation, siting, or zoning of a hyperscale data center; amending s. 163.3164, F.S.; defining the term "hyperscale data center"; amending s. 163.3177, F.S.; prohibiting a future land use element required to be included in a comprehensive plan from combining any mix of uses intended to be used for a specified purpose; amending s. 163.3184, F.S.; revising the definition of the term "reviewing agencies" to include the Public Service Commission in certain cases; requiring plans or plan amendments that seek to change a land classification or relate to a hyperscale data center to follow a specified state coordinated review process; amending s. 163.3187, F.S.; providing that the process for adoption of small scale comprehensive plan amendments does not apply to plan amendments relating to hyperscale data centers; amending s. 163.3202, F.S.; requiring local land development regulations to contain certain requirements relating to hyperscale data centers; providing construction; creating s. 163.32065, F.S.;

HB 1007

2026

26 providing legislative policy; providing definitions;
27 providing that hyperscale data centers are a
28 prohibited use on or after a date certain for
29 specified land use categories in local comprehensive
30 plans and agricultural zoning districts within
31 unincorporated areas; providing for a specified
32 setback requirement between real property on which a
33 hyperscale data center is located; defining the term
34 "ornamental"; amending s. 163.3208, F.S.; revising the
35 definition of the term "electric substation"; creating
36 s. 288.008, F.S.; providing definitions; prohibiting
37 governmental entities from knowingly entering into
38 certain contracts; requiring governmental entities to
39 require an affidavit from applicants before providing
40 any economic incentive; requiring the Department of
41 Commerce to adopt rules; amending s. 212.055, F.S.;
42 conforming a cross-reference; creating s. 339.86,
43 F.S.; defining the term "hyperscale data center";
44 requiring the Department of Transportation to use
45 noise-control methods for specified projects;
46 requiring such projects to be developed in conformity
47 with specified federal noise abatement standards;
48 amending s. 366.032, F.S.; providing construction;
49 creating s. 366.0415, F.S.; prohibiting utilities, in
50 fixing rates for hyperscale data centers, from

HB 1007

2026

51 collecting certain impact fees; amending s. 373.219,
52 F.S.; requiring permit applications for consumptive
53 use of water relating to hyperscale data centers to
54 contain a specified disclosure; requiring certain
55 approvals of such applications before issuance of
56 permit; amending s. 373.229, F.S.; requiring permit
57 applications to contain a specified disclosure;
58 providing applicability; providing hearing
59 requirements for proposed permit applications for
60 hyperscale data centers; requiring specified notices;
61 defining the term "hyperscale data center"; creating
62 s. 377.7055, F.S.; providing legislative intent;
63 providing definitions; prohibiting the construction
64 and operation of hyperscale data centers on specified
65 lands and water on or after a date certain; providing
66 for a hearing requirement before the construction and
67 operation of hyperscale data centers; requiring
68 specified notices; requiring the governing body of a
69 local government that approves the construction and
70 operation of a hyperscale data center to request, in
71 concurrence with a specified board, approval; creating
72 s. 403.5341, F.S.; defining the terms "board" and
73 "hyperscale data center"; requiring a specified board
74 on or after a date certain to have published in the
75 Florida Administrative Register notice of a

HB 1007

2026

76 concurrence request; requiring specified notice by a
77 local government when the notice is published in the
78 Florida Administrative Register; providing concurrence
79 hearing requirements; prohibiting the construction of
80 a hyperscale data center if the board does not approve
81 a concurrence request at such hearing; amending s.
82 624.406, F.S.; prohibiting certain underwriting
83 practices for hyperscale data centers; providing a
84 penalty; providing an effective date.

85

86 Be It Enacted by the Legislature of the State of Florida:

87

88 **Section 1. Paragraph (c) of subsection (3) of section**
89 125.66, Florida Statutes, is amended read:

90 125.66 Ordinances; enactment procedure; emergency
91 ordinances; rezoning or change of land use ordinances or
92 resolutions.—

93 (3)

94 (c) This subsection does not apply to:

95 1. Ordinances required for compliance with federal or
96 state law or regulation;

97 2. Ordinances relating to the issuance or refinancing of
98 debt;

99 3. Ordinances relating to the adoption of budgets or
100 budget amendments, including revenue sources necessary to fund

101 the budget;

102 4. Ordinances required to implement a contract or an
103 agreement, including, but not limited to, any federal, state,
104 local, or private grant, or other financial assistance accepted
105 by a county government;

106 5. Emergency ordinances;

107 6. Ordinances relating to procurement; ~~or~~

108 7. Ordinances enacted to implement the following:

109 a. Development orders and development permits, as those
110 terms are defined in s. 163.3164, and development agreements, as
111 authorized by the Florida Local Government Development Agreement
112 Act under ss. 163.3220-163.3243;

113 b. Comprehensive plan amendments and land development
114 regulation amendments initiated by an application by a private
115 party other than the county;

116 c. Sections 190.005 and 190.046;

117 d. Section 553.73, relating to the Florida Building Code;
118 or

119 e. Section 633.202, relating to the Florida Fire
120 Prevention Code; or-

121 8. Ordinances relating to the construction, operation,
122 siting, or zoning of a hyperscale data center as defined in s.
123 377.7055, including, but not limited to:

124 a. Ordinances required for compliance with federal or
125 state law or regulation;

126 b. Ordinances relating to the issuance or refinancing of
127 debt;

128 c. Ordinances relating to the adoption of a budget or
129 budget amendment, including revenue sources necessary to fund a
130 budget;

131 d. Ordinances required to implement a contract or an
132 agreement, including, but not limited to, any federal, state,
133 local, or private grant, or other financial assistance accepted
134 by a county government;

135 e. Emergency ordinances;

136 f. Ordinances relating to procurement;

137 g. Ordinances enacted to implement the following:

138 (I) Development orders and development permits, as those
139 terms are defined in s. 163.3164, and development agreements, as
140 authorized by the Florida Local Government Development Agreement
141 Act under ss. 163.3220-163.3243;

142 (II) Comprehensive plan amendments and land development
143 regulation amendments initiated by an application by a private
144 party other than the county;

145 (III) Sections 190.005 and 190.046;

146 (IV) Section 553.73, relating to the Florida Building
147 Code; or

148 (V) Section 633.202, relating to the Florida Fire
149 Prevention Code.

150 **Section 2. Subsections (22) through (54) of section**

151 **163.3164, Florida Statutes, are renumbered as subsections (23)**
152 **through (55), respectively, and subsection (22) is added to that**
153 **section, to read:**

154 163.3164 Community Planning Act; definitions.—As used in
155 this act:

156 (22) "Hyperscale data center" has the same meaning as s.
157 377.755.

158 **Section 3. Paragraph (a) of subsection (6) of section**
159 **163.3177, Florida Statutes, is amended to read:**

160 163.3177 Required and optional elements of comprehensive
161 plan; studies and surveys.—

162 (6) In addition to the requirements of subsections (1)–
163 (5), the comprehensive plan shall include the following
164 elements:

165 (a) A future land use plan element designating proposed
166 future general distribution, location, and extent of the uses of
167 land for residential uses, commercial uses, industry,
168 agriculture, recreation, conservation, education, public
169 facilities, and other categories of the public and private uses
170 of land. The approximate acreage and the general range of
171 density or intensity of use shall be provided for the gross land
172 area included in each existing land use category. The element
173 shall establish the long-term end toward which land use programs
174 and activities are ultimately directed.

175 1. Each future land use category must be defined in terms

HB 1007

2026

176 of uses included, and must include standards to be followed in
177 the control and distribution of population densities and
178 building and structure intensities. The proposed distribution,
179 location, and extent of the various categories of land use shall
180 be shown on a land use map or map series which shall be
181 supplemented by goals, policies, and measurable objectives.

182 2. The future land use plan and plan amendments shall be
183 based upon surveys, studies, and data regarding the area, as
184 applicable, including:

185 a. The amount of land required to accommodate anticipated
186 growth.

187 b. The projected permanent and seasonal population of the
188 area.

189 c. The character of undeveloped land.

190 d. The availability of water supplies, public facilities,
191 and services.

192 e. The need for redevelopment, including the renewal of
193 blighted areas and the elimination of nonconforming uses which
194 are inconsistent with the character of the community.

195 f. The compatibility of uses on lands adjacent to or
196 closely proximate to military installations.

197 g. The compatibility of uses on lands adjacent to an
198 airport as defined in s. 330.35 and consistent with s. 333.02.

199 h. The discouragement of urban sprawl.

200 i. The need for job creation, capital investment, and

201 economic development that will strengthen and diversify the
202 community's economy.

203 j. The need to modify land uses and development patterns
204 within antiquated subdivisions.

205 3. The future land use plan element shall include criteria
206 to be used to:

207 a. Achieve the compatibility of lands adjacent or closely
208 proximate to military installations, considering factors
209 identified in s. 163.3175(5).

210 b. Achieve the compatibility of lands adjacent to an
211 airport as defined in s. 330.35 and consistent with s. 333.02.

212 c. Encourage preservation of recreational and commercial
213 working waterfronts for water-dependent uses in coastal
214 communities.

215 d. Encourage the location of schools proximate to urban
216 residential areas to the extent possible.

217 e. Coordinate future land uses with the topography and
218 soil conditions, and the availability of facilities and
219 services.

220 f. Ensure the protection of natural and historic
221 resources.

222 g. Provide for the compatibility of adjacent land uses.

223 h. Provide guidelines for the implementation of mixed-use
224 development including the types of uses allowed, the percentage
225 distribution among the mix of uses, or other standards, and the

226 density and intensity of each use.

227 4. The amount of land designated for future planned uses
228 shall provide a balance of uses that foster vibrant, viable
229 communities and economic development opportunities and address
230 outdated development patterns, such as antiquated subdivisions.
231 The amount of land designated for future land uses should allow
232 the operation of real estate markets to provide adequate choices
233 for permanent and seasonal residents and business and may not be
234 limited solely by the projected population. The element shall
235 accommodate at least the minimum amount of land required to
236 accommodate the medium projections as published by the Office of
237 Economic and Demographic Research for at least a 10-year
238 planning period unless otherwise limited under s. 380.05,
239 including related rules of the Administration Commission.

240 5. The future land use plan of a county may designate
241 areas for possible future municipal incorporation.

242 6. The land use maps or map series shall generally
243 identify and depict historic district boundaries and shall
244 designate historically significant properties meriting
245 protection.

246 7. The future land use element must clearly identify the
247 land use categories in which public schools are an allowable
248 use. When delineating the land use categories in which public
249 schools are an allowable use, a local government shall include
250 in the categories sufficient land proximate to residential

251 development to meet the projected needs for schools in
252 coordination with public school boards and may establish
253 differing criteria for schools of different type or size. Each
254 local government shall include lands contiguous to existing
255 school sites, to the maximum extent possible, within the land
256 use categories in which public schools are an allowable use.

257 8. Future land use map amendments shall be based upon the
258 following analyses:

259 a. An analysis of the availability of facilities and
260 services.

261 b. An analysis of the suitability of the plan amendment
262 for its proposed use considering the character of the
263 undeveloped land, soils, topography, natural resources, and
264 historic resources on site.

265 c. An analysis of the minimum amount of land needed to
266 achieve the goals and requirements of this section.

267 9. The future land use element and any amendment to the
268 future land use element shall discourage the proliferation of
269 urban sprawl.

270 a. The primary indicators that a plan or plan amendment
271 does not discourage the proliferation of urban sprawl are listed
272 below. The evaluation of the presence of these indicators shall
273 consist of an analysis of the plan or plan amendment within the
274 context of features and characteristics unique to each locality
275 in order to determine whether the plan or plan amendment:

276 (I) Promotes, allows, or designates for development
277 substantial areas of the jurisdiction to develop as low-
278 intensity, low-density, or single-use development or uses.

279 (II) Promotes, allows, or designates significant amounts
280 of urban development to occur in rural areas at substantial
281 distances from existing urban areas while not using undeveloped
282 lands that are available and suitable for development.

283 (III) Promotes, allows, or designates urban development in
284 radial, strip, isolated, or ribbon patterns generally emanating
285 from existing urban developments.

286 (IV) Fails to adequately protect and conserve natural
287 resources, such as wetlands, floodplains, native vegetation,
288 environmentally sensitive areas, natural groundwater aquifer
289 recharge areas, lakes, rivers, shorelines, beaches, bays,
290 estuarine systems, and other significant natural systems.

291 (V) Fails to adequately protect adjacent agricultural
292 areas and activities, including silviculture, active
293 agricultural and silvicultural activities, passive agricultural
294 activities, and dormant, unique, and prime farmlands and soils.

295 (VI) Fails to maximize use of existing public facilities
296 and services.

297 (VII) Fails to maximize use of future public facilities
298 and services.

299 (VIII) Allows for land use patterns or timing which
300 disproportionately increase the cost in time, money, and energy

301 of providing and maintaining facilities and services, including
302 roads, potable water, sanitary sewer, stormwater management, law
303 enforcement, education, health care, fire and emergency
304 response, and general government.

305 (IX) Fails to provide a clear separation between rural and
306 urban uses.

307 (X) Discourages or inhibits infill development or the
308 redevelopment of existing neighborhoods and communities.

309 (XI) Fails to encourage a functional mix of uses.

310 (XII) Results in poor accessibility among linked or
311 related land uses.

312 (XIII) Results in the loss of significant amounts of
313 functional open space.

314 b. The future land use element or plan amendment shall be
315 determined to discourage the proliferation of urban sprawl if it
316 incorporates a development pattern or urban form that achieves
317 four or more of the following:

318 (I) Directs or locates economic growth and associated land
319 development to geographic areas of the community in a manner
320 that does not have an adverse impact on and protects natural
321 resources and ecosystems.

322 (II) Promotes the efficient and cost-effective provision
323 or extension of public infrastructure and services.

324 (III) Promotes walkable and connected communities and
325 provides for compact development and a mix of uses at densities

326 and intensities that will support a range of housing choices and
327 a multimodal transportation system, including pedestrian,
328 bicycle, and transit, if available.

329 (IV) Promotes conservation of water and energy.

330 (V) Preserves agricultural areas and activities, including
331 silviculture, and dormant, unique, and prime farmlands and
332 soils.

333 (VI) Preserves open space and natural lands and provides
334 for public open space and recreation needs.

335 (VII) Creates a balance of land uses based upon demands of
336 the residential population for the nonresidential needs of an
337 area.

338 (VIII) Provides uses, densities, and intensities of use
339 and urban form that would remediate an existing or planned
340 development pattern in the vicinity that constitutes sprawl or
341 if it provides for an innovative development pattern such as
342 transit-oriented developments or new towns as defined in s.
343 163.3164.

344 10. The future land use element shall include a future
345 land use map or map series.

346 a. The proposed distribution, extent, and location of the
347 following uses shall be shown on the future land use map or map
348 series:

349 (I) Residential.

350 (II) Commercial.

HB 1007

2026

351 (III) Industrial.
352 (IV) Agricultural.
353 (V) Recreational.
354 (VI) Conservation.
355 (VII) Educational.
356 (VIII) Public.
357 b. The following areas shall also be shown on the future
358 land use map or map series, if applicable:
359 (I) Historic district boundaries and designated
360 historically significant properties.
361 (II) Transportation concurrency management area boundaries
362 or transportation concurrency exception area boundaries.
363 (III) Multimodal transportation district boundaries.
364 (IV) Mixed-use categories.
365 c. The following natural resources or conditions shall be
366 shown on the future land use map or map series, if applicable:
367 (I) Existing and planned public potable waterwells, cones
368 of influence, and wellhead protection areas.
369 (II) Beaches and shores, including estuarine systems.
370 (III) Rivers, bays, lakes, floodplains, and harbors.
371 (IV) Wetlands.
372 (V) Minerals and soils.
373 (VI) Coastal high hazard areas.
374 d. The future land use element may not combine any mix of
375 uses intended to be used for a hyperscale data center.

376 **Section 4. Paragraph (c) of subsection (1) and paragraph**
377 **(c) of subsection (2) of section 163.3184, Florida Statutes, are**
378 **amended to read:**

379 163.3184 Process for adoption of comprehensive plan or
380 plan amendment.—

381 (1) DEFINITIONS.—As used in this section, the term:

382 (c) "Reviewing agencies" means:

- 383 1. The state land planning agency;
- 384 2. The appropriate regional planning council;
- 385 3. The appropriate water management district;
- 386 4. The Department of Environmental Protection;
- 387 5. The Department of State;
- 388 6. The Department of Transportation;
- 389 7. In the case of plan amendments relating to public
schools, the Department of Education;

390 8. In the case of plans or plan amendments that affect a
391 military installation listed in s. 163.3175, the commanding
392 officer of the affected military installation;

393 9. In the case of plans or plan amendments relating to a
394 hyperscale data center, the Public Service Commission;

395 10.9. In the case of county plans and plan amendments, the
396 Fish and Wildlife Conservation Commission and the Department of
397 Agriculture and Consumer Services; and

398 11.10. In the case of municipal plans and plan amendments,
399 the county in which the municipality is located.

HB 1007

2026

401 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
402 (c) Plan amendments that are in an area of critical state
403 concern designated pursuant to s. 380.05; propose a rural land
404 stewardship area pursuant to s. 163.3248; propose a sector plan
405 pursuant to s. 163.3245 or an amendment to an adopted sector
406 plan; update a comprehensive plan based on an evaluation and
407 appraisal pursuant to s. 163.3191; propose a development that is
408 subject to the state coordinated review process pursuant to s.
409 380.06; plans or plan amendments that seek to change a land
410 classification or relate to a hyperscale data center; or are new
411 plans for newly incorporated municipalities adopted pursuant to
412 s. 163.3167, must follow the state coordinated review process in
413 subsection (4).

414 Section 5. Subsection (6) is added to section 163.3187,
415 Florida Statutes, to read:

416 163.3187 Process for adoption of small scale comprehensive
417 plan amendment.—

418 (6) This section does not apply to a plan amendment
419 relating to a hyperscale data center.

420 Section 6. Paragraph (k) is added to subsection (2) of
421 section 163.3202, Florida Statutes, to read:

422 163.3202 Land development regulations.—

423 (2) Local land development regulations shall contain
424 specific and detailed provisions necessary or desirable to
425 implement the adopted comprehensive plan and shall at a minimum:

426 (k) Meet the requirements of s. 163.32065 relating to
427 hyperscale data centers; however, this paragraph does not
428 prohibit, limit, or restrict a county or municipality from
429 adopting or amending and enforcing more restrictive land
430 development regulations.

431 **Section 7. Section 163.32065, Florida Statutes, is created**
432 **to read:**

433 163.32065 Hyperscale data centers; prohibited use.—

434 (1) It is the policy of this state to empower and
435 encourage local governments to protect residents against the
436 negative impacts of hyperscale data centers.

437 (2) As used in this section, the term:

438 (a) "Hyperscale data center" has the same meaning as in s.
439 377.7055.

440 (b) "Hyperscale data center property" has the same meaning
441 as in s. 377.7055.

442 (c) "Real property" has the same meaning as in s.
443 377.7055.

444 (3) On or after July 1, 2026, a hyperscale data center,
445 including a hyperscale data center property, is a prohibited use
446 for all agricultural, conservation, environmental stewardship,
447 mixed use, and residential land use categories in a local
448 government comprehensive plan and agricultural zoning districts
449 within an unincorporated area.

450 (4) (a) Unless a local government approves a more

451 restrictive requirement, a setback of at least 500 feet between
452 real property on which a hyperscale data center is located must
453 be maintained by the use of Florida-friendly landscaping
454 practices, as defined in s. 373.185, which may include an
455 ornamental barrier that must be the height of the tallest point
456 of the hyperscale data center at the time construction of the
457 hyperscale data center is completed.

458 (b) As used in paragraph (a), the term "ornamental" has
459 the same meaning as in s. 482.021.

460 **Section 8. Subsection (2) of section 163.3208, Florida**
461 **Statutes, is amended to read:**

462 163.3208 Substation approval process.—

463 (2) The term "electric substation" means an electric
464 substation, including accessory administration or maintenance
465 buildings and related accessory uses and structures, which takes
466 electricity from the transmission grid and converts it to
467 another voltage or lower voltage so it can be distributed to a
468 residential or commercial customer, except a hyperscale data
469 center as defined in s. 377.7055, customers through one or more
470 lines.

471 **Section 9. Paragraph (c) of subsection (4) of section**
472 **166.041, Florida Statutes, is amended to read:**

473 166.041 Procedures for adoption of ordinances and
474 resolutions.—

475 (4)

HB 1007

2026

476 (c) This subsection does not apply to:

477 1. Ordinances required for compliance with federal or
478 state law or regulation;

479 2. Ordinances relating to the issuance or refinancing of
480 debt;

481 3. Ordinances relating to the adoption of budgets or
482 budget amendments, including revenue sources necessary to fund
483 the budget;

484 4. Ordinances required to implement a contract or an
485 agreement, including, but not limited to, any federal, state,
486 local, or private grant, or other financial assistance accepted
487 by a municipal government;

488 5. Emergency ordinances;

489 6. Ordinances relating to procurement; ~~or~~

490 7. Ordinances enacted to implement the following:

491 a. Development orders and development permits, as those
492 terms are defined in s. 163.3164, and development agreements, as
493 authorized by the Florida Local Government Development Agreement
494 Act under ss. 163.3220-163.3243;

495 b. Comprehensive plan amendments and land development
496 regulation amendments initiated by an application by a private
497 party other than the municipality;

498 c. Sections 190.005 and 190.046;

499 d. Section 553.73, relating to the Florida Building Code;

500 or

501 e. Section 633.202, relating to the Florida Fire
502 Prevention Code; or.

503 8. Ordinances relating to the construction, operation,
504 siting, or zoning of a hyperscale data center as defined in s.
505 377.7055, including, but not limited to:

506 a. Ordinances required for compliance with federal or
507 state law or regulation;

508 b. Ordinances relating to the issuance or refinancing of
509 debt;

510 c. Ordinances relating to the adoption of budgets or
511 budget amendments, including revenue sources necessary to fund
512 the budget;

513 d. Ordinances required to implement a contract or an
514 agreement, including, but not limited to, any federal, state,
515 local, or private grant, or other financial assistance accepted
516 by a municipal government;

517 e. Emergency ordinances;

518 f. Ordinances relating to procurement; or

519 g. Ordinances enacted to implement the following:

520 (I) Development orders and development permits, as those
521 terms are defined in s. 163.3164, and development agreements, as
522 authorized by the Florida Local Government Development Agreement
523 Act under ss. 163.3220-163.3243;

524 (II) Comprehensive plan amendments and land development
525 regulation amendments initiated by an application by a private

526 party other than the municipality;
527 (III) Sections 190.005 and 190.046;
528 (IV) Section 553.73, relating to the Florida Building
529 Code; or
530 (IV) Section 633.202, relating to the Florida Fire
531 Prevention Code.

532 **Section 10. Paragraph (d) of subsection (2) of section**
533 **212.055, Florida Statutes, is amended to read:**

534 212.055 Discretionary sales surtaxes; legislative intent;
535 authorization and use of proceeds.—It is the legislative intent
536 that any authorization for imposition of a discretionary sales
537 surtax shall be published in the Florida Statutes as a
538 subsection of this section, irrespective of the duration of the
539 levy. Each enactment shall specify the types of counties
540 authorized to levy; the rate or rates which may be imposed; the
541 maximum length of time the surtax may be imposed, if any; the
542 procedure which must be followed to secure voter approval, if
543 required; the purpose for which the proceeds may be expended;
544 and such other requirements as the Legislature may provide.
545 Taxable transactions and administrative procedures shall be as
546 provided in s. 212.054.

547 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

548 (d) The proceeds of the surtax authorized by this
549 subsection and any accrued interest shall be expended by the
550 school district, within the county and municipalities within the

551 county, or, in the case of a negotiated joint county agreement,
552 within another county, to finance, plan, and construct
553 infrastructure; to acquire any interest in land for public
554 recreation, conservation, or protection of natural resources or
555 to prevent or satisfy private property rights claims resulting
556 from limitations imposed by the designation of an area of
557 critical state concern; to provide loans, grants, or rebates to
558 residential or commercial property owners who make energy
559 efficiency improvements to their residential or commercial
560 property, if a local government ordinance authorizing such use
561 is approved by referendum; or to finance the closure of county-
562 owned or municipally owned solid waste landfills that have been
563 closed or are required to be closed by order of the Department
564 of Environmental Protection. Any use of the proceeds or interest
565 for purposes of landfill closure before July 1, 1993, is
566 ratified. The proceeds and any interest may not be used for the
567 operational expenses of infrastructure, except that a county
568 that has a population of fewer than 75,000 and that is required
569 to close a landfill may use the proceeds or interest for long-
570 term maintenance costs associated with landfill closure.
571 Counties, as defined in s. 125.011, and charter counties may, in
572 addition, use the proceeds or interest to retire or service
573 indebtedness incurred for bonds issued before July 1, 1987, for
574 infrastructure purposes, and for bonds subsequently issued to
575 refund such bonds. Any use of the proceeds or interest for

HB 1007

2026

576 purposes of retiring or servicing indebtedness incurred for
577 refunding bonds before July 1, 1999, is ratified.

578 1. For the purposes of this paragraph, the term
579 "infrastructure" means:

580 a. Any fixed capital expenditure or fixed capital outlay
581 associated with the construction, reconstruction, or improvement
582 of public facilities that have a life expectancy of 5 or more
583 years, any related land acquisition, land improvement, design,
584 and engineering costs, and all other professional and related
585 costs required to bring the public facilities into service. For
586 purposes of this sub-subparagraph, the term "public facilities"
587 means facilities as defined in s. 163.3164 ~~s. 163.3164(41)~~, s.
588 163.3221(13), or s. 189.012(5), and includes facilities that are
589 necessary to carry out governmental purposes, including, but not
590 limited to, fire stations, general governmental office
591 buildings, and animal shelters, regardless of whether the
592 facilities are owned by the local taxing authority or another
593 governmental entity.

594 b. A fire department vehicle, an emergency medical service
595 vehicle, a sheriff's office vehicle, a police department
596 vehicle, or any other vehicle, and the equipment necessary to
597 outfit the vehicle for its official use or equipment that has a
598 life expectancy of at least 5 years.

599 c. Any expenditure for the construction, lease, or
600 maintenance of, or provision of utilities or security for,

601 facilities, as defined in s. 29.008.

602 d. Any fixed capital expenditure or fixed capital outlay
603 associated with the improvement of private facilities that have
604 a life expectancy of 5 or more years and that the owner agrees
605 to make available for use on a temporary basis as needed by a
606 local government as a public emergency shelter or a staging area
607 for emergency response equipment during an emergency officially
608 declared by the state or by the local government under s.
609 252.38. Such improvements are limited to those necessary to
610 comply with current standards for public emergency evacuation
611 shelters. The owner must enter into a written contract with the
612 local government providing the improvement funding to make the
613 private facility available to the public for purposes of
614 emergency shelter at no cost to the local government for a
615 minimum of 10 years after completion of the improvement, with
616 the provision that the obligation will transfer to any
617 subsequent owner until the end of the minimum period.

618 e. Any land acquisition expenditure for a residential
619 housing project in which at least 30 percent of the units are
620 affordable to individuals or families whose total annual
621 household income does not exceed 120 percent of the area median
622 income adjusted for household size, if the land is owned by a
623 local government or by a special district that enters into a
624 written agreement with the local government to provide such
625 housing. The local government or special district may enter into

626 a ground lease with a public or private person or entity for
627 nominal or other consideration for the construction of the
628 residential housing project on land acquired pursuant to this
629 sub subparagraph.

630 f. Instructional technology used solely in a school
631 district's classrooms. As used in this sub subparagraph, the
632 term "instructional technology" means an interactive device that
633 assists a teacher in instructing a class or a group of students
634 and includes the necessary hardware and software to operate the
635 interactive device. The term also includes support systems in
636 which an interactive device may mount and is not required to be
637 affixed to the facilities.

638 2. For the purposes of this paragraph, the term "energy
639 efficiency improvement" means any energy conservation and
640 efficiency improvement that reduces consumption through
641 conservation or a more efficient use of electricity, natural
642 gas, propane, or other forms of energy on the property,
643 including, but not limited to, air sealing; installation of
644 insulation; installation of energy-efficient heating, cooling,
645 or ventilation systems; installation of solar panels; building
646 modifications to increase the use of daylight or shade;
647 replacement of windows; installation of energy controls or
648 energy recovery systems; installation of electric vehicle
649 charging equipment; installation of systems for natural gas fuel
650 as defined in s. 206.9951; and installation of efficient

651 lighting equipment.

652 3. Notwithstanding any other provision of this subsection,
653 a local government infrastructure surtax imposed or extended
654 after July 1, 1998, may allocate up to 15 percent of the surtax
655 proceeds for deposit into a trust fund within the county's
656 accounts created for the purpose of funding economic development
657 projects having a general public purpose of improving local
658 economies, including the funding of operational costs and
659 incentives related to economic development. The ballot statement
660 must indicate the intention to make an allocation under the
661 authority of this subparagraph.

662 4. Surtax revenues that are shared with eligible charter
663 schools pursuant to paragraph (c) shall be allocated among such
664 schools based on each school's proportionate share of total
665 school district capital outlay full-time equivalent enrollment
666 as adopted by the education estimating conference established in
667 s. 216.136. Surtax revenues must be expended by the charter
668 school in a manner consistent with the allowable uses provided
669 in s. 1013.62(4). All revenues and expenditures shall be
670 accounted for in a charter school's monthly or quarterly
671 financial statement pursuant to s. 1002.33(9). If a school's
672 charter is not renewed or is terminated and the school is
673 dissolved under the provisions of law under which the school was
674 organized, any unencumbered funds received under this paragraph
675 shall revert to the sponsor.

676 **Section 11. Section 288.008, Florida Statutes, is created**
677 **to read:**

678 288.008 Economic incentives to hyperscale data centers
679 prohibited.—

680 (1) As used in this section, the term:

681 (a) "Hyperscale data center" has the same meaning as in s.
682 377.7055.

683 (b) "Economic incentive" means, unless otherwise expressly
684 provided by law, all programs administered by, or for which an
685 applicant for the program must seek certification, approval, or
686 other action by the department under this chapter, chapter 212,
687 or chapter 220; and all local economic development programs,
688 grants, or financial benefits administered by a political
689 subdivision or an agent thereof.

690 (c) "Governmental entity" means a state agency, a
691 political subdivision, or any other public or private agency,
692 person, partnership, corporation, or business entity acting on
693 behalf of any public agency.

694 (2) A governmental entity may not knowingly enter into an
695 agreement or contract for an economic incentive with an entity
696 to support the siting, construction, powering, or operation of a
697 hyperscale data center.

698 (3) Before providing any economic incentive, a
699 governmental entity must require the recipient or applicant to
700 provide the governmental entity with an affidavit signed under

701 penalty of perjury attesting that the recipient or applicant is
702 not a hyperscale data center.

703 (4) The department shall adopt rules to administer this
704 section, including rules establishing the form for the affidavit
705 required under subsection (3).

706 **Section 12. Section 339.86, Florida Statutes, is created**
707 **to read:**

708 339.86 Hyperscale data center construction; means of noise
709 abatement.—

710 (1) As used in this section, "hyperscale data center" has
711 the same meaning as in s. 377.7055.

712 (2) The department shall require the use of noise-control
713 methods as part of hyperscale data center construction projects
714 located adjacent to or along a highway or upon request of an
715 owner of property adjacent to such a project or a local
716 government.

717 (3) All hyperscale data center construction projects shall
718 be developed in conformity with federal standards for noise
719 abatement as contained in 23 C.F.R. 772 as such regulations
720 existed on July 13, 2011. The department shall, at a minimum,
721 comply with federal requirements in the following areas:

722 (a) Noise abatement.

723 (b) Information for local officials.

724 (c) Construction noise.

725 **Section 13. Subsections (5) and (6) of section 366.032,**

HB 1007

2026

726 **Florida Statutes, are renumbered as subsections (6) and (7),**
727 **respectively, and a new subsection (5) is added to that section,**
728 **to read:**

729 366.032 Preemption over utility service restrictions.—

730 (5) This section does not prevent a municipality, county,
731 board, agency, commission, or authority of any county, municipal
732 corporation, or political subdivision, special district,
733 community development district created under chapter 190, or
734 other political subdivision of this state from enacting or
735 enforcing a resolution, ordinance, rule, code, or policy or
736 taking any action that restricts the construction or operation
737 of a hyperscale data center as defined in s. 377.7055.

738 **Section 14. Section 366.0415, Florida Statutes, is created**
739 **to read:**

740 366.0415 Rate fixing; hyperscale data centers.—In fixing
741 rates for hyperscale data centers, as defined in s. 377.7055, a
742 public utility may not collect from a residential customer or a
743 commercial customer impact fees designed to recover capital
744 costs for the construction of a new hyperscale data center if
745 the customer does not have a similar energy use as the projected
746 energy use from the hyperscale data center.

747 **Section 15. Subsection (1) of section 373.219, Florida**
748 **Statutes, is amended to read:**

749 373.219 Permits required.—

750 (1) (a) The governing board or the department may require

751 such permits for consumptive use of water and may impose such
752 reasonable conditions as are necessary to assure that such use
753 is consistent with the overall objectives of the district or
754 department and is not harmful to the water resources of the
755 area. However, no permit shall be required for domestic
756 consumption of water by individual users.

757 (b) A permit application for consumptive use of water for
758 a hyperscale data center, as defined in s. 377.7055, must
759 contain the disclosure required in s. 373.229(1)(i). Before
760 issuance of such a permit, an application before:

761 1. A governing board must be approved by the governing
762 board following a public hearing as required by s. 377.7055(4).
763 2. The application must be approved by the department
764 during a public hearing as required by s. 373.229(4).

765 **Section 16. Paragraph (i) of subsection (1) of section**
766 **373.229, Florida Statutes, is redesignated as paragraph (j),**
767 **paragraph (h) of subsection (1) and subsection (4) are amended,**
768 **a new paragraph (i) is added to subsection (1), and subsection**
769 **(5) is added to that section, to read:**

770 373.229 Application for permit.—

771 (1) All permit applications filed with the governing board
772 or the department under this part and notice thereof required
773 under s. 373.116 shall contain:

774 (h) The location of the well or point of diversion; and
775 (i) A disclosure of whether the proposed application is

776 for a hyperscale data center as defined in s. 377.7055. Such
777 disclosure requirement applies to individual applicants and
778 applicants applying on behalf of customers, including a county,
779 municipality, private utility, or regional water supply
780 authority; and

781 (4) (a) Except for a proposed application for a hyperscale
782 data center, if the proposed application is for less than
783 100,000 gallons per day, the governing board or the department
784 may consider the application and any objections thereto without
785 a hearing. If the proposed application is for 100,000 gallons
786 per day or more and no objection is received, the governing
787 board or the department, after proper investigation by its
788 staff, may, at its discretion, approve the application without a
789 hearing.

790 (b) If the proposed application is for a hyperscale data
791 center, a hearing must be held in the county in which the use of
792 water is proposed to occur. Notice of such hearing must be
793 advertised pursuant to requirements prescribed by the governing
794 board or department. Notice must also be sent by certified mail
795 at least 30 days before the hearing to all property owners
796 located within a 10-mile radius of the real property associated
797 with the hyperscale data center. A true copy of the notice
798 advertised must be posted on the real property associated with
799 the hyperscale data center. Within 15 days after the hearing or
800 at the next regularly scheduled meeting of the governing board

801 or department, whichever is later, another hearing must be held
802 to consider the application.

803 (5) As used in this section, the term "hyperscale data
804 center" has the same meaning as in s. 377.7055.

805 **Section 17. Section 377.7055, Florida Statutes, is created**
806 **to read:**

807 377.7055 Hyperscale data centers.—

808 (1) It is the policy of this state to empower and
809 encourage the governing body of a local government to protect
810 residents against the negative impacts of hyperscale data
811 centers.

812 (2) As used in this section, the term:

813 (a) 1. "Data" means information in a specific
814 representation, usually as a sequence of symbols that have
815 meaning.

816 2. As used in this paragraph, "information" means any
817 communication or representation of knowledge, such as facts,
818 data, or opinions, in any medium or format, including, but not
819 limited to, textual, numerical, graphic, cartographic,
820 narrative, or audiovisual.

821 (b) "Department" means the Department of Agriculture and
822 Consumer Services.

823 (c) "Hyperscale data center" means a facility that:

824 1. Consists of one or more contiguous parcels of land in
825 this state, including a building, substation, information

826 technology as defined in 282.0041, or other infrastructure,
827 fixture, or personal property located on the land.

828 2. Is used to house, store, or operate equipment that
829 receives, stores, aggregates, manages, processes, transforms,
830 retrieves, researches, or transmits data, or is necessary for
831 the proper operation of such equipment.

832 3.a Requires at least 25 megawatts of energy resources to
833 support its operations, including any hyperscale data center
834 property.

835 b. As used in this subparagraph, the term:

836 (I) "Energy resources" includes, but is not be limited to:

837 (A) Energy converted from solar radiation, wind, hydraulic
838 potential, hydroelectric power, and other energy resources
839 created by tidal movements, biomass, and geothermal sources.

840 (B) Propane, butane, motor gasoline, kerosene, home
841 heating oil, diesel fuel, other middle distillates, aviation
842 gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
843 residual fuels, crude oil, and other petroleum products and
844 hydrocarbons as may be determined by the department to be of
845 importance.

846 (C) All natural gas, including casinghead gas, all other
847 hydrocarbons that are not petroleum products in subparagraph 2.,
848 and liquefied petroleum gas as defined in s. 527.01(1).

849 (D) All types of coal and products derived from its
850 conversion and used as fuel.

851 (E) All types of nuclear energy, special nuclear material,
852 and source material, as defined in former s. 290.07.

853 (F) All electrical energy.

854 (II) "Hyperscale data center property" means any real
855 property, or any tangible property associated with a hyperscale
856 data center, which supports, constructs, outfits, operates,
857 powers, cools, dehumidifies, secures, or protects a hyperscale
858 data center and any related substation. The term includes, but
859 is not be limited to:

860 (A) Construction materials.

861 (B) Component parts.

862 (C) Machinery.

863 (D) Equipment.

864 (E) Computers;

865 (F) Computing devices.

866 (G) Information technology as defined in s. 282.0041.

867 (H) Servers.

868 (I) Installation, redundancy, and operating or enabling
869 software, including any replacement, update, or new version or
870 upgrade to or for such property,

871
872 regardless of whether the property is a fixture or is otherwise
873 affixed to or incorporated into the real property. The term also
874 includes any energy or water resources supporting a hyperscale
875 data center.

876 (d) "Local government" means any county or municipality.

877 (e) "Real property" has the same meaning as in s.

878 192.001(12).

879 (f) "Waters of this state" has the same meaning in s.

880 327.02. The term includes all submerged lands or territorial
881 waters that are not under the jurisdiction of this state.

882 (3) On or after July 1, 2026, a hyperscale data center may
883 not be constructed and operated on:

884 (a) Land classified as agricultural land under s. 193.461.

885 (b) Land that, at the time of a proposed reclassification,
886 siting, or construction, is located within 10 miles of an area
887 of agricultural, recreational, or conservation land use.

888 (c) Waters of this state, or any land that is located
889 within 5 miles of waters of this state.

890 (4) (a) Before the construction and operation of any
891 hyperscale data center, in addition to adopting any necessary
892 comprehensive plan amendments or land use changes or issuing a
893 consumptive use permit, the governing body of a local government
894 must hold a public hearing to approve the project. The public
895 hearing for such approval must be advertised in newspapers of
896 general circulation within the local government and any affected
897 local government must allow for public comment. Notice must also
898 be sent by certified mail at least 30 days before the hearing to
899 each property owner located within a 10-mile radius of the real
900 property associated with the project. A true copy of the notice

HB 1007

2026

901 published must be posted on the real property associated with
902 the project.

903 (b) If a governing body of the local government votes to
904 approve a project for a hyperscale data center under paragraph
905 (a), the governing body of the local government shall request,
906 in concurrence and cooperation with the siting board under s.
907 403.5341, approval of such project.

908 **Section 18. Section 403.5341, Florida Statutes, is created**
909 **to read:**

910 403.5341 Hyperscale data centers; siting board.—

911 (1) As used in this section, the term:

912 (a) "Board" means the Governor and Cabinet sitting as the
913 siting board.

914 (b) "Hyperscale data center" has the same meaning as in s.
915 377.7055.

916 (2) On or after July 1, 2026, upon receipt of a
917 concurrence request by the governing body of a local government
918 pursuant to s. 377.7055(4), the board shall have published in
919 the Florida Administrative Register notice of the request. The
920 board shall require the local government seeking to construct
921 and operate a hyperscale data center to notify, in writing or by
922 email, each member of the legislative delegation of the county
923 or municipality in which the real property associated with the
924 project is located when the notice is published. The board shall
925 schedule and hold a concurrence hearing no later than 30 days

HB 1007

2026

926 after the date the notice is published in the Florida
927 Administrative Register and notice is provided to each member of
928 the legislative delegation.

929 (3) If the board does not approve a concurrence request at
930 a hearing held under subsection (2), the hyperscale data center
931 may not be constructed, and no appeal may be granted.

932 **Section 19. Subsection (5) is added to section 624.406,**
933 **Florida Statutes, to read:**

934 624.406 Combinations of insuring powers, one insurer.—An
935 insurer which otherwise qualifies therefor may be authorized to
936 transact any one kind or combination of kinds of insurance as
937 defined in part V except:

938 (5) An authorized insurer's underwriting practices for a
939 hyperscale data center, as defined in s. 377.7055, may not
940 authorize the pooling or commingling of hyperscale data centers
941 assigned risk with any other kind or combination of kinds of
942 insurance as a risk management strategy. If an insurer violates
943 this subsection, the department may deny, suspend, or revoke the
944 insurer's authority to transact insurance in this state.

945 **Section 20.** This act shall take effect July 1, 2026.