

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

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

collecting certain impact fees; amending s. 373.219, F.S.; requiring permit applications for consumptive use of water relating to hyperscale data centers to contain a specified disclosure; requiring certain approvals of such applications before issuance of permit; amending s. 373.229, F.S.; requiring permit applications to contain a specified disclosure; providing applicability; providing hearing requirements for proposed permit applications for hyperscale data centers; requiring specified notices; defining the term "hyperscale data center"; creating s. 377.7055, F.S.; providing legislative intent; providing definitions; prohibiting the construction and operation of hyperscale data centers on specified lands and water on or after a date certain; providing for a hearing requirement before the construction and operation of hyperscale data centers; requiring specified notices; requiring the governing body of a local government that approves the construction and operation of a hyperscale data center to request, in concurrence with a specified board, approval; creating s. 403.5341, F.S.; defining the terms "board" and "hyperscale data center"; requiring a specified board on or after a date certain to have published in the Florida Administrative Register notice of a

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

the budget;

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

5. Emergency ordinances;

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

7. Ordinances enacted to implement the following:

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

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

c. Sections 190.005 and 190.046;

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

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

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

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

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

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

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

e. Emergency ordinances;

f. Ordinances relating to procurement;

g. Ordinances enacted to implement the following:

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

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

(III) Sections 190.005 and 190.046;

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

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

**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

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

density and intensity of each use.

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

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

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

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

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

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

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

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

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

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

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality 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

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

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

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

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

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

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

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

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

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

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

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

(IV) Promotes conservation of water and energy.

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

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

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

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

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

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

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed-use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

d. The future land use element may not combine any mix of uses intended to be used for a hyperscale data center.

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

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

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

(c) "Reviewing agencies" means:

1. The state land planning agency;
2. The appropriate regional planning council;
3. The appropriate water management district;
4. The Department of Environmental Protection;
5. The Department of State;
6. The Department of Transportation;

7. In the case of plan amendments relating to public schools, the Department of Education;

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

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

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

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



(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245 or an amendment to an adopted sector plan; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; propose a development that is subject to the state coordinated review process pursuant to s. 380.06; plans or plan amendments that seek to change a land classification or relate to a hyperscale data center; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167, must follow the state coordinated review process in subsection (4).

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

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

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

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

163.3202 Land development regulations.—

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

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

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

163.32065 Hyperscale data centers; prohibited use.—

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

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

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

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

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

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

(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)

(c) This subsection does not apply to:

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

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

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

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

5. Emergency ordinances;

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

7. Ordinances enacted to implement the following:

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

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

c. Sections 190.005 and 190.046;

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

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

party other than the municipality;

(III) Sections 190.005 and 190.046;

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

(IV) Section 633.202, relating to the Florida Fire  
Prevention Code.

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

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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this  
subsection and any accrued interest shall be expended by the  
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

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

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

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

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

c. Any expenditure for the construction, lease, or 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

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

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

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

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

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

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

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

(a) Noise abatement.

(b) Information for local officials.

(c) Construction noise.

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

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

366.032 Preemption over utility service restrictions.—

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

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

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

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

373.219 Permits required.—

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

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

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

1. A governing board must be approved by the governing board following a public hearing as required by s. 377.7055(4).

2. The application must be approved by the department during a public hearing as required by s. 373.229(4).

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

373.229 Application for permit.—

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

(h) The location of the well or point of diversion; ~~and~~

(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

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

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

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

403.5341 Hyperscale data centers; siting board.—

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

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

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

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

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.