

1 A bill to be entitled
2 An act relating to data centers; creating s. 112.231,
3 F.S.; defining terms; prohibiting an agency from
4 entering into a nondisclosure agreement or other
5 contract that restricts the agency from disclosing
6 certain information to the public; providing that an
7 agreement or contract, or a provision of an agreement
8 or contract, is void and unenforceable under certain
9 circumstances; providing civil penalties; authorizing
10 the state attorney to bring an action to collect a
11 fine; providing applicability; creating s. 163.326,
12 F.S.; providing legislative findings; specifying that
13 local governments maintain authority to exercise power
14 and responsibility over comprehensive planning and
15 land development regulations related to large load
16 customers; prohibiting a large load customer from
17 being considered an electric substation; prohibiting a
18 local government from issuing a construction permit
19 for a certain new data center or support facilities in
20 specified areas; permitting the local government to
21 waive the prohibition under certain circumstances;
22 providing a directive to the Division of Law Revision;
23 amending s. 288.075, F.S.; providing a definition;
24 providing an exception to a provision allowing an
25 extension of certain confidentiality protections;

26 | creating s. 366.043, F.S.; providing legislative
27 | findings; defining terms; requiring the Florida Public
28 | Service Commission to develop minimum tariff and
29 | service requirements for large load customers;
30 | requiring that such requirements ensure that large
31 | load customers bear their costs of service and that
32 | such costs are not shifted to the general body of
33 | ratepayers; requiring certain measures to minimize the
34 | risk of nonpayment of such costs; requiring that such
35 | minimum tariff and service requirements include
36 | certain provisions designed to prevent a public
37 | utility from providing electric service to a large
38 | load customer that is a foreign entity; prohibiting a
39 | customer from separating a certain electrical load
40 | into multiple smaller connections for a specified
41 | purpose; authorizing the commission to include certain
42 | measures in minimum tariff and service requirements;
43 | prohibiting any tariff, contractual provision, service
44 | requirement, or other public utility policy from
45 | preventing or hindering the curtailment or
46 | interruption of electric service to a large load
47 | customer for certain purposes; prohibiting a public
48 | utility from knowingly providing electric service to a
49 | large load customer that is a foreign entity;
50 | requiring the commission to adopt rules by a specified

51 date; specifying a deadline for utilities to file a
52 tariff in compliance with the final rule; amending s.
53 373.203, F.S.; defining terms; creating s. 373.262,
54 F.S.; providing legislative intent; prohibiting the
55 governing board of a water management district or the
56 Department of Environmental Protection from issuing a
57 permit for the consumptive use of water to a large-
58 scale data center under certain circumstances;
59 requiring that such permit be issued to a large-scale
60 data center applicant if the applicant establishes
61 that the proposed use of water satisfies certain
62 requirements; requiring the governing board or the
63 department to require the use of reclaimed water for a
64 large-scale data center applicant's allocation when
65 certain requirements are met; specifying requirements
66 for certain permit applications; prohibiting the
67 approval of permit applications without a hearing;
68 amending s. 373.239, F.S.; requiring that consumptive
69 use permit modifications proposed by a large-scale
70 data center be treated in a specified manner;
71 providing effective dates.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 **Section 1. Section 112.231, Florida Statutes, is created**

76 **to read:**

77 112.231 Data center nondisclosure agreements.—

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

79 (a) "Agency" means any state, county, district, authority,
 80 or municipal officer, public employee, department, division,
 81 board, bureau, or commission, or other separate unit of
 82 government created or established by law and any other public or
 83 private agency, person, partnership, corporation, or business
 84 entity acting on behalf of any such agency.

85 (b) "Data center" means a facility that primarily contains
 86 electronic equipment used to process, store, and transmit
 87 digital information, which may be:

88 1. A free-standing structure; or

89 2. A facility within a larger structure which uses
 90 environmental control equipment to maintain the proper
 91 conditions for the operation of electronic equipment.

92 (2) An agency may not enter into a nondisclosure agreement
 93 or other contract restricting the agency from disclosing
 94 information about a potential data center development to members
 95 of the public.

96 (3) An agreement or contract, or a provision of an
 97 agreement or contract, that violates this section is against
 98 public policy and is void and unenforceable.

99 (4) An agency that violates this section is subject to a
 100 civil fine of not more than \$1,000. The state attorney of the

101 county in which the violation occurred may bring an action to
102 collect the fine.

103 (5) This section applies to agreements entered into on or
104 after July 1, 2026.

105 **Section 2. Effective upon becoming a law, section 163.326,**
106 **Florida Statutes, is created to read:**

107 163.326 Large load customer considerations.—

108 (1) The Legislature finds that certain land uses,
109 including facilities with substantial electric or other utility
110 demands, such as data centers and other large load customers as
111 defined in s. 366.043(2), may present unique planning,
112 infrastructure, and compatibility considerations. The
113 Legislature intends that such considerations shall be addressed
114 through local comprehensive planning and land development
115 regulations adopted pursuant to this chapter, including
116 provisions related to infrastructure capacity, land use
117 compatibility, environmental impacts, and the efficient
118 provision of public facilities and services.

119 (2) Local governments shall maintain the authority to
120 exercise the powers and responsibilities for comprehensive
121 planning and land development regulation granted by law with
122 respect to large load customers. A large load customer may not
123 be considered an electric substation for the purposes of s.
124 163.3208.

125 (3) (a) A local government may not issue a construction

126 permit for a new data center, as defined in s. 373.203, if the
127 proposed location of such center is sited within 5 miles of any
128 residential property or school, as measured from the boundary of
129 the parcel of land that will include the proposed data center.
130 This subsection does not apply to any existing construction,
131 current operation, or modification of a data center in existence
132 on the effective date of this section, unless such construction,
133 operation, or modification results in the data center meeting
134 the criteria to be considered a large-scale data center as
135 defined in s. 373.203.

136 (b) The prohibition in paragraph (a) may be waived by a
137 unanimous vote of the total membership of the governing body of
138 the local government with jurisdiction over the parcel of land
139 that will include the proposed data center.

140 **Section 3.** The Division of Law Revision is directed to
141 replace the phrase "the effective date of this section" wherever
142 it occurs in this act with the date that section becomes a law.

143 **Section 4.** **Paragraphs (a), (b), and (c) of subsection (1)**
144 **of section 288.075, Florida Statutes, are redesignated as**
145 **paragraphs (b), (c), and (d), respectively, paragraph (a) of**
146 **subsection (2) is amended, and a new paragraph (a) is added to**
147 **subsection (1) of that section, to read:**

148 288.075 Confidentiality of records.—

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

150 (a) "Data center" has the same meaning as in s. 373.203.

151 (2) PLANS, INTENTIONS, AND INTERESTS.—

152 (a)1. If a private corporation, partnership, or person
153 requests in writing before an economic incentive agreement is
154 signed that an economic development agency maintain the
155 confidentiality of information concerning plans, intentions, or
156 interests of such private corporation, partnership, or person to
157 locate, relocate, or expand any of its business activities in
158 this state, the information is confidential and exempt from s.
159 119.07(1) and s. 24(a), Art. I of the State Constitution for 12
160 months after the date an economic development agency receives a
161 request for confidentiality or until the information is
162 otherwise disclosed, whichever occurs first.

163 2. An economic development agency may extend the period of
164 confidentiality specified in subparagraph 1. for up to an
165 additional 12 months upon written request from the private
166 corporation, partnership, or person who originally requested
167 confidentiality under this section and upon a finding by the
168 economic development agency that such private corporation,
169 partnership, or person is still actively considering locating,
170 relocating, or expanding its business activities in this state.
171 Such a request for an extension in the period of confidentiality
172 must be received prior to the expiration of any confidentiality
173 originally provided under subparagraph 1. This subparagraph does
174 not apply to information described in subparagraph 1. related to
175 data centers.

176
177 If a final project order for a signed economic development
178 agreement is issued, then the information will remain
179 confidential and exempt for 180 days after the final project
180 order is issued, until a date specified in the final project
181 order, or until the information is otherwise disclosed,
182 whichever occurs first. However, such period of confidentiality
183 may not extend beyond the period of confidentiality established
184 in subparagraph 1. or subparagraph 2.

185 **Section 5. Section 366.043, Florida Statutes, is created**
186 **to read:**

187 366.043 Large load tariffs for public electric utilities.—

188 (1) The Legislature finds that the provision of safe and
189 reliable electric services, provided at fair, just, and
190 reasonable rates, is essential to the welfare of the ratepayers
191 of this state. The Legislature further finds that when one class
192 of electric service customer requires uniquely large electrical
193 loads at a single location, it imposes a disproportionate risk
194 on the other ratepayers of this state and makes it necessary for
195 the commission to develop and enforce rate structures and other
196 policies for such customers which ensure such risk is mitigated
197 as much as possible and prevent shifting the costs of serving
198 large load customers to the general body of ratepayers.

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

200 (a) "Controlled by" means having the power to direct or

201 cause the direction of the management or policies of a company,
202 whether through ownership of securities, by contract, or
203 otherwise. A person or an entity that directly or indirectly has
204 the right to vote 25 percent or more of the voting interests of
205 the company or that is entitled to 25 percent or more of its
206 profits is presumed to control the entity.

207 (b) "Foreign country of concern" has the same meaning as
208 in s. 692.201.

209 (c) "Foreign entity" means an entity that is:

210 1. Owned or controlled by the government of a foreign
211 country of concern; or

212 2. A partnership, an association, a corporation, an
213 organization, or other combination of persons organized under
214 the laws of or having its principal place of business in a
215 foreign country of concern, or a subsidiary of such entity.

216 (d) "Large load customer" means a customer with an
217 anticipated monthly peak load of 50 megawatts or more,
218 calculated as the highest average load over a 15-minute interval
219 at a single location. The term does not include a load
220 aggregated across multiple locations owned by the same customer.
221 However, the term includes all customers or other entities that
222 have entered into a colocation or similar agreement at a single
223 location that otherwise meets the anticipated monthly peak load
224 provided in this paragraph.

225 (e) "Public utility" has the same meaning as in s. 366.02,

226 except that the term does not include a gas utility.

227 (3) The commission shall develop minimum tariff and
228 service requirements for large load customers pursuant to all of
229 the following:

230 (a) The minimum tariff and service requirements must
231 reasonably ensure that each large load customer bears its own
232 full cost of service and that such cost is not shifted to the
233 general body of ratepayers. Such cost of service includes, but
234 is not limited to, connection, incremental transmission,
235 incremental generation, and other infrastructure costs;
236 operations and maintenance expenses; and any other costs
237 required to serve a large load customer. The risk of nonpayment
238 of such costs may not be borne by the general body of
239 ratepayers.

240 (b) The minimum tariff and service requirements must
241 include provisions reasonably designed to prevent a public
242 utility from providing electric service to a customer that would
243 otherwise qualify as a large load customer if that customer is a
244 foreign entity.

245 (4) A customer may not separate an electrical load at a
246 single location into multiple smaller connections to avoid being
247 classified as a large load customer.

248 (5) To effectuate the requirements of subsection (3), the
249 commission may include in such requirements utility industry-
250 accepted ratemaking and other financial tools, including, but

251 not limited to, all of the following:

252 (a) Contributions in aid of construction or other required
253 customer infrastructure investments that may be returned, in
254 whole or in part, to such customers over time.

255 (b) Demand charges, including minimum demand charges.

256 (c) Incremental generation charges.

257 (d) Financial guarantees.

258 (e) Minimum load factors.

259 (f) Take-or-pay provisions or similar provisions requiring
260 payment for contracted capacity, regardless of a large load
261 customer's actual electricity use or demand.

262 (g) Minimum period of service contract requirements,
263 including early termination fees or other fees for violation of
264 such contracts.

265 (6) Any tariff, contractual provision, service
266 requirement, or other public utility policy relating to large
267 load customers may not prevent or otherwise hinder the
268 curtailment or interruption of electric service to a large load
269 customer where such curtailment or interruption is intended to
270 ensure grid stability, reduce the likelihood or breadth of wider
271 service outages, or ensure public safety during an emergency or
272 other exceptional circumstance.

273 (7) A public utility may not knowingly provide electric
274 service to a customer that would otherwise qualify as a large
275 load customer if that customer is a foreign entity.

276 (8) The commission shall adopt rules to implement and
277 administer this section and shall propose a rule for adoption by
278 March 1, 2027.

279 (9) Within 60 days after adoption of the final rule
280 implementing this section, each public utility shall file, for
281 commission approval, a tariff that complies with the final rule.

282 **Section 6. Effective upon becoming a law, subsections (3)**
283 **and (4) of section 373.203, Florida Statutes, are redesignated**
284 **as subsections (5) and (6), respectively, and new subsections**
285 **(3) and (4) are added to that section, to read:**

286 373.203 Definitions.—

287 (3) "Data center" means a facility that primarily contains
288 electronic equipment used to process, store, and transmit
289 digital information, which may be:

290 (a) A free-standing structure; or

291 (b) A facility within a larger structure which uses
292 environmental control equipment to maintain the proper
293 conditions for the operation of electronic equipment.

294 (4) "Large-scale data center" means a single location,
295 with a data center on site, that has an anticipated monthly peak
296 load of 50 megawatts or more, calculated as the highest average
297 load over a 15-minute interval. The term does not include a load
298 aggregated across multiple locations owned by the same customer.
299 However, the term includes all customers or other entities that
300 have entered into a colocation or similar agreement at a single

301 location that otherwise meets the anticipated monthly peak load
302 provided in this subsection.

303 **Section 7. Section 373.262, Florida Statutes, is created**
304 **to read:**

305 373.262 Large-scale data center permitting.—

306 (1) It is the intent of the Legislature that the
307 development and operation of large-scale data centers in this
308 state be managed under a permitting framework that ensures this
309 state's water resources are used in the public interest, in a
310 manner that is not harmful to the water resources of this state,
311 and consistent with local government zoning regulations and
312 comprehensive plans.

313 (2) Consistent with other provisions of this part, the
314 governing board of a water management district or the department
315 may not issue a permit to a large-scale data center applicant
316 for an allocation of water if the proposed use of the water is
317 harmful to the water resources of the area or is prohibited by
318 the applicable local government zoning regulations and
319 comprehensive plan. A permit shall be issued to a large-scale
320 data center applicant for an allocation of water if the
321 applicant establishes that the proposed use of water:

322 (a) Is a reasonable-beneficial use as defined in s.
323 373.019;

324 (b) Will not interfere with any presently existing legal
325 use of water; and

326 (c) Is consistent with the public interest.

327 (3) The governing board or the department shall require
328 the use of reclaimed water in lieu of all or a portion of a
329 proposed use of surface water or groundwater by a large-scale
330 data center applicant when:

331 (a) A suitable reclaimed water supply source is available
332 and permitted;

333 (b) Reclaimed water distribution or supply lines are
334 available at the property boundary in sufficient capacity and
335 quality to serve the applicant's needs;

336 (c) The applicant is capable of accessing the reclaimed
337 water source through distribution or supply lines;

338 (d) Use of reclaimed water is environmentally,
339 economically, and technically feasible; and

340 (e) Use of reclaimed water would not conflict with the
341 requirements contained in the applicant's surface water
342 discharge permit, if applicable.

343 (4) (a) In addition to the requirements of s. 373.229, all
344 permit applications made under this part requesting an
345 allocation of at least an average daily flow of 100,000 gallons
346 of water per day by a large-scale data center must contain:

347 1. All sources and amounts of water and losses of water
348 used for cooling, industrial and treatment processes, personal
349 or sanitary needs of employees, and landscape irrigation; and

350 2. A water conservation plan that, at a minimum,

351 incorporates recycling cooling water before discharge or
352 disposal, implementation of a leak detection and repair program,
353 use of water efficient fixtures, and implementation of an
354 employee awareness and education program concerning water
355 conservation.

356 (b) Notwithstanding s. 373.229(4), the governing board or
357 the department may not approve a permit application made under
358 this part by a large-scale data center without a hearing.

359 **Section 8. Subsection (2) of section 373.239, Florida**
360 **Statutes, is amended to read:**

361 373.239 Modification and renewal of permit terms.—

362 (2) If the proposed modification involves water use of
363 100,000 gallons or more per day or is proposed by a large-scale
364 data center as defined in s. 373.203, the application shall be
365 treated under the provisions of s. 373.229 in the same manner as
366 the initial permit application. Otherwise, the governing board
367 or the department may at its discretion approve the proposed
368 modification without a hearing, provided the permittee
369 establishes that:

370 (a) A change in conditions has resulted in the water
371 allowed under the permit becoming inadequate for the permittee's
372 need, or

373 (b) The proposed modification would result in a more
374 efficient utilization of water than is possible under the
375 existing permit.

376 | **Section 9.** Except as otherwise expressly provided in this
377 | act and except for this section, which shall take effect upon
378 | becoming a law, this act shall take effect July 1, 2026.