

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 1118

INTRODUCER: Community Affairs Committee and Senator Avila

SUBJECT: Public Records/Data Centers

DATE: February 4, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1118 provides a time-limited public records exemption for information held by a county or municipality that concerns the plans, intentions, or interests of such person to locate a data center within the jurisdiction of the county or municipality. Such records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution upon request by a person, for a period of 12 months. It also provides that person's proprietary confidential business information related to a data center and held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

SB 484 (2026 Regular Session) by Senator Avila, revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. In part, the bill prohibits agencies from entering into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.

SB 1118 would take effect on the same date that SB 484 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

SB 484 (2026 Regular Session)

SB 484 revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. Specifically, the bill:

- Specifies that agencies may not enter into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.
- Maintains the authority of local governments to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.
- Requires the Public Service Commission (PSC) to develop minimum large load tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and that the general body of rate payers do not bear the risk of non-payment of such cost.
- Prohibits public electric utilities from providing service to large load facilities owned or controlled by foreign countries of concern.
- Establishes a distinct large-scale data center consumptive use permit (CUP) permit requirements and application process. The bill also authorizes water management districts or the Department of Environmental Protection to require large-scale data centers to use some portion of reclaimed water as part of a CUP approval.
- Specifies that CUP modifications involving a large-scale data center must be treated as new, initial applications.

SB 484 takes effect upon becoming a law.

Data Centers

At its most basic, a data center is a physical facility that contains information technology (IT) infrastructure for storing, processing, and distributing data and the running of shared and distributed applications and services. Data centers can be anything from a dedicated space within a building, a dedicated building, or, for the largest-scale data centers, multi-building campuses.¹

Generally, the major components of a data center are:

- IT equipment: This would be the core processing, storage, and transmission hardware for a data center—this would include servers, data storage systems, and network gear (such as routers and switches).
- Power infrastructure: This would be all the equipment to supply and maintain power to the facility, including power supplies (including redundant and uninterruptable power supplies to ensure continuous operation), and power distribution units.
- Cooling systems: This would include cooling infrastructure to maintain the data center at ideal temperatures and prevent IT equipment from overheating.

¹ Cisco, *What is a Data Center*, <https://www.cisco.com/site/us/en/learn/topics/computing/what-is-a-data-center.html> (last visited Feb. 2, 2026); and IBM, *What is a Data Center*, <https://www.ibm.com/think/topics/data-centers> (last visited Feb. 2, 2026).

- Physical security: This would include systems that restrict access to the data center and fire suppression systems.²

Data centers date back to the earliest dates of electronic, digital, computing when machines like the US military's Electrical Numerical Integrator and Computer (ENIAC), completed in 1945, required dedicated computer room space to house its massive machines. For many years, mainframe computers dominated computer rooms. However, in the 1990's when microcomputers came about and replaced mainframes in computer rooms—these microcomputers became known as servers and the computer rooms became known as what would eventually become the modern data center.³

The emergence of cloud computing in the early 2000s changed the data center landscape significantly in regard to the purpose and scale of data centers. Data centers went from serving solely one organization's (or even one organization's needs at a single location) needs, to shared resources that can be sold and provided as needed to multiple individuals and organizations with the ability to scale up or down as needed—these shared spaces are generally known as colocation data centers.⁴

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.⁵ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.⁶

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.⁷ For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁸ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁹

Section 119.011(12), F.S., defines “public records” to include:

² McKinsey & Company, *What is a Data Center*, <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-a-data-center> (last visited Feb. 2, 2026).

³ IBM *supra* note 1.

⁴ *Id.*

⁵ FLA. CONST. art. I, s. 24(a).

⁶ *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

⁷ Chapter 119, F.S., does not apply to legislative or judicial records. See, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁸ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁹ Section 119.01(1), F.S.

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”¹⁰

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.¹¹ A violation of the Public Records Act may result in civil or criminal liability.¹²

Only the Legislature may create an exemption to public records requirements.¹³ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁴ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹⁵ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹⁶

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹⁷ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁸ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁹

¹⁰ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹¹ Section 119.07(1)(a), F.S.

¹² Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹³ FLA. CONST. art. I, s. 24(c).

¹⁴ *Id.*

¹⁵ The bill may, however, contain multiple exemptions that relate to one subject.

¹⁶ FLA. CONST. art. I, s. 24(c)

¹⁷ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁸ *Id.*

¹⁹ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

General exemptions from the public records requirements are typically contained in the Public Records Act.²⁰ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.²¹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 112.231, F.S., created by SB 484, to create a time-limited public records exemption for information, held by a county or municipality, that concerns the plans, intentions, or interests of such person to locate a data center²² within the jurisdiction of the county or municipality. Such records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution upon request by a person, for a period of 12 months (or until the person waives confidentiality or the information is otherwise disclosed). To be valid, this request must be made in the timeframe in which such person plans, intends, or is interested in locating the data center and before any formal application is filed with the county or municipality. However, the county or municipality must disclose that the project in question is a data center. This exemption applies to officers and public employees of the county or municipality and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of the county or municipality.

The section does provide, however, that a municipality may disclose such information to an agency with decision-making or regulatory responsibility regarding the data center, including, but not limited to, regulation of the location, construction, or operations.

In addition to the above time-limited exemption, the section also provides a public records exemption for confidential business information related to a data center and held by any agency.²³ These records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution until such information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information. The section defines “confidential business information” as owned or controlled by the person requesting confidentiality, is intended to be and is treated by that person as private (in that the disclosure of the information would cause harm to the business operations of the person), and that has not been disclosed pursuant to a statutory provision or an order of a court or administrative body. Such information would include all of the following:

- Business plans;
- Internal auditing controls and reports of internal auditors;
- Reports of external auditors for privately held companies;

²⁰ See, e.g., s. 119.071(1)(a), F.S., exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure.

²¹ See, e.g., s. 213.053(2), F.S., exempting from public disclosure information received by the Department of Revenue, including investigative reports and information.

²² Section 112.231, F.S., as created by SB 484 (2026), defines a “data center” as a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be 1) a free-standing structure, or 2) a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

²³ Section 112.231, F.S., as created by SB 484 (2026), defines a “agency” as means any state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any such agency.

- Security measures, systems, or procedures; and
- Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

This section is subject to Florida's Open Government Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides a statement of public necessity as required by s. 24(c), Article I of the Florida Constitution stating that such protections provide confidentiality for a period of time for certain information concerning persons locating a data center in Florida or attempting to do data center-related business with a county or municipality. The section finds the disclosure of information such certain business activity plans related to the data center could injure a person in the marketplace by providing competitors with vital competitive information. Such a situation may negatively impact the economics state by increasing the likelihood of a person refraining from locating a data center in Florida due to confidentiality concerns.

Section 3 of the bill would take effect on the same date that SB 484 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or public meetings requirements. This bill creates a new public records exemption; thus, the bill does require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect certain business information relating to data centers. This bill exempts only those portions of records and meetings that contain relevant

information and therefore does not appear to be broader than necessary to accomplish the purposes of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 112.231, F.S., created by SB 484 (2026).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Committee Substitute by Community Affairs on February 3, 2026:

The committee substitute inserts the companion bill's assigned number, SB 484, in the placeholder.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
