

By Senator Avila

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A bill to be entitled
An act relating to public records; amending s.
112.231, F.S.; providing an exemption from public
records requirements for information relating to the
plans, intentions, or interest of a person to locate a
data center; defining the term "proprietary
confidential business information"; providing for
future legislative review and repeal of the exemption;
providing a statement of public necessity; providing a
contingent effective date.

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

Section 1. Present subsection (5) of section 112.231,
Florida Statutes, as created by SB ____ or similar legislation,
2026 Regular Session, is redesignated as subsection (6), and a
new subsection (5) is added to that section, to read:

112.231 Data center nondisclosure agreements;
confidentiality.—

(5)(a) If a person, as defined in 1.01(3), requests in
writing that a county or municipality maintain the
confidentiality of information that concerns the plans,
intentions, or interests of such person to locate a data center
within the jurisdiction of the county or municipality, any
portion of a public record held by a county or municipality
which contains such information is confidential and exempt from
s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The
request must be made during the timeframe in which the person
plans, intends, or is interested in locating the data center and

39-01061B-26

20261118__

before any formal application is filed with the county or municipality. The information is confidential and exempt for 12 months after the date a county or municipality receives a request for confidentiality or until the person waives confidentiality or the information is otherwise disclosed. However, the county or municipality must disclose that the project is a data center. This paragraph 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.

(b) The information requested pursuant to paragraph (a) may be disclosed 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.

(c)1. A 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, until such information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information.

2. The term "proprietary confidential business information" means information that is owned or controlled by the person requesting confidentiality under this section; that is intended to be and is treated by the 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. Proprietary confidential business

39-01061B-26

20261118__

information includes all of the following:

a. Business plans.

b. Internal auditing controls and reports of internal auditors.

c. Reports of external auditors for privately held companies.

d. Security measures, systems, or procedures.

e. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to provide confidentiality for a period of time for certain information concerning persons locating a data center in this state which is contained in records of such persons conducting business or attempting to conduct business with a county or municipality in this state. The disclosure of information such as plans for locating proprietary confidential business information, or other business activities related to the data center could injure a person in the marketplace by providing competitors with detailed insights into the strategic plans of the person or with confidential personnel information, thereby diminishing the advantage that the person maintains over those that do not possess such information. Without these exemptions, persons whose records generally are not required to be open to the public might refrain from locating a data center

39-01061B-26

20261118__

88 in this state and instead choose to conduct business activities
89 outside of this state, which would deprive the state and the
90 public of the potential economic benefits associated with
91 business activities in this state. The harm to persons caused by
92 the public disclosure of such information outweighs the public
93 benefits derived from the release of the information.

94 Section 3. This act shall take effect on the same date that
95 SB ____ or similar legislation takes effect, if such legislation
96 is adopted in the same legislative session or an extension
97 thereof and becomes a law.