

By Senator Avila

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

14 Section 1. Present subsection (5) of section 112.231,
15 Florida Statutes, as created by SB ____ or similar legislation,
16 2026 Regular Session, is redesignated as subsection (6), and a
17 new subsection (5) is added to that section, to read:

18 112.231 Data center nondisclosure agreements;
19 confidentiality.—

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

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30 before any formal application is filed with the county or
31 municipality. The information is confidential and exempt for 12
32 months after the date a county or municipality receives a
33 request for confidentiality or until the person waives
34 confidentiality or the information is otherwise disclosed.
35 However, the county or municipality must disclose that the
36 project is a data center. This paragraph applies to officers and
37 public employees of the county or municipality and any other
38 public or private agency, person, partnership, corporation, or
39 business entity acting on behalf of the county or municipality.

40 (b) The information requested pursuant to paragraph (a) may
41 be disclosed to an agency with decision-making or regulatory
42 responsibility regarding the data center, including, but not
43 limited to, regulation of the location, construction, or
44 operations.

45 (c) 1. A person's proprietary confidential business
46 information related to a data center and held by an agency is
47 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
48 of the State Constitution, until such information is otherwise
49 publicly available or is no longer treated by the proprietor as
50 proprietary confidential business information.

51 2. The term "proprietary confidential business information"
52 means information that is owned or controlled by the person
53 requesting confidentiality under this section; that is intended
54 to be and is treated by the person as private in that the
55 disclosure of the information would cause harm to the business
56 operations of the person; and that has not been disclosed
57 pursuant to a statutory provision or an order of a court or
58 administrative body. Proprietary confidential business

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59 information includes all of the following:

60 a. Business plans.

61 b. Internal auditing controls and reports of internal

62 auditors.

63 c. Reports of external auditors for privately held

64 companies.

65 d. Security measures, systems, or procedures.

66 e. Information relating to competitive interests, the

67 disclosure of which would impair the competitive business of the

68 provider of the information.

69 (d) This subsection is subject to the Open Government

70 Sunset Review Act in accordance with s. 119.15 and shall stand

71 repealed on October 2, 2031, unless reviewed and saved from

72 repeal through reenactment by the Legislature.

73 Section 2. The Legislature finds that it is a public

74 necessity to provide confidentiality for a period of time for

75 certain information concerning persons locating a data center in

76 this state which is contained in records of such persons

77 conducting business or attempting to conduct business with a

78 county or municipality in this state. The disclosure of

79 information such as plans for locating proprietary confidential

80 business information, or other business activities related to

81 the data center could injure a person in the marketplace by

82 providing competitors with detailed insights into the strategic

83 plans of the person or with confidential personnel information,

84 thereby diminishing the advantage that the person maintains over

85 those that do not possess such information. Without these

86 exemptions, persons whose records generally are not required to

87 be open to the public might refrain from locating a data center

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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.