

By the Committee on Community Affairs; and Senator Avila

578-02479-26

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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 484 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

578-02479-26

20261118c1

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

578-02479-26

20261118c1

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

578-02479-26

20261118c1

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 484 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.