

1 A bill to be entitled
2 An act relating to the approval of data center
3 facilities; providing a short title; creating s.
4 377.714, F.S.; requiring applications for the approval
5 of data center facilities to include specified
6 disclosures; requiring the Department of Environmental
7 Protection to make such information publicly available
8 on its website; providing that such applications may
9 not be approved before such information is posted for
10 a specified period of time; requiring certain local
11 governments to make such information publicly
12 available on local government websites; requiring that
13 written notice be provided to certain residential and
14 commercial landowners and renters; requiring existing
15 data centers to disclose specified information;
16 requiring data centers to comply with specified
17 standards; providing a penalty; prohibiting tax
18 credits for certain facilities; prohibiting certain
19 exemptions, protections, and restrictions for such
20 information; requiring the department to adopt rules;
21 providing an effective date.

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

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25 **Section 1.** This act may be cited as the "Data Center

26 Transparency Act."

27 **Section 2. Section 377.714, Florida Statutes, is created**
28 **to read:**

29 377.714 Approval of data center facilities.—

30 (1) Any application for the approval of a data center
31 facility must require a detailed disclosure of the following:

32 (a) A plan for energy management of the electricity or
33 power supply for the data center, including but not limited to:

34 1. The energy sources, such as full or partial self-power.

35 2. If connected to a regulated utility, include impact on
36 the grid.

37 3. Any renewable energy.

38 4. Energy use efficiency, conservation, and use
39 management.

40 5. The carbon footprint from servers.

41 6. Storage equipment.

42 7. Networking devices.

43 8. Uninterruptible power supplies.

44 9. Heating, ventilation, and air conditioning systems and
45 other essential infrastructure, and cost-sharing with other
46 users on the grid, such as nearby residential and commercial
47 consumers for both the operation of electronic information
48 technology equipment and cooling.

49 10. A statement of actual or anticipated greenhouse gas
50 emissions, including direct emissions, such as emissions from

51 onsite equipment and power generators, and indirect emissions,
52 such as emissions from electricity suppliers, in accordance with
53 the United States Greenhouse Gas Reporting Program. Anticipated
54 versus actual figures should be based on existing measurements
55 by substantially similar data centers under similar climate
56 conditions for the area.

57 11. For those data centers connecting to a public utility
58 grid, an energy cost-sharing statement that includes:

59 a. The results of any agreement negotiated through the
60 rate or tariff setting process with the Public Service
61 Commission regarding large load customers with a demand greater
62 than 75 megawatts who pay monthly minimums equal to 80 percent
63 of their capacity or transmission costs.

64 b. Any collateral requirements.

65 c. Contract termination fees to prevent data centers costs
66 from being laid onto residential and other low load consumers.

67 (b) For data centers using water for cooling or any other
68 purpose, a detailed description of the plan for water management
69 and cooling, including but not limited to:

70 1. The water sources, including whether the water is
71 fresh, purchased from a local water utility, purchased from
72 onsite reservoirs, or from some other source.

73 2. The cooling method, such as moving chilled air through
74 large ductwork, moving chilled water in a piped cooling loop, or
75 room-scale air conditioners.

76 3. The amount of water in gallons that is being consumed
77 daily.

78 4. Cost sharing for water resources with local residents
79 and businesses.

80 (c) To proactively avoid any toxic substances being
81 released into the environment, a plan for waste management to
82 dispose of or recycle electronic waste such as racks, computing
83 equipment, monitors, circuits, and other electrical components.

84 (d) A statement of the presence of any emissions from
85 hydrofluorocarbons, which are commonly used as refrigerants for
86 cooling systems.

87 (e) Any agreements with the local, state, or federal
88 governments regarding any zoning treatment or economic
89 incentives, such as tax credits or other favorable tax
90 treatment, or other special considerations.

91 (f) An environmental impact study. If not included in
92 environmental impact assessments, state data centers shall
93 provide a statement regarding compliance with the Clean Air Act
94 and the National Environmental Policy Act.

95 (g) Any agreements with local governments for economic
96 incentives, tax credits, or other special considerations.

97 (h) A plan for worker safety, including but not limited
98 to, compliance with the United States Occupational Safety and
99 Health Administration permissible exposure limit of 90 dBa for
100 employees working for 8 hours per day. The plan must specify any

safety equipment or personal protective equipment required to be used by and provided to workers, procedures limiting employees from working in close proximity to electrical hazard areas, and compliance with the National Fire Prevention Standard 70 and 70E to manage electrical hazards appropriately.

(i) A statement of any preventative mitigation measures for harmful noise emissions, such as maximum sound levels of 60 dBa during the daytime and 55 dBa at night, or any other amount based on a sound study, for residents and businesses within one-quarter mile of the proposed data center location.

(2) (a) The Department of Environmental Protection must post the information in subsection (1) on its website. An application for a new data center facility may not be approved before such information is posted on the department website for no less than 30 calendar days.

(b) Each local government within the proposed data center location and each local government within 100 square miles of the proposed location shall post the information in subsection (1) on its website.

(c) In addition to publication through the government websites, written notices shall be provided to all residential and commercial landowners and renters within a 5-mile radius of the proposed data center location.

(d) An existing data center facility must disclose the information in subsection (1) to the department no later than

126 August 1, 2026. The department must post the information on its
127 website.

128 (3)(a) Data centers shall state adherence to industry
129 security standards, which may be updated over time, but in 2026
130 should include whether or not the data center complies with the
131 International Organization for Standardization No. 27001; the
132 Statement on Standards for Attestation Engagements No. 16; the
133 International Standard on Assurance Engagements No. 3402; and
134 the Federal Information Security Modernization Act of 2014.

135 (b) Data centers that deal with personal information of
136 any potential European users shall state whether they comply
137 with privacy standards set forth in the General Data Protection
138 Regulation.

139 (c) Data centers that deal with payment information must
140 comply with state adherence to the Payment Card Industry Data
141 Security Standard, commonly referred to as PCI DSS, or any other
142 applicable industry standard designed to secure financial data
143 against breaches during credit, debit, or any other financial
144 transactions.

145 (d) Data centers that provide services to entities covered
146 by the Health Insurance Portability and Accountability Act
147 (HIPAA), such as healthcare providers and clearinghouses, must
148 have a plan to comply with all 19 standards set forth by HIPAA
149 to secure electronic protected health information. The plan must
150 include, but is not limited to, any technical, physical, and

151 administrative safeguards to ensure the security and privacy of
152 data and measures like encryption for safe transmission of
153 identifiable health information.

154 (4) Data centers that fail to comply with the reporting
155 requirements under this section may be subject to fines of up to
156 \$10,000 per violation. A high resource use facility may not
157 receive any tax incentive if the owner or operator fails to
158 properly submit a disclosure report pursuant to the section.

159 (5) The information in subsection (1) may not be granted
160 an exemption or protection from disclosure based on trade
161 secrets, confidentiality agreements, or any other restriction
162 that would impinge on the public policy interest in full
163 transparency.

164 (6) The department shall adopt rules to implement this
165 section.

166 **Section 3.** This act shall take effect July 1, 2026.