

By the Committee on Community Affairs; and Senators Avila and Yarborough

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A bill to be entitled

An act relating to data centers; creating s. 112.231, F.S.; defining terms; prohibiting an agency from entering into a nondisclosure agreement or other contract that restricts the agency from disclosing certain information to the public; providing that an agreement or contract, or a provision of an agreement or contract, is void and unenforceable under certain circumstances; providing civil penalties; authorizing the state attorney or Attorney General to bring an action to collect a fine; providing applicability; creating s. 163.326, F.S.; providing legislative findings; specifying that local governments maintain authority to exercise power and responsibility over comprehensive planning and land development regulations related to large load customers; creating s. 366.043, F.S.; providing legislative findings; defining terms; requiring the Florida Public Service Commission to develop minimum tariff and service requirements for large load customers; requiring that such requirements ensure that large load customers bear their costs of service and that such costs are not shifted to the general body of ratepayers; requiring that such minimum tariff and service requirements include certain provisions designed to prevent a public utility from providing electric service to a large load customer that is a foreign entity; prohibiting a customer from separating a certain electrical load into multiple smaller

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30 connections for a specified purpose; authorizing the
31 commission to include certain measures in minimum
32 tariff and service requirements; prohibiting any
33 tariff, contractual provision, service requirement, or
34 other public utility policy from preventing or
35 hindering the curtailment or interruption of electric
36 service to a large load customer for certain purposes;
37 prohibiting a public utility from knowingly providing
38 electric service to a large load customer that is a
39 foreign entity; requiring the commission to adopt
40 rules by a specified date; specifying a deadline for
41 utilities to file a tariff in compliance with the
42 final rule; amending s. 373.203, F.S.; defining terms;
43 creating s. 373.262, F.S.; providing legislative
44 intent; prohibiting the governing board of a water
45 management district or the Department of Environmental
46 Protection from issuing a permit for the consumptive
47 use of water to a large-scale data center under
48 certain circumstances; requiring that such permit be
49 issued to a large-scale data center applicant if the
50 applicant establishes that the proposed use of water
51 satisfies certain requirements; requiring the
52 governing board or the department to require the use
53 of reclaimed water for a large-scale data center
54 applicant's allocation when certain requirements are
55 met; specifying requirements for certain permit
56 applications; prohibiting the approval of permit
57 applications without a hearing; amending s. 373.239,
58 F.S.; requiring that consumptive use permit

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59 modifications proposed by a large-scale data center be
60 treated in a specified manner; providing an effective
61 date.

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

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65 Section 1. Section 112.231, Florida Statutes, is created to
66 read:

67 112.231 Data center nondisclosure agreements.—

68 (1) As used in this section, the term:

69 (a) "Agency" means any state, county, district, authority,
70 or municipal officer, public employee, department, division,
71 board, bureau, or commission, or other separate unit of
72 government created or established by law and any other public or
73 private agency, person, partnership, corporation, or business
74 entity acting on behalf of any such agency.

75 (b) "Data center" means a facility that primarily contains
76 electronic equipment used to process, store, and transmit
77 digital information, which may be:

78 1. A free-standing structure; or

79 2. A facility within a larger structure which uses
80 environmental control equipment to maintain the proper
81 conditions for the operation of electronic equipment.

82 (2) An agency may not enter into a nondisclosure agreement
83 or other contract restricting the agency from disclosing
84 information about a potential data center development to members
85 of the public.

86 (3) An agreement or contract, or a provision of an
87 agreement or contract, that violates this section is against

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88 public policy and is void and unenforceable.

89 (4) An agency that violates this section is subject to a
90 civil fine of not more than \$1,000. The state attorney of the
91 county in which the violation occurred or the attorney general
92 may bring an action to collect the fine.

93 (5) This section applies to agreements entered into on or
94 after July 1, 2026.

95 Section 2. Section 163.326, Florida Statutes, is created to
96 read:

97 163.326 Large load customer considerations.—

98 (1) The Legislature finds that certain land uses, including
99 facilities with substantial electric or other utility demands,
100 such as data centers and other large load customers as defined
101 in s. 366.043(2) (d), may present unique planning,
102 infrastructure, and compatibility considerations. The
103 Legislature intends that such considerations shall be addressed
104 through local comprehensive planning and land development
105 regulations adopted pursuant to this chapter, including
106 provisions related to infrastructure capacity, land use
107 compatibility, environmental impacts, and the efficient
108 provision of public facilities and services.

109 (2) Local governments shall maintain the authority to
110 exercise the powers and responsibilities for comprehensive
111 planning and land development regulation granted by law with
112 respect to large load customers.

113 Section 3. Section 366.043, Florida Statutes, is created to
114 read:

115 366.043 Large load tariffs for public electric utilities.—

116 (1) The Legislature finds that the provision of safe and

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117 reliable electric services, provided at fair, just, and
118 reasonable rates, is essential to the welfare of the ratepayers
119 of this state. The Legislature further finds that when one class
120 of electric service customer requires uniquely large electrical
121 loads at a single location, it imposes a disproportionate risk
122 on the other ratepayers of this state and makes it necessary for
123 the commission to develop and enforce rate structures and other
124 policies for such customers which ensure such risk is mitigated
125 as much as possible and prevent shifting the costs of serving
126 large load customers to the general body of ratepayers.

127 (2) As used in this section, the term:

128 (a) "Controlled by" means having the power to direct or
129 cause the direction of the management or policies of a company,
130 whether through ownership of securities, by contract, or
131 otherwise. A person or an entity that directly or indirectly has
132 the right to vote 25 percent or more of the voting interests of
133 the company or that is entitled to 25 percent or more of its
134 profits is presumed to control the entity.

135 (b) "Foreign country of concern" has the same meaning as in
136 s. 692.201.

137 (c) "Foreign entity" means an entity that is:

138 1. Owned or controlled by the government of a foreign
139 country of concern; or

140 2. A partnership, an association, a corporation, an
141 organization, or other combination of persons organized under
142 the laws of or having its principal place of business in a
143 foreign country of concern, or a subsidiary of such entity.

144 (d) "Large load customer" means a customer with an
145 anticipated monthly peak load of 50 megawatts or more,

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146 calculated as the highest average load over a 15-minute interval
147 at a single location. This does not include a load aggregated
148 across multiple locations owned by the same customer. However,
149 it does include all customers or other entities that have
150 entered into a colocation or similar agreement at a single
151 location that otherwise meets the anticipated monthly peak load
152 provided in this paragraph.

153 (e) "Public utility" has the same meaning as in s. 366.02,
154 except that it does not include a gas utility.

155 (3) The commission shall develop minimum tariff and service
156 requirements for large load customers pursuant to all of the
157 following:

158 (a) The minimum tariff and service requirements must
159 reasonably ensure that each large load customer bears its own
160 full cost of service and that such cost is not shifted to the
161 general body of ratepayers. Such cost of service includes, but
162 is not limited to, connection, incremental transmission,
163 incremental generation, and other infrastructure costs;
164 operations and maintenance expenses; and any other costs
165 required to serve a large load customer. The risk of nonpayment
166 of such costs may not be borne by the general body of
167 ratepayers.

168 (b) The minimum tariff and service requirements must
169 include provisions reasonably designed to prevent a public
170 utility from providing electric service to a customer that would
171 otherwise qualify as a large load customer if that customer is a
172 foreign entity.

173 (4) A customer may not separate an electrical load at a
174 single location into multiple smaller connections to avoid being

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175 classified as a large load customer.

176 (5) To effectuate the requirements of subsection (3), the
177 commission may include in such requirements utility industry-
178 accepted ratemaking and other financial tools, including, but
179 not limited to, all of the following:

180 (a) Contributions in aid of construction or other required
181 customer infrastructure investments that may be returned, in
182 whole or in part, to such customers over time.

183 (b) Demand charges, including minimum demand charges.

184 (c) Incremental generation charges.

185 (d) Financial guarantees.

186 (e) Minimum load factors.

187 (f) Take-or-pay provisions or similar provisions requiring
188 payment for contracted capacity, regardless of a large load
189 customer's actual electricity use or demand.

190 (g) Minimum period of service contract requirements,
191 including early termination fees or other fees for violation of
192 such contracts.

193 (6) Any tariff, contractual provision, service requirement,
194 or other public utility policy relating to large load customers
195 may not prevent or otherwise hinder the curtailment or
196 interruption of electric service to a large load customer where
197 such curtailment or interruption is intended to ensure grid
198 stability, reduce the likelihood or breadth of wider service
199 outages, or ensure public safety during an emergency or other
200 exceptional circumstance.

201 (7) A public utility may not knowingly provide electric
202 service to a customer that would otherwise qualify as a large
203 load customer if that customer is a foreign entity.

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204 (8) The commission shall adopt rules to implement and
205 administer this section and shall propose a rule for adoption by
206 March 1, 2027.

207 (9) Within 60 days after adoption of the final rule
208 implementing this section, each public utility shall file, for
209 commission approval, a tariff that complies with the final rule.

210 Section 4. Present subsections (3) and (4) of section
211 373.203, Florida Statutes, are redesignated as subsections (5)
212 and (6), respectively, and new subsections (3) and (4) are added
213 to that section, to read:

214 373.203 Definitions.—

215 (3) "Data center" means a facility that primarily contains
216 electronic equipment used to process, store, and transmit
217 digital information, which may be:

218 (a) A free-standing structure; or

219 (b) A facility within a larger structure which uses
220 environmental control equipment to maintain the proper
221 conditions for the operation of electronic equipment.

222 (4) "Large-scale data center" means a single location, with
223 a data center on site, that has an anticipated monthly peak load
224 of 50 megawatts or more, calculated as the highest average load
225 over a 15-minute interval. This does not include a load
226 aggregated across multiple locations owned by the same customer.
227 However, it does include all customers or other entities that
228 have entered into a colocation or similar agreement at a single
229 location that otherwise meets the anticipated monthly peak load
230 provided in this subsection.

231 Section 5. Section 373.262, Florida Statutes, is created to
232 read:

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233 373.262 Large-scale data center permitting.—
234 (1) It is the intent of the Legislature that the
235 development and operation of large-scale data centers in this
236 state be managed under a permitting framework that ensures this
237 state's water resources are used in the public interest, in a
238 manner that is not harmful to the water resources of this state,
239 and consistent with local government zoning regulations and
240 comprehensive plans.

241 (2) Consistent with other provisions of this part, the
242 governing board of a water management district or the department
243 may not issue a permit to a large-scale data center applicant
244 for an allocation of water if the proposed use of the water is
245 harmful to the water resources of the area or is prohibited by
246 the applicable local government zoning regulations and
247 comprehensive plan. A permit shall be issued to a large-scale
248 data center applicant for an allocation of water if the
249 applicant establishes that the proposed use of water:

250 (a) Is a reasonable-beneficial use as defined in s.

251 373.019;

252 (b) Will not interfere with any presently existing legal
253 use of water; and

254 (c) Is consistent with the public interest.

255 (3) The governing board or the department shall require the
256 use of reclaimed water in lieu of all or a portion of a proposed
257 use of surface water or groundwater by a large-scale data center
258 applicant when:

259 (a) A suitable reclaimed water supply source is available
260 and permitted;

261 (b) Reclaimed water distribution or supply lines are

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262 available at the property boundary in sufficient capacity and
263 quality to serve the applicant's needs;

264 (c) The applicant is capable of accessing the reclaimed
265 water source through distribution or supply lines;

266 (d) Use of reclaimed water is environmentally,
267 economically, and technically feasible; and

268 (e) Use of reclaimed water would not conflict with the
269 requirements contained in the applicant's surface water
270 discharge permit, if applicable.

271 (4) (a) In addition to the requirements of s. 373.229, all
272 permit applications made under this part requesting an
273 allocation of at least an average daily flow of 100,000 gallons
274 of water per day by a large-scale data center must contain:

275 1. All sources and amounts of water and losses of water
276 used for cooling, industrial and treatment processes, personal
277 or sanitary needs of employees, and landscape irrigation; and

278 2. A water conservation plan that, at a minimum,
279 incorporates recycling cooling water before discharge or
280 disposal, implementation of a leak detection and repair program,
281 use of water efficient fixtures, and implementation of an
282 employee awareness and education program concerning water
283 conservation.

284 (b) Notwithstanding s. 373.229(4), the governing board or
285 the department may not approve a permit application made under
286 this part by a large-scale data center without a hearing.

287 Section 6. Subsection (2) of section 373.239, Florida
288 Statutes, is amended to read:

289 373.239 Modification and renewal of permit terms.—

290 (2) If the proposed modification involves water use of

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291 100,000 gallons or more per day or is proposed by a large-scale
292 data center as defined in s. 373.203, the application shall be
293 treated under the provisions of s. 373.229 in the same manner as
294 the initial permit application. Otherwise, the governing board
295 or the department may at its discretion approve the proposed
296 modification without a hearing, provided the permittee
297 establishes that:

298 (a) A change in conditions has resulted in the water
299 allowed under the permit becoming inadequate for the permittee's
300 need, or

301 (b) The proposed modification would result in a more
302 efficient utilization of water than is possible under the
303 existing permit.

304 Section 7. This act shall take effect July 1, 2026.