

2026484e1

1 A bill to be entitled
2 An act relating to data centers; creating s. 112.231,
3 F.S.; defining terms; prohibiting an agency from
4 entering into a nondisclosure agreement or other
5 contract that restricts the agency from disclosing
6 certain information to the public; providing that an
7 agreement or contract, or a provision of an agreement
8 or contract, is void and unenforceable under certain
9 circumstances; providing civil penalties; authorizing
10 the state attorney or Attorney General to bring an
11 action to collect a fine; providing applicability;
12 creating s. 163.326, F.S.; providing legislative
13 findings; specifying that local governments maintain
14 authority to exercise power and responsibility over
15 comprehensive planning and land development
16 regulations related to large load customers;
17 prohibiting a large load customer from being
18 considered an electric substation; amending s.
19 288.075, F.S.; defining the term "data center";
20 requiring an economic development agency to disclose
21 business activities related to the location,
22 relocation, or expansion of a data center; providing
23 applicability; reenacting s. 288.076(3) and (7), F.S.,
24 relating to return on investment reporting for
25 economic development programs, to incorporate the
26 amendment made to s. 288.075, F.S., in references
27 thereto; creating s. 366.043, F.S.; providing
28 legislative findings; defining terms; requiring the
29 Florida Public Service Commission to develop minimum

2026484e1

30 tariff and service requirements for large load
31 customers; requiring that such requirements ensure
32 that large load customers bear their costs of service
33 and that such costs are not shifted to the general
34 body of ratepayers; requiring certain measures to
35 minimize the risk of nonpayment of such costs;
36 requiring that such minimum tariff and service
37 requirements include certain provisions designed to
38 prevent a public utility from providing electric
39 service to a large load customer that is a foreign
40 entity; prohibiting a customer from separating a
41 certain electrical load into multiple smaller
42 connections for a specified purpose; authorizing the
43 commission to include certain measures in minimum
44 tariff and service requirements; prohibiting any
45 tariff, contractual provision, service requirement, or
46 other public utility policy from preventing or
47 hindering the curtailment or interruption of electric
48 service to a large load customer for certain purposes;
49 prohibiting a public utility from knowingly providing
50 electric service to a large load customer that is a
51 foreign entity; requiring the commission to adopt
52 rules by a specified date; specifying a deadline for
53 utilities to file a tariff in compliance with the
54 final rule; amending s. 373.203, F.S.; defining terms;
55 creating s. 373.262, F.S.; providing legislative
56 intent; prohibiting the governing board of a water
57 management district or the Department of Environmental
58 Protection from issuing a permit for the consumptive

2026484e1

59 use of water to a large-scale data center under
60 certain circumstances; requiring that such permit be
61 issued to a large-scale data center applicant if the
62 applicant establishes that the proposed use of water
63 satisfies certain requirements; requiring the
64 governing board or the department to require the use
65 of reclaimed water for a large-scale data center
66 applicant's allocation when certain requirements are
67 met; specifying requirements for certain permit
68 applications; prohibiting the approval of permit
69 applications without a hearing; amending s. 373.239,
70 F.S.; requiring that consumptive use permit
71 modifications proposed by a large-scale data center be
72 treated in a specified manner; providing an effective
73 date.

74
75 Be It Enacted by the Legislature of the State of Florida:

76
77 Section 1. Section 112.231, Florida Statutes, is created to
78 read:

79 112.231 Data center nondisclosure agreements.-

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

81 (a) "Agency" means any state, county, district, authority,
82 or municipal officer, public employee, department, division,
83 board, bureau, or commission, or other separate unit of
84 government created or established by law and any other public or
85 private agency, person, partnership, corporation, or business
86 entity acting on behalf of any such agency.

87 (b) "Data center" means a facility that primarily contains

2026484e1

88 electronic equipment used to process, store, and transmit
89 digital information, which may be:

90 1. A free-standing structure; or

91 2. A facility within a larger structure which uses
92 environmental control equipment to maintain the proper
93 conditions for the operation of electronic equipment.

94 (2) An agency may not enter into a nondisclosure agreement
95 or other contract restricting the agency from disclosing
96 information about a potential data center development to members
97 of the public.

98 (3) An agreement or contract, or a provision of an
99 agreement or contract, that violates this section is against
100 public policy and is void and unenforceable.

101 (4) An agency that violates this section is subject to a
102 civil fine of not more than \$1,000. The state attorney of the
103 county in which the violation occurred or the Attorney General
104 may bring an action to collect the fine.

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

107 Section 2. Section 163.326, Florida Statutes, is created to
108 read:

109 163.326 Large load customer considerations.-

110 (1) The Legislature finds that certain land uses, including
111 facilities with substantial electric or other utility demands,
112 such as data centers and other large load customers as defined
113 in s. 366.043(2)(d), may present unique planning,
114 infrastructure, and compatibility considerations. The
115 Legislature intends that such considerations shall be addressed
116 through local comprehensive planning and land development

2026484e1

117 regulations adopted pursuant to this chapter, including
118 provisions related to infrastructure capacity, land use
119 compatibility, environmental impacts, and the efficient
120 provision of public facilities and services.

121 (2) Local governments shall maintain the authority to
122 exercise the powers and responsibilities for comprehensive
123 planning and land development regulation granted by law with
124 respect to large load customers. A large load customer may not
125 be considered an electric substation for the purposes of s.
126 163.3208.

127 Section 3. Present paragraphs (a), (b), and (c) of
128 subsection (1) of section 288.075, Florida Statutes, are
129 redesignated as paragraphs (b), (c), and (d), respectively, a
130 new paragraph (a) is added to that subsection, paragraph (a) of
131 subsection (2) of that section is amended, and subsection (8) of
132 that section is republished, to read:

133 288.075 Confidentiality of records.—

134 (1) DEFINITIONS.—As used in this section, the term:

135 (a) "Data center" has the same meaning as in s. 112.231.

136 (2) PLANS, INTENTIONS, AND INTERESTS.—

137 (a)1. If a private corporation, partnership, or person
138 requests in writing before an economic incentive agreement is
139 signed that an economic development agency maintain the
140 confidentiality of information concerning plans, intentions, or
141 interests of such private corporation, partnership, or person to
142 locate, relocate, or expand any of its business activities in
143 this state, the information is confidential and exempt from s.
144 119.07(1) and s. 24(a), Art. I of the State Constitution for 12
145 months after the date an economic development agency receives a

2026484e1

146 request for confidentiality or until the information is
147 otherwise disclosed, whichever occurs first. However, disclosure
148 that the business activities include the location, relocation,
149 or expansion of a data center is required by the economic
150 development agency.

151 2. An economic development agency may extend the period of
152 confidentiality specified in subparagraph 1. for up to an
153 additional 12 months upon written request from the private
154 corporation, partnership, or person who originally requested
155 confidentiality under this section and upon a finding by the
156 economic development agency that such private corporation,
157 partnership, or person is still actively considering locating,
158 relocating, or expanding its business activities in this state.
159 Such a request for an extension in the period of confidentiality
160 must be received prior to the expiration of any confidentiality
161 originally provided under subparagraph 1. This subparagraph does
162 not apply to any business activities that include location,
163 relocation, or expansion of a data center.

164
165 If a final project order for a signed economic development
166 agreement is issued, then the information will remain
167 confidential and exempt for 180 days after the final project
168 order is issued, until a date specified in the final project
169 order, or until the information is otherwise disclosed,
170 whichever occurs first. However, such period of confidentiality
171 may not extend beyond the period of confidentiality established
172 in subparagraph 1. or subparagraph 2.

173 (8) PENALTIES.—Any person who is an employee of an economic
174 development agency who violates the provisions of this section

2026484e1

175 commits a misdemeanor of the second degree, punishable as
176 provided in s. 775.082 or s. 775.083.

177 Section 4. For the purpose of incorporating the amendment
178 made by this act to section 288.075, Florida Statutes, in
179 references thereto, subsections (3) and (7) of section 288.076,
180 Florida Statutes, are reenacted to read:

181 288.076 Return on investment reporting for economic
182 development programs.—

183 (3) Within 48 hours after expiration of the period of
184 confidentiality for project information deemed confidential and
185 exempt pursuant to s. 288.075, the department shall publish the
186 following information pertaining to each project:

187 (a) *Projected economic benefits.*—The projected economic
188 benefits at the time of the initial project award date.

189 (b) *Project information.*—

190 1. The program or programs through which state investment
191 is being made.

192 2. The maximum potential cumulative state investment in the
193 project.

194 3. The target industry or industries, and any high-impact
195 sectors implicated by the project.

196 4. The county or counties that will be impacted by the
197 project.

198 5. For a project that requires local commitment, the total
199 cumulative local financial commitment and in-kind support for
200 the project.

201 (c) *Participant business information.*—

202 1. The location of the headquarters of the participant
203 business or, if a subsidiary, the headquarters of the parent

2026484e1

204 company.

205 2. The firm size class of the participant business, or
206 where owned by a parent company the firm size class of the
207 participant business's parent company, using the firm size
208 classes established by the United States Department of Labor
209 Bureau of Labor Statistics, and whether the participant business
210 qualifies as a small business as defined in s. 288.703.

211 3. The date of the project award.

212 4. The expected duration of the contract.

213 5. The anticipated dates when the participant business will
214 claim the last state investment.

215 (d) *Project evaluation criteria.*—Economic benefits
216 generated by the project.

217 (e) *Project performance goals.*—

218 1. The incremental direct jobs attributable to the project,
219 identifying the number of jobs generated and the number of jobs
220 retained.

221 2. The number of jobs generated and the number of jobs
222 retained by the project, and the average annual wage of persons
223 holding such jobs.

224 3. The incremental direct capital investment in the state
225 generated by the project.

226 (f) *Total state investment to date.*—The total amount of
227 state investment disbursed to the participant business to date
228 under the terms of the contract, itemized by incentive program.

229 (7) Within 48 hours after expiration of the period of
230 confidentiality provided under s. 288.075, the department shall
231 publish the contract or agreement described in s. 288.061,
232 redacted to protect the participant business from disclosure of

2026484e1

233 information that remains confidential or exempt by law.

234 Section 5. Section 366.043, Florida Statutes, is created to
235 read:

236 366.043 Large load tariffs for public electric utilities.-

237 (1) The Legislature finds that the provision of safe and
238 reliable electric services, provided at fair, just, and
239 reasonable rates, is essential to the welfare of the ratepayers
240 of this state. The Legislature further finds that when one class
241 of electric service customer requires uniquely large electrical
242 loads at a single location, it imposes a disproportionate risk
243 on the other ratepayers of this state and makes it necessary for
244 the commission to develop and enforce rate structures and other
245 policies for such customers which ensure such risk is mitigated
246 as much as possible and prevent shifting the costs of serving
247 large load customers to the general body of ratepayers.

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

249 (a) "Controlled by" means having the power to direct or
250 cause the direction of the management or policies of a company,
251 whether through ownership of securities, by contract, or
252 otherwise. A person or an entity that directly or indirectly has
253 the right to vote 25 percent or more of the voting interests of
254 the company or that is entitled to 25 percent or more of its
255 profits is presumed to control the entity.

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

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

259 1. Owned or controlled by the government of a foreign
260 country of concern; or

261 2. A partnership, an association, a corporation, an

2026484e1

262 organization, or other combination of persons organized under
263 the laws of or having its principal place of business in a
264 foreign country of concern, or a subsidiary of such entity.

265 (d) "Large load customer" means a customer with an
266 anticipated monthly peak load of 50 megawatts or more,
267 calculated as the highest average load over a 15-minute interval
268 at a single location. This does not include a load aggregated
269 across multiple locations owned by the same customer. However,
270 it does include all customers or other entities that have
271 entered into a colocation or similar agreement at a single
272 location that otherwise meets the anticipated monthly peak load
273 provided in this paragraph.

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

276 (3) The commission shall develop minimum tariff and service
277 requirements for large load customers pursuant to all of the
278 following:

279 (a) The minimum tariff and service requirements must
280 reasonably ensure that each large load customer bears its own
281 full cost of service and that such cost is not shifted to the
282 general body of ratepayers. Such cost of service includes, but
283 is not limited to, connection, incremental transmission,
284 incremental generation, and other infrastructure costs;
285 operations and maintenance expenses; and any other costs
286 required to serve a large load customer. The risk of nonpayment
287 of such costs must be minimized to the maximum extent
288 practicable through commercially reasonable performance and
289 financial security arrangements established with the large load
290 customer, including financial guarantees sufficient to protect

2026484e1

291 the public utility and its ratepayers.

292 (b) The minimum tariff and service requirements must
293 include provisions reasonably designed to prevent a public
294 utility from providing electric service to a customer that would
295 otherwise qualify as a large load customer if that customer is a
296 foreign entity.

297 (4) A customer may not separate an electrical load at a
298 single location into multiple smaller connections to avoid being
299 classified as a large load customer.

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

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

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

308 (c) Incremental generation charges.

309 (d) Financial guarantees.

310 (e) Minimum load factors.

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

314 (g) Minimum period of service contract requirements,
315 including early termination fees or other fees for violation of
316 such contracts.

317 (6) Any tariff, contractual provision, service requirement,
318 or other public utility policy relating to large load customers
319 may not prevent or otherwise hinder the curtailment or

2026484e1

320 interruption of electric service to a large load customer where
321 such curtailment or interruption is intended to ensure grid
322 stability, reduce the likelihood or breadth of wider service
323 outages, or ensure public safety during an emergency or other
324 exceptional circumstance.

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

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

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

334 Section 6. Present subsections (3) and (4) of section
335 373.203, Florida Statutes, are redesignated as subsections (5)
336 and (6), respectively, and new subsections (3) and (4) are added
337 to that section, to read:

338 373.203 Definitions.—

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

342 (a) A free-standing structure; or

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

346 (4) "Large-scale data center" means a single location, with
347 a data center on site, that has an anticipated monthly peak load
348 of 50 megawatts or more, calculated as the highest average load

2026484e1

349 over a 15-minute interval. This does not include a load
350 aggregated across multiple locations owned by the same customer.
351 However, it does include all customers or other entities that
352 have entered into a colocation or similar agreement at a single
353 location that otherwise meets the anticipated monthly peak load
354 provided in this subsection.

355 Section 7. Section 373.262, Florida Statutes, is created to
356 read:

357 373.262 Large-scale data center permitting.-

358 (1) It is the intent of the Legislature that the
359 development and operation of large-scale data centers in this
360 state be managed under a permitting framework that ensures this
361 state's water resources are used in the public interest, in a
362 manner that is not harmful to the water resources of this state,
363 and consistent with local government zoning regulations and
364 comprehensive plans.

365 (2) Consistent with other provisions of this part, the
366 governing board of a water management district or the department
367 may not issue a permit to a large-scale data center applicant
368 for an allocation of water if the proposed use of the water is
369 harmful to the water resources of the area or is prohibited by
370 the applicable local government zoning regulations and
371 comprehensive plan. A permit shall be issued to a large-scale
372 data center applicant for an allocation of water if the
373 applicant establishes that the proposed use of water:

374 (a) Is a reasonable-beneficial use as defined in s.
375 373.019;

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

2026484e1

- 378 (c) Is consistent with the public interest.
- 379 (3) The governing board or the department shall require the
380 use of reclaimed water in lieu of all or a portion of a proposed
381 use of surface water or groundwater by a large-scale data center
382 applicant when:
- 383 (a) A suitable reclaimed water supply source is available
384 and permitted;
- 385 (b) Reclaimed water distribution or supply lines are
386 available at the property boundary in sufficient capacity and
387 quality to serve the applicant's needs;
- 388 (c) The applicant is capable of accessing the reclaimed
389 water source through distribution or supply lines;
- 390 (d) Use of reclaimed water is environmentally,
391 economically, and technically feasible; and
- 392 (e) Use of reclaimed water would not conflict with the
393 requirements contained in the applicant's surface water
394 discharge permit, if applicable.
- 395 (4) (a) In addition to the requirements of s. 373.229, all
396 permit applications made under this part requesting an
397 allocation of at least an average daily flow of 100,000 gallons
398 of water per day by a large-scale data center must contain:
- 399 1. All sources and amounts of water and losses of water
400 used for cooling, industrial and treatment processes, personal
401 or sanitary needs of employees, and landscape irrigation; and
- 402 2. A water conservation plan that, at a minimum,
403 incorporates recycling cooling water before discharge or
404 disposal, implementation of a leak detection and repair program,
405 use of water efficient fixtures, and implementation of an
406 employee awareness and education program concerning water

2026484e1

407 conservation.

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

411 Section 8. Subsection (2) of section 373.239, Florida
412 Statutes, is amended to read:

413 373.239 Modification and renewal of permit terms.—

414 (2) If the proposed modification involves water use of
415 100,000 gallons or more per day or is proposed by a large-scale
416 data center as defined in s. 373.203, the application shall be
417 treated under the provisions of s. 373.229 in the same manner as
418 the initial permit application. Otherwise, the governing board
419 or the department may at its discretion approve the proposed
420 modification without a hearing, provided the permittee
421 establishes that:

422 (a) A change in conditions has resulted in the water
423 allowed under the permit becoming inadequate for the permittee's
424 need, or

425 (b) The proposed modification would result in a more
426 efficient utilization of water than is possible under the
427 existing permit.

428 Section 9. This act shall take effect July 1, 2026.