

2026484e2

1 A bill to be entitled
2 An act relating to data centers; creating s. 163.326,
3 F.S.; providing legislative findings; specifying that
4 local governments maintain authority to exercise power
5 and responsibility over comprehensive planning and
6 land development regulations relating to large load
7 customers; prohibiting a large load customer from
8 being considered an electric substation; amending s.
9 288.075, F.S.; defining the term "data center";
10 providing an exception to a provision allowing an
11 extension of certain confidentiality protections;
12 creating s. 366.043, F.S.; providing legislative
13 findings; defining terms; requiring public utilities
14 to provide certain minimum tariff and service
15 requirements for large load customers; requiring that
16 such requirements ensure that large load customers
17 bear their costs of service and that such costs are
18 not shifted to the general body of ratepayers;
19 requiring certain measures to minimize the risk of
20 nonpayment of such costs; requiring that such minimum
21 tariff and service requirements include certain
22 provisions designed to prevent a public utility from
23 providing electric service to a large load customer
24 that is a foreign entity; prohibiting a customer from
25 separating a certain electrical load into multiple
26 smaller connections for a specified purpose;
27 authorizing the Florida Public Service Commission to
28 approve public utility tariffs that include certain
29 utility industry-accepted ratemaking and other

2026484e2

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

2026484e2

59 to contract for a study relating to the construction
60 and operation of large-scale data centers; providing
61 requirements for the study; requiring the study to be
62 submitted to the Governor, the President of the
63 Senate, and the Speaker of the House by a specified
64 date; providing effective dates.
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66 Be It Enacted by the Legislature of the State of Florida:
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68 Section 1. Effective upon becoming a law, section 163.326,
69 Florida Statutes, is created to read:

70 163.326 Large load customer considerations.—

71 (1) The Legislature finds that certain land uses, including
72 facilities with substantial electric or other utility demands,
73 such as data centers and other large load customers as defined
74 in s. 366.043(2), may present unique planning, infrastructure,
75 and compatibility considerations. The Legislature intends that
76 such considerations shall be addressed through local
77 comprehensive planning and land development regulations adopted
78 pursuant to this chapter, including provisions related to
79 infrastructure capacity, land use compatibility, environmental
80 impacts, and the efficient provision of public facilities and
81 services.

82 (2) Local governments shall maintain the authority to
83 exercise the powers and responsibilities for comprehensive
84 planning and land development regulation granted by law with
85 respect to large load customers. A large load customer may not
86 be considered an electric substation for the purposes of s.
87 163.3208.

2026484e2

88 Section 2. Paragraphs (a), (b), and (c) of subsection (1)
89 of section 288.075, Florida Statutes, are redesignated as
90 paragraphs (b), (c), and (d), respectively, paragraph (a) of
91 subsection (2) is amended, and a new paragraph (a) is added to
92 subsection (1) of that section, to read:

93 288.075 Confidentiality of records.—

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

95 (a) "Data center" has the same meaning as in s. 373.203.

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

97 (a)1. If a private corporation, partnership, or person
98 requests in writing before an economic incentive agreement is
99 signed that an economic development agency maintain the
100 confidentiality of information concerning plans, intentions, or
101 interests of such private corporation, partnership, or person to
102 locate, relocate, or expand any of its business activities in
103 this state, the information is confidential and exempt from s.
104 119.07(1) and s. 24(a), Art. I of the State Constitution for 12
105 months after the date an economic development agency receives a
106 request for confidentiality or until the information is
107 otherwise disclosed, whichever occurs first.

108 2. An economic development agency may extend the period of
109 confidentiality specified in subparagraph 1. for up to an
110 additional 12 months upon written request from the private
111 corporation, partnership, or person who originally requested
112 confidentiality under this section and upon a finding by the
113 economic development agency that such private corporation,
114 partnership, or person is still actively considering locating,
115 relocating, or expanding its business activities in this state.
116 Such a request for an extension in the period of confidentiality

2026484e2

117 must be received prior to the expiration of any confidentiality
118 originally provided under subparagraph 1. This subparagraph does
119 not apply to information described in subparagraph 1. relating
120 to data centers.

121

122 If a final project order for a signed economic development
123 agreement is issued, then the information will remain
124 confidential and exempt for 180 days after the final project
125 order is issued, until a date specified in the final project
126 order, or until the information is otherwise disclosed,
127 whichever occurs first. However, such period of confidentiality
128 may not extend beyond the period of confidentiality established
129 in subparagraph 1. or subparagraph 2.

130 Section 3. Section 366.043, Florida Statutes, is created to
131 read:

132 366.043 Large load tariffs for public electric utilities.-

133 (1) The Legislature finds that the provision of safe and
134 reliable electric services, provided at fair, just, and
135 reasonable rates, is essential to the welfare of the ratepayers
136 of this state. The Legislature further finds that when one class
137 of electric service customer requires uniquely large electrical
138 loads at a single location, it imposes a disproportionate risk
139 on the other ratepayers of this state and makes it necessary for
140 the commission to develop and enforce rate structures and other
141 policies for such customers which ensure such risk is mitigated
142 as much as possible and prevent shifting the costs of serving
143 large load customers to the general body of ratepayers.

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

145 (a) "Controlled by" means having the power to direct or

2026484e2

146 cause the direction of the management or policies of a company,
147 whether through ownership of securities, by contract, or
148 otherwise. A person or an entity that directly or indirectly has
149 the right to vote 25 percent or more of the voting interests of
150 the company or that is entitled to 25 percent or more of its
151 profits is presumed to control the entity.

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

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

155 1. Owned or controlled by the government of a foreign
156 country of concern; or

157 2. A partnership, an association, a corporation, an
158 organization, or other combination of persons organized under
159 the laws of or having its principal place of business in a
160 foreign country of concern, or a subsidiary of such entity.

161 (d) "Large load customer" means a customer with an
162 anticipated monthly peak load of 50 megawatts or more,
163 calculated as the highest average load over a 15-minute interval
164 at a single location. The term does not include a load
165 aggregated across multiple locations owned by the same customer.
166 However, the term includes all customers or other entities that
167 have entered into a colocation or similar agreement at a single
168 location that otherwise meets the anticipated monthly peak load
169 provided in this paragraph.

170 (e) "Public utility" has the same meaning as in s. 366.02,
171 except that the term does not include a gas utility.

172 (3) The following minimum tariff and service requirements
173 for large load customers are required in public utility tariffs:

174 (a) The minimum tariff and service requirements must

2026484e2

175 reasonably ensure that each large load customer bears its own
176 full cost of service and that such cost is not shifted to the
177 general body of ratepayers. Such cost of service includes, but
178 is not limited to, connection, incremental transmission,
179 incremental generation, and other infrastructure costs;
180 operations and maintenance expenses; and any other costs
181 required to serve a large load customer. The risk of nonpayment
182 of such costs may not be borne by the general body of
183 ratepayers.

184 (b) The minimum tariff and service requirements must
185 include provisions reasonably designed to prevent a public
186 utility from providing electric service to a customer that would
187 otherwise qualify as a large load customer if that customer is a
188 foreign entity.

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

192 (5) To effectuate the requirements of subsection (3), the
193 commission may approve public utility tariffs that include
194 utility industry-accepted ratemaking and other financial tools,
195 including, but not limited to, the following:

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

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

200 (c) Incremental generation charges.

201 (d) Financial guarantees.

202 (e) Minimum load factors.

203 (f) Take-or-pay provisions or similar provisions requiring

2026484e2

204 payment for contracted capacity, regardless of a large load
205 customer's actual electricity use or demand.

206 (g) Minimum period of service contract requirements,
207 including early termination fees or other fees for violation of
208 such contracts.

209 (6) Any tariff, contractual provision, service requirement,
210 or other public utility policy relating to large load customers
211 may not prevent or otherwise hinder the curtailment or
212 interruption of electric service to a large load customer where
213 such curtailment or interruption is intended to ensure grid
214 stability, reduce the likelihood or breadth of wider service
215 outages, or ensure public safety during an emergency or other
216 exceptional circumstance.

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

220 (8) No later than October 1, 2026, each public utility
221 shall file, for commission approval, a tariff that complies with
222 this section.

223 Section 4. Effective upon becoming a law, subsections (3)
224 and (4) of section 373.203, Florida Statutes, are redesignated
225 as subsections (5) and (6), respectively, and new subsections
226 (3) and (4) are added to that section, to read:

227 373.203 Definitions.—

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

231 (a) A free-standing structure; or

232 (b) A facility within a larger structure which uses

2026484e2

233 environmental control equipment to maintain the proper
234 conditions for the operation of electronic equipment.

235 (4) "Large-scale data center" means a single location, with
236 a data center on site, that has an anticipated monthly peak load
237 of 50 megawatts or more, calculated as the highest average load
238 over a 15-minute interval. The term does not include a load
239 aggregated across multiple locations owned by the same customer.
240 However, the term includes all customers or other entities that
241 have entered into a colocation or similar agreement at a single
242 location that otherwise meets the anticipated monthly peak load
243 provided in this subsection.

244 Section 5. Section 373.262, Florida Statutes, is created to
245 read:

246 373.262 Large-scale data center permitting.-

247 (1) It is the intent of the Legislature that the
248 development and operation of large-scale data centers in this
249 state be managed under a permitting framework that ensures this
250 state's water resources are used in the public interest, in a
251 manner that is not harmful to the water resources of this state,
252 and consistent with local government zoning regulations and
253 comprehensive plans.

254 (2) Consistent with other provisions of this part, the
255 governing board of a water management district or the department
256 may not issue a permit to a large-scale data center applicant
257 for an allocation of water if the proposed use of the water is
258 harmful to the water resources of the area or is prohibited by
259 the applicable local government zoning regulations and
260 comprehensive plan. A permit shall be issued to a large-scale
261 data center applicant for an allocation of water if the

2026484e2

262 applicant establishes that the proposed use of water:

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

264 373.019;

265 (b) Will not interfere with any presently existing legal

266 use of water; and

267 (c) Is consistent with the public interest.

268 (3) The governing board or the department shall require the

269 use of reclaimed water in lieu of all or a portion of a proposed

270 use of surface water or groundwater by a large-scale data center

271 applicant when:

272 (a) A suitable reclaimed water supply source is available

273 and permitted;

274 (b) Reclaimed water distribution or supply lines are

275 available at the property boundary in sufficient capacity and

276 quality to serve the applicant's needs;

277 (c) The applicant is capable of accessing the reclaimed

278 water source through distribution or supply lines;

279 (d) Use of reclaimed water is environmentally,

280 economically, and technically feasible; and

281 (e) Use of reclaimed water would not conflict with the

282 requirements contained in the applicant's surface water

283 discharge permit, if applicable.

284 (4) (a) In addition to the requirements of s. 373.229, all

285 permit applications made under this part requesting an

286 allocation of at least an average daily flow of 100,000 gallons

287 of water per day by a large-scale data center must contain:

288 1. All sources and amounts of water and losses of water

289 used for cooling, industrial and treatment processes, personal

290 or sanitary needs of employees, and landscape irrigation; and

2026484e2

291 2. A water conservation plan that, at a minimum,
292 incorporates recycling cooling water before discharge or
293 disposal, implementation of a leak detection and repair program,
294 use of water efficient fixtures, and implementation of an
295 employee awareness and education program concerning water
296 conservation.

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

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

302 373.239 Modification and renewal of permit terms.—

303 (2) If the proposed modification involves water use of
304 100,000 gallons or more per day or is proposed by a large-scale
305 data center as defined in s. 373.203, the application shall be
306 treated under the provisions of s. 373.229 in the same manner as
307 the initial permit application. Otherwise, the governing board
308 or the department may at its discretion approve the proposed
309 modification without a hearing, provided the permittee
310 establishes that:

311 (a) A change in conditions has resulted in the water
312 allowed under the permit becoming inadequate for the permittee's
313 need, or

314 (b) The proposed modification would result in a more
315 efficient utilization of water than is possible under the
316 existing permit.

317 Section 7. The Office of Program Policy Analysis and
318 Government Accountability (OPPAGA) shall contract for an
319 independent, interdisciplinary study of policy considerations

2026484e2

320 related to the construction and operation of large-scale data
321 centers, including, but not limited to, state, regional, or
322 local economic development and tax revenue impacts; use of land,
323 water, and other natural resources; energy use and related cost
324 and rate impacts; and public health and safety related impacts.
325 OPPAGA may contract with one or more nonpartisan academic or
326 nonprofit research organizations with policy and scientific
327 expertise in relevant fields of study. The study must identify
328 any issues unique to the construction and operation of large-
329 scale data centers in this state. The study must also include
330 recommendations on facility siting and mitigation measures that
331 should be considered to reduce any potential negative impacts.
332 OPPAGA shall submit the study to the Governor, the President of
333 the Senate, and the Speaker of the House of Representatives by
334 July 1, 2027.

335 Section 8. Except as otherwise expressly provided in this
336 act and except for this section, which shall take effect upon
337 becoming a law, this act shall take effect July 1, 2026.