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1  
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

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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

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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:

67  
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.

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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

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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

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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

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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

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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

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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

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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

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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

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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.