

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 to bring an action to collect a  
11          fine; providing applicability; creating s. 163.326,  
12          F.S.; providing legislative findings; specifying that  
13          local governments maintain authority to exercise power  
14          and responsibility over comprehensive planning and  
15          land development regulations related to large load  
16          customers; prohibiting a large load customer from  
17          being considered an electric substation; requiring  
18          applicants for construction permits for a certain new  
19          data center in specified areas to demonstrate that the  
20          operation of the data center will comply with certain  
21          provisions and submit a specified study in support of  
22          such application; providing applicability; authorizing  
23          the local government to waive the prohibition under  
24          certain circumstances; providing a directive to the  
25          Division of Law Revision; amending s. 288.075, F.S.;

26 providing a definition; providing an exception to a  
27 provision allowing an extension of certain  
28 confidentiality protections; creating s. 366.043,  
29 F.S.; providing legislative findings; defining terms;  
30 requiring the Florida Public Service Commission to  
31 develop minimum tariff and service requirements for  
32 large load customers; requiring that such requirements  
33 ensure that large load customers bear their costs of  
34 service and that such costs are not shifted to the  
35 general body of ratepayers; requiring certain measures  
36 to minimize the risk of nonpayment of such costs;  
37 requiring that such minimum tariff and service  
38 requirements include certain provisions designed to  
39 prevent a public utility from providing electric  
40 service to a large load customer that is a foreign  
41 entity; prohibiting a customer from separating a  
42 certain electrical load into multiple smaller  
43 connections for a specified purpose; authorizing the  
44 commission to include certain measures in minimum  
45 tariff and service requirements; prohibiting any  
46 tariff, contractual provision, service requirement, or  
47 other public utility policy from preventing or  
48 hindering the curtailment or interruption of electric  
49 service to a large load customer for certain purposes;  
50 prohibiting a public utility from knowingly providing

51 electric service to a large load customer that is a  
52 foreign entity; requiring the commission to adopt  
53 rules by a specified date; specifying a deadline for  
54 utilities to file a tariff in compliance with the  
55 final rule; amending s. 373.203, F.S.; defining terms;  
56 creating s. 373.262, F.S.; providing legislative  
57 intent; prohibiting the governing board of a water  
58 management district or the Department of Environmental  
59 Protection from issuing a permit for the consumptive  
60 use of water to a large-scale data center under  
61 certain circumstances; requiring that such permit be  
62 issued to a large-scale data center applicant if the  
63 applicant establishes that the proposed use of water  
64 satisfies certain requirements; requiring the  
65 governing board or the department to require the use  
66 of reclaimed water for a large-scale data center  
67 applicant's allocation when certain requirements are  
68 met; specifying requirements for certain permit  
69 applications; prohibiting the approval of permit  
70 applications without a hearing; amending s. 373.239,  
71 F.S.; requiring that consumptive use permit  
72 modifications proposed by a large-scale data center be  
73 treated in a specified manner; providing effective  
74 dates.

75

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

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

80 112.231 Data center nondisclosure agreements.—

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

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

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

91 1. A free-standing structure; or

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

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

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

101 public policy and is void and unenforceable.

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

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

108 **Section 2. Effective upon becoming a law, section 163.326,**  
109 **Florida Statutes, is created to read:**

110 163.326 Large load customer considerations.—

111 (1) The Legislature finds that certain land uses,  
112 including facilities with substantial electric or other utility  
113 demands, such as data centers and other large load customers as  
114 defined in s. 366.043(2), may present unique planning,  
115 infrastructure, and compatibility considerations. The  
116 Legislature intends that such considerations shall be addressed  
117 through local comprehensive planning and land development  
118 regulations adopted pursuant to this chapter, including  
119 provisions related to infrastructure capacity, land use  
120 compatibility, environmental impacts, and the efficient  
121 provision of public facilities and services.

122 (2) Local governments shall maintain the authority to  
123 exercise the powers and responsibilities for comprehensive  
124 planning and land development regulation granted by law with  
125 respect to large load customers. A large load customer may not

126 be considered an electric substation for the purposes of s.  
127 163.3208.

128 (3) (a) If the proposed location of a new large-scale data  
129 center, as defined in s. 373.203, is within 5 miles of any  
130 residential property or school, as measured from the proposed  
131 location of the nearest noise producing structure on the  
132 proposed data center site, an applicant for a construction  
133 permit for the data center must demonstrate that operation of  
134 the data center will comply with applicable federal and state  
135 rules and regulations relating to radiofrequency emissions,  
136 applicable local noise control or abatement ordinances, and all  
137 other applicable land use regulations. In support of the  
138 construction permit application, the applicant must submit an  
139 independently prepared noise impact study that uses  
140 scientifically accepted methodologies. The study must describe  
141 the methodologies and assumptions relied upon in developing the  
142 study, provide all relevant data relied upon in developing the  
143 study, and be readily understandable by both technical and  
144 nontechnical audiences. The study must address the expected  
145 levels of noise emissions from operation of the proposed data  
146 center as compared to no-build noise emission levels and address  
147 the impacts of all noise mitigation measures proposed by the  
148 applicant to ensure compliance with applicable noise control or  
149 abatement requirements. Such measures may include, but are not  
150 limited to, facility soundproofing measures, external noise

151 attenuation measures, low-frequency noise attenuation measures,  
152 low-noise equipment, and natural or geographic features. This  
153 subsection does not apply to any existing construction, current  
154 operation, or modification of a data center in existence on the  
155 effective date of this section, unless such construction,  
156 operation, or modification results in the data center meeting  
157 the criteria to be considered a large-scale data center as  
158 defined in s. 373.203.

159 (b) The requirements in paragraph (a) may be waived by a  
160 unanimous vote of the total membership of the governing body of  
161 the local government with jurisdiction over the parcel of land  
162 that will include the proposed data center.

163 **Section 3.** The Division of Law Revision is directed to  
164 replace the phrase "the effective date of this section" wherever  
165 it occurs in this act with the date that section becomes a law.

166 **Section 4.** **Paragraphs (a), (b), and (c) of subsection (1)**  
167 **of section 288.075, Florida Statutes, are redesignated as**  
168 **paragraphs (b), (c), and (d), respectively, paragraph (a) of**  
169 **subsection (2) is amended, and a new paragraph (a) is added to**  
170 **subsection (1) of that section, to read:**

171 288.075 Confidentiality of records.—

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

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

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

175 (a)1. If a private corporation, partnership, or person

176 requests in writing before an economic incentive agreement is  
177 signed that an economic development agency maintain the  
178 confidentiality of information concerning plans, intentions, or  
179 interests of such private corporation, partnership, or person to  
180 locate, relocate, or expand any of its business activities in  
181 this state, the information is confidential and exempt from s.  
182 119.07(1) and s. 24(a), Art. I of the State Constitution for 12  
183 months after the date an economic development agency receives a  
184 request for confidentiality or until the information is  
185 otherwise disclosed, whichever occurs first.

186         2. An economic development agency may extend the period of  
187 confidentiality specified in subparagraph 1. for up to an  
188 additional 12 months upon written request from the private  
189 corporation, partnership, or person who originally requested  
190 confidentiality under this section and upon a finding by the  
191 economic development agency that such private corporation,  
192 partnership, or person is still actively considering locating,  
193 relocating, or expanding its business activities in this state.  
194 Such a request for an extension in the period of confidentiality  
195 must be received prior to the expiration of any confidentiality  
196 originally provided under subparagraph 1. This subparagraph does  
197 not apply to information described in subparagraph 1. related to  
198 data centers.

199  
200 If a final project order for a signed economic development

201 agreement is issued, then the information will remain  
202 confidential and exempt for 180 days after the final project  
203 order is issued, until a date specified in the final project  
204 order, or until the information is otherwise disclosed,  
205 whichever occurs first. However, such period of confidentiality  
206 may not extend beyond the period of confidentiality established  
207 in subparagraph 1. or subparagraph 2.

208 **Section 5. Section 366.043, Florida Statutes, is created**  
209 **to read:**

210 366.043 Large load tariffs for public electric utilities.-

211 (1) The Legislature finds that the provision of safe and  
212 reliable electric services, provided at fair, just, and  
213 reasonable rates, is essential to the welfare of the ratepayers  
214 of this state. The Legislature further finds that when one class  
215 of electric service customer requires uniquely large electrical  
216 loads at a single location, it imposes a disproportionate risk  
217 on the other ratepayers of this state and makes it necessary for  
218 the commission to develop and enforce rate structures and other  
219 policies for such customers which ensure such risk is mitigated  
220 as much as possible and prevent shifting the costs of serving  
221 large load customers to the general body of ratepayers.

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

223 (a) "Controlled by" means having the power to direct or  
224 cause the direction of the management or policies of a company,  
225 whether through ownership of securities, by contract, or

226 otherwise. A person or an entity that directly or indirectly has  
227 the right to vote 25 percent or more of the voting interests of  
228 the company or that is entitled to 25 percent or more of its  
229 profits is presumed to control the entity.

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

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

233 1. Owned or controlled by the government of a foreign  
234 country of concern; or

235 2. A partnership, an association, a corporation, an  
236 organization, or other combination of persons organized under  
237 the laws of or having its principal place of business in a  
238 foreign country of concern, or a subsidiary of such entity.

239 (d) "Large load customer" means a customer with an  
240 anticipated monthly peak load of 50 megawatts or more,  
241 calculated as the highest average load over a 15-minute interval  
242 at a single location. The term does not include a load  
243 aggregated across multiple locations owned by the same customer.  
244 However, the term includes all customers or other entities that  
245 have entered into a colocation or similar agreement at a single  
246 location that otherwise meets the anticipated monthly peak load  
247 provided in this paragraph.

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

250 (3) The commission shall develop minimum tariff and

251 service requirements for large load customers pursuant to all of  
252 the following:

253 (a) The minimum tariff and service requirements must  
254 reasonably ensure that each large load customer bears its own  
255 full cost of service and that such cost is not shifted to the  
256 general body of ratepayers. Such cost of service includes, but  
257 is not limited to, connection, incremental transmission,  
258 incremental generation, and other infrastructure costs;  
259 operations and maintenance expenses; and any other costs  
260 required to serve a large load customer. The risk of nonpayment  
261 of such costs may not be borne by the general body of  
262 ratepayers.

263 (b) The minimum tariff and service requirements must  
264 include provisions reasonably designed to prevent a public  
265 utility from providing electric service to a customer that would  
266 otherwise qualify as a large load customer if that customer is a  
267 foreign entity.

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

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

275 (a) Contributions in aid of construction or other required

276 customer infrastructure investments that may be returned, in  
277 whole or in part, to such customers over time.

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

279 (c) Incremental generation charges.

280 (d) Financial guarantees.

281 (e) Minimum load factors.

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

285 (g) Minimum period of service contract requirements,  
286 including early termination fees or other fees for violation of  
287 such contracts.

288 (6) Any tariff, contractual provision, service  
289 requirement, or other public utility policy relating to large  
290 load customers may not prevent or otherwise hinder the  
291 curtailment or interruption of electric service to a large load  
292 customer where such curtailment or interruption is intended to  
293 ensure grid stability, reduce the likelihood or breadth of wider  
294 service outages, or ensure public safety during an emergency or  
295 other exceptional circumstance.

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

299 (8) The commission shall adopt rules to implement and  
300 administer this section and shall propose a rule for adoption by

301 March 1, 2027.

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

305 **Section 6. Effective upon becoming a law, subsections (3)**  
306 **and (4) of section 373.203, Florida Statutes, are redesignated**  
307 **as subsections (5) and (6), respectively, and new subsections**  
308 **(3) and (4) are added to that section, to read:**

309 373.203 Definitions.—

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

313 (a) A free-standing structure; or

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

317 (4) "Large-scale data center" means a single location,  
318 with a data center on site, that has an anticipated monthly peak  
319 load of 50 megawatts or more, calculated as the highest average  
320 load over a 15-minute interval. The term does not include a load  
321 aggregated across multiple locations owned by the same customer.  
322 However, the term includes all customers or other entities that  
323 have entered into a colocation or similar agreement at a single  
324 location that otherwise meets the anticipated monthly peak load  
325 provided in this subsection.

326           **Section 7. Section 373.262, Florida Statutes, is created**  
327 **to read:**

328           373.262 Large-scale data center permitting.-

329           (1) It is the intent of the Legislature that the  
330 development and operation of large-scale data centers in this  
331 state be managed under a permitting framework that ensures this  
332 state's water resources are used in the public interest, in a  
333 manner that is not harmful to the water resources of this state,  
334 and consistent with local government zoning regulations and  
335 comprehensive plans.

336           (2) Consistent with other provisions of this part, the  
337 governing board of a water management district or the department  
338 may not issue a permit to a large-scale data center applicant  
339 for an allocation of water if the proposed use of the water is  
340 harmful to the water resources of the area or is prohibited by  
341 the applicable local government zoning regulations and  
342 comprehensive plan. A permit shall be issued to a large-scale  
343 data center applicant for an allocation of water if the  
344 applicant establishes that the proposed use of water:

345           (a) Is a reasonable-beneficial use as defined in s.  
346 373.019;

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

349           (c) Is consistent with the public interest.

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

351 the use of reclaimed water in lieu of all or a portion of a  
352 proposed use of surface water or groundwater by a large-scale  
353 data center applicant when:

354 (a) A suitable reclaimed water supply source is available  
355 and permitted;

356 (b) Reclaimed water distribution or supply lines are  
357 available at the property boundary in sufficient capacity and  
358 quality to serve the applicant's needs;

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

361 (d) Use of reclaimed water is environmentally,  
362 economically, and technically feasible; and

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

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

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

373 2. A water conservation plan that, at a minimum,  
374 incorporates recycling cooling water before discharge or  
375 disposal, implementation of a leak detection and repair program,

376 use of water efficient fixtures, and implementation of an  
377 employee awareness and education program concerning water  
378 conservation.

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

382 **Section 8. Subsection (2) of section 373.239, Florida**  
383 **Statutes, is amended to read:**

384 373.239 Modification and renewal of permit terms.—

385 (2) If the proposed modification involves water use of  
386 100,000 gallons or more per day or is proposed by a large-scale  
387 data center as defined in s. 373.203, the application shall be  
388 treated under the provisions of s. 373.229 in the same manner as  
389 the initial permit application. Otherwise, the governing board  
390 or the department may at its discretion approve the proposed  
391 modification without a hearing, provided the permittee  
392 establishes that:

393 (a) A change in conditions has resulted in the water  
394 allowed under the permit becoming inadequate for the permittee's  
395 need, or

396 (b) The proposed modification would result in a more  
397 efficient utilization of water than is possible under the  
398 existing permit.

399 **Section 9.** Except as otherwise expressly provided in this  
400 act and except for this section, which shall take effect upon

CS/CS/HB 1007

2026

401 | becoming a law, this act shall take effect July 1, 2026.

402 |