

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Griffitts offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Effective upon becoming a law, section 163.326, Florida Statutes, is created to read:

163.326 Large load customer considerations.—

(1) The Legislature finds that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers as defined in s. 366.043(2), may present unique planning, infrastructure, and compatibility considerations. The Legislature intends that such considerations shall be addressed

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

14 through local comprehensive planning and land development
15 regulations adopted pursuant to this chapter, including
16 provisions related to infrastructure capacity, land use
17 compatibility, environmental impacts, and the efficient
18 provision of public facilities and services.

19 (2) Local governments shall maintain the authority to
20 exercise the powers and responsibilities for comprehensive
21 planning and land development regulation granted by law with
22 respect to large load customers. A large load customer may not
23 be considered an electric substation for the purposes of s.
24 163.3208.

25 **Section 2. Paragraphs (a), (b), and (c) of subsection (1)**
26 **of section 288.075, Florida Statutes, are redesignated as**
27 **paragraphs (b), (c), and (d), respectively, paragraph (a) of**
28 **subsection (2) is amended, and a new paragraph (a) is added to**
29 **subsection (1) of that section, to read:**

30 288.075 Confidentiality of records.—

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

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

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

34 (a)1. If a private corporation, partnership, or person
35 requests in writing before an economic incentive agreement is
36 signed that an economic development agency maintain the
37 confidentiality of information concerning plans, intentions, or
38 interests of such private corporation, partnership, or person to

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

39 locate, relocate, or expand any of its business activities in
40 this state, the information is confidential and exempt from s.
41 119.07(1) and s. 24(a), Art. I of the State Constitution for 12
42 months after the date an economic development agency receives a
43 request for confidentiality or until the information is
44 otherwise disclosed, whichever occurs first.

45 2. An economic development agency may extend the period of
46 confidentiality specified in subparagraph 1. for up to an
47 additional 12 months upon written request from the private
48 corporation, partnership, or person who originally requested
49 confidentiality under this section and upon a finding by the
50 economic development agency that such private corporation,
51 partnership, or person is still actively considering locating,
52 relocating, or expanding its business activities in this state.
53 Such a request for an extension in the period of confidentiality
54 must be received prior to the expiration of any confidentiality
55 originally provided under subparagraph 1. This subparagraph does
56 not apply to information described in subparagraph 1. relating
57 to data centers.

58
59 If a final project order for a signed economic development
60 agreement is issued, then the information will remain
61 confidential and exempt for 180 days after the final project
62 order is issued, until a date specified in the final project
63 order, or until the information is otherwise disclosed,

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

64 whichever occurs first. However, such period of confidentiality
65 may not extend beyond the period of confidentiality established
66 in subparagraph 1. or subparagraph 2.

67 **Section 3. Section 366.043, Florida Statutes, is created**
68 **to read:**

69 366.043 Large load tariffs for public electric utilities.-

70 (1) The Legislature finds that the provision of safe and
71 reliable electric services, provided at fair, just, and
72 reasonable rates, is essential to the welfare of the ratepayers
73 of this state. The Legislature further finds that when one class
74 of electric service customer requires uniquely large electrical
75 loads at a single location, it imposes a disproportionate risk
76 on the other ratepayers of this state and makes it necessary for
77 the commission to develop and enforce rate structures and other
78 policies for such customers which ensure such risk is mitigated
79 as much as possible and prevent shifting the costs of serving
80 large load customers to the general body of ratepayers.

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

82 (a) "Controlled by" means having the power to direct or
83 cause the direction of the management or policies of a company,
84 whether through ownership of securities, by contract, or
85 otherwise. A person or an entity that directly or indirectly has
86 the right to vote 25 percent or more of the voting interests of
87 the company or that is entitled to 25 percent or more of its
88 profits is presumed to control the entity.

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

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

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

92 1. Owned or controlled by the government of a foreign
93 country of concern; or

94 2. A partnership, an association, a corporation, an
95 organization, or other combination of persons organized under
96 the laws of or having its principal place of business in a
97 foreign country of concern, or a subsidiary of such entity.

98 (d) "Large load customer" means a customer with an
99 anticipated monthly peak load of 50 megawatts or more,
100 calculated as the highest average load over a 15-minute interval
101 at a single location. The term does not include a load
102 aggregated across multiple locations owned by the same customer.
103 However, the term includes all customers or other entities that
104 have entered into a colocation or similar agreement at a single
105 location that otherwise meets the anticipated monthly peak load
106 provided in this paragraph.

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

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

111 (a) The minimum tariff and service requirements must
112 reasonably ensure that each large load customer bears its own
113 full cost of service and that such cost is not shifted to the

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

114 general body of ratepayers. Such cost of service includes, but
115 is not limited to, connection, incremental transmission,
116 incremental generation, and other infrastructure costs;
117 operations and maintenance expenses; and any other costs
118 required to serve a large load customer. The risk of nonpayment
119 of such costs may not be borne by the general body of
120 ratepayers.

121 (b) The minimum tariff and service requirements must
122 include provisions reasonably designed to prevent a public
123 utility from providing electric service to a customer that would
124 otherwise qualify as a large load customer if that customer is a
125 foreign entity.

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

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

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

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

137 (c) Incremental generation charges.

138 (d) Financial guarantees.

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

139 (e) Minimum load factors.

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

143 (g) Minimum period of service contract requirements,
144 including early termination fees or other fees for violation of
145 such contracts.

146 (6) Any tariff, contractual provision, service
147 requirement, or other public utility policy relating to large
148 load customers may not prevent or otherwise hinder the
149 curtailment or interruption of electric service to a large load
150 customer where such curtailment or interruption is intended to
151 ensure grid stability, reduce the likelihood or breadth of wider
152 service outages, or ensure public safety during an emergency or
153 other exceptional circumstance.

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

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

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

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

164 373.203 Definitions.—

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

168 (a) A free-standing structure; or

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

172 (4) "Large-scale data center" means a single location,
173 with a data center on site, that has an anticipated monthly peak
174 load of 50 megawatts or more, calculated as the highest average
175 load over a 15-minute interval. The term does not include a load
176 aggregated across multiple locations owned by the same customer.
177 However, the term includes all customers or other entities that
178 have entered into a colocation or similar agreement at a single
179 location that otherwise meets the anticipated monthly peak load
180 provided in this subsection.

181 **Section 5. Section 373.262, Florida Statutes, is created**
182 **to read:**

183 373.262 Large-scale data center permitting.—

184 (1) It is the intent of the Legislature that the
185 development and operation of large-scale data centers in this
186 state be managed under a permitting framework that ensures this
187 state's water resources are used in the public interest, in a
188 manner that is not harmful to the water resources of this state,

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

189 and consistent with local government zoning regulations and
190 comprehensive plans.

191 (2) Consistent with other provisions of this part, the
192 governing board of a water management district or the department
193 may not issue a permit to a large-scale data center applicant
194 for an allocation of water if the proposed use of the water is
195 harmful to the water resources of the area or is prohibited by
196 the applicable local government zoning regulations and
197 comprehensive plan. A permit shall be issued to a large-scale
198 data center applicant for an allocation of water if the
199 applicant establishes that the proposed use of water:

200 (a) Is a reasonable-beneficial use as defined in s.
201 373.019;

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

204 (c) Is consistent with the public interest.

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

209 (a) A suitable reclaimed water supply source is available
210 and permitted;

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

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

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

216 (d) Use of reclaimed water is environmentally,
217 economically, and technically feasible; and

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

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

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

228 2. A water conservation plan that, at a minimum,
229 incorporates recycling cooling water before discharge or
230 disposal, implementation of a leak detection and repair program,
231 use of water efficient fixtures, and implementation of an
232 employee awareness and education program concerning water
233 conservation.

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

237 **Section 6. Subsection (2) of section 373.239, Florida**
238 **Statutes, is amended to read:**

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

239 373.239 Modification and renewal of permit terms.—

240 (2) If the proposed modification involves water use of
241 100,000 gallons or more per day or is proposed by a large-scale
242 data center as defined in s. 373.203, the application shall be
243 treated under the provisions of s. 373.229 in the same manner as
244 the initial permit application. Otherwise, the governing board
245 or the department may at its discretion approve the proposed
246 modification without a hearing, provided the permittee
247 establishes that:

248 (a) A change in conditions has resulted in the water
249 allowed under the permit becoming inadequate for the permittee's
250 need, or

251 (b) The proposed modification would result in a more
252 efficient utilization of water than is possible under the
253 existing permit.

254 **Section 7.** The Office of Program Policy Analysis and
255 Government Accountability (OPPAGA) shall contract for an
256 independent, interdisciplinary study of policy considerations
257 related to the construction and operation of large-scale data
258 centers, including, but not limited to, state, regional, or
259 local economic development and tax revenue impacts; use of land,
260 water, and other natural resources; energy use and related cost
261 and rate impacts; and public health and safety related impacts.
262 OPPAGA may contract with one or more nonpartisan academic or
263 nonprofit research organizations with policy and scientific

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

264 expertise in relevant fields of study. The study must identify
265 any issues unique to the construction and operation of large-
266 scale data centers in this state. The study must also include
267 recommendations on facility siting and mitigation measures that
268 should be considered to reduce any potential negative impacts.
269 OPPAGA shall submit the study to the Governor, the President of
270 the Senate, and the Speaker of the House of Representatives by
271 July 1, 2027.

272 **Section 8.** Except as otherwise expressly provided in this
273 act and except for this section, which shall take effect upon
274 becoming a law, this act shall take effect July 1, 2026.

275
276 -----

277 **T I T L E A M E N D M E N T**

278 Remove everything before the enacting clause and insert:

279 A bill to be entitled
280 An act relating to data centers; creating s. 163.326,
281 F.S.; providing legislative findings; specifying that
282 local governments maintain authority to exercise power
283 and responsibility over comprehensive planning and
284 land development regulations relating to large load
285 customers; prohibiting a large load customer from
286 being considered an electric substation; amending s.
287 288.075, F.S.; defining the term "data center";
288 providing an exception to a provision allowing an

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

289 extension of certain confidentiality protections;
290 creating s. 366.043, F.S.; providing legislative
291 findings; defining terms; requiring public utilities
292 to provide certain minimum tariff and service
293 requirements for large load customers; requiring that
294 such requirements ensure that large load customers
295 bear their costs of service and that such costs are
296 not shifted to the general body of ratepayers;
297 requiring certain measures to minimize the risk of
298 nonpayment of such costs; requiring that such minimum
299 tariff and service requirements include certain
300 provisions designed to prevent a public utility from
301 providing electric service to a large load customer
302 that is a foreign entity; prohibiting a customer from
303 separating a certain electrical load into multiple
304 smaller connections for a specified purpose;
305 authorizing the Florida Public Service Commission to
306 approve public utility tariffs that include certain
307 utility industry-accepted ratemaking and other
308 financial tools; prohibiting any tariff, contractual
309 provision, service requirement, or other public
310 utility policy from preventing or hindering the
311 curtailment or interruption of electric service to a
312 large load customer for certain purposes; prohibiting
313 a public utility from knowingly providing electric

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

314 service to a large load customer that is a foreign
315 entity; requiring each public utility to file a tariff
316 in compliance with the provisions of the bill by a
317 specified date; amending s. 373.203, F.S.; defining
318 terms; creating s. 373.262, F.S.; providing
319 legislative intent; prohibiting the governing board of
320 a water management district or the Department of
321 Environmental Protection from issuing a permit for the
322 consumptive use of water to a large-scale data center
323 under certain circumstances; requiring that such
324 permit be issued to a large-scale data center
325 applicant if the applicant establishes that the
326 proposed use of water satisfies certain requirements;
327 requiring the governing board or the department to
328 require the use of reclaimed water for a large-scale
329 data center applicant's allocation when certain
330 requirements are met; specifying requirements for
331 certain permit applications; prohibiting the approval
332 of permit applications without a hearing; amending s.
333 373.239, F.S.; requiring that consumptive use permit
334 modifications proposed by a large-scale data center be
335 treated in a specified manner; requiring the Office of
336 Program Policy Analysis and Government Accountability
337 to contract for a study relating to the construction
338 and operation of large-scale data centers; providing

383957

Approved For Filing: 3/10/2026 10:00:49 PM

Amendment No.

339 requirements for the study; requiring the study to be
340 submitted to the Governor, the President of the
341 Senate, and the Speaker of the House by a specified
342 date; providing effective dates.

383957

Approved For Filing: 3/10/2026 10:00:49 PM