

Administrative Report 1)





Board of County Commissioners

Agenda Item

Meeting Date: June 22, 2026

Department: Board of County Commissioners

Staff: Kerry Smith, Board Member

Item: Commissioner Smith - 12-Month Data Center Moratorium

Attachment(s) SB 484, Clay County Moratorium Ordinance, Nassau County Moratorium Ordinance, Hernando County Moratorium Ordinance

ACTION NEEDED

Approval or denial to **1)** task staff with developing a 12-month moratorium for board consideration that prohibits the acceptance, review, processing, or approval of any applications for land use amendments, rezoning, conditional uses, permits, or development review or site or building plans for the construction, expansion, or operation of data center facilities within the unincorporated areas of Santa Rosa County; **2)** Schedule a public hearing to consider such moratorium.

SUMMARY/BACKGROUND

Clay County, Nassau County, Hernando County, and others have either adopted or are in the process of implementing similar temporary moratoriums, which could serve as useful models for the board to consider.

Senate Bill 484 and example moratoriums are provided in the backup for board discussion and staff direction.

RECOMMENDATION

FISCAL IMPACTS

NEXT STEPS

2026484er

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

2026484er

financial tools; prohibiting any tariff, contractual provision, service requirement, or other public utility policy from preventing or hindering the curtailment or interruption of electric service to a large load customer for certain purposes; prohibiting a public utility from knowingly providing electric service to a large load customer that is a foreign entity; requiring each public utility to file a tariff in compliance with the provisions of the bill by a specified date; amending s. 373.203, F.S.; defining terms; creating s. 373.262, F.S.; providing legislative intent; prohibiting the governing board of a water management district or the Department of Environmental Protection from issuing a permit for the consumptive use of water to a large-scale data center under certain circumstances; requiring that such permit be issued to a large-scale data center applicant if the applicant establishes that the proposed use of water satisfies certain requirements; requiring the governing board or the department to require the use of reclaimed water for a large-scale data center applicant's allocation when certain requirements are met; specifying requirements for certain permit applications; prohibiting the approval of permit applications without a hearing; amending s. 373.239, F.S.; requiring that consumptive use permit modifications proposed by a large-scale data center be treated in a specified manner; requiring the Office of Program Policy Analysis and Government Accountability

2026484er

to contract for a study relating to the construction and operation of large-scale data centers; providing requirements for the study; requiring the study to be submitted to the Governor, the President of the Senate, and the Speaker of the House by a specified date; providing effective dates.

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

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

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

2026484er

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

288.075 Confidentiality of records.—

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

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

(2) PLANS, INTENTIONS, AND INTERESTS.—

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

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

2026484er

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

2026484er

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

2026484er

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

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

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

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

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

(b) Demand charges, including minimum demand charges.

(c) Incremental generation charges.

(d) Financial guarantees.

(e) Minimum load factors.

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

2026484er

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

2026484er

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

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

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

373.262 Large-scale data center permitting.—

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

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

2026484er

applicant establishes that the proposed use of water:

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

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

(c) Is consistent with the public interest.

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

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

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

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

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

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

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

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

2026484er

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

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

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

373.239 Modification and renewal of permit terms.—

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

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

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

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

2026484er

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

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

ORDINANCE NO. 2026 – _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA; IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, OR APPROVAL OF APPLICATIONS FOR LAND USE AMENDMENTS TO THE CLAY COUNTY 2045 COMPREHENSIVE PLAN, FOR REZONING, FOR CONDITIONAL USES, FOR PERMITS, AND FOR DEVELOPMENT REVIEW OF SITE OR BUILDING PLANS RELATED TO DATA CENTERS, DATA PROCESSING FACILITIES, DATA MINING OR CRYPTOCURRENCY MINING OPERATIONS (REFERENCED HEREIN COLLECTIVELY AS DATA CENTER FACILITIES) WITHIN UNINCORPORATED CLAY COUNTY, FLORIDA; MAKING FINDINGS IN SUPPORT; PROVIDING FOR THE STUDY AND DEVELOPMENT OF APPROPRIATE LAND USE REGULATIONS ADDRESSING SUCH DATA CENTER USES; PROVIDING FOR SEVERABILITY; PROVIDING DIRECTIONS NOT TO CODIFY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (Board) has the authority, pursuant to Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution, to protect the public health, safety and general welfare of its residents and to enact ordinances for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, on May 12, 2026, the Board requested the preparation of an ordinance instituting a temporary moratorium on the acceptance, review, or approval of applications for data center facilities such that the County's comprehensive plan and land development regulations may be reviewed and updated to account for data center facilities; and

WHEREAS, Chapter 2026-65, Laws of Florida, relating to data centers, created Section 163.326, Florida Statutes, relating to large load customer considerations; and

WHEREAS, Section 163.326, Florida Statutes, recognizes that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers, may present unique planning, infrastructure, and compatibility considerations; and

WHEREAS, Section 163.326, Florida Statutes, provides that such considerations are to be addressed through local comprehensive planning and land development regulations adopted pursuant to Chapter 163, Florida Statutes, including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services; and

WHEREAS, Section 163.326, Florida Statutes, further provides that local governments maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers; and

WHEREAS, data center facilities may require significant and continuous electric demand, water supply, cooling infrastructure, wastewater capacity, stormwater infrastructure,

backup generation, fuel storage, fire protection, emergency response planning, security infrastructure, and related public facilities and services; and

WHEREAS, the Board finds that Clay County currently lacks specific zoning provisions or development regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with data center facilities; and

WHEREAS, the Board further finds that allowing such facilities to proceed without appropriate regulatory standards could create risks to the County's water resources, electrical infrastructure capacity, land use planning objectives, and long-term community development strategy; and

WHEREAS, local governments may enact moratoriums if the moratorium is intended to preserve the status quo and is rationally related to the government's attempt to enact changes to development regulations. (*WCI Communities Inc. v. City of Coral Springs*, 885 So. 2d 912 (Fla. 4th DCA 2004)); and

WHEREAS, Florida courts have held that permissible basis for land use restrictions include concern about the effect of the proposed development on traffic, congestion, surrounding property values, demands for public services, and on other aspects of the general welfare (*WCI Communities Inc. v. City of Coral Springs*, 885 So.2d 912 (Fla. 4th DCA 2004; *see also Corn v. City of Lauderdale Lakes*, 997 F.2d 1369, 1375 (11th Cir. 1993)); and

WHEREAS, local governments are entitled to enact moratoriums as a land-use tool to promote effective planning and preserve the status quo during this change (*Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 337, 122 S.Ct. 1465, L.Ed.2d 517 (2002) (holding temporary moratoria are used widely among land use planners to preserve the status quo while formulating a more permanent development strategy); and

WHEREAS, the County is actively engaged in the process of review, study, and planning to prepare and adopt amendments to its Comprehensive Plan, Land Development Regulations, and Code of Ordinances as may be necessary to address the demands of data center facilities; and

WHEREAS, a temporary moratorium on the acceptance, review, or approval of applications for land use amendments to the Clay County 2045 Comprehensive Plan, for rezoning, for conditional uses, for permits, and for development review of site or building plans related to data center facilities within unincorporated Clay County will allow time to review, study, prepare and adopt an amendment or amendments to the County Comprehensive Plan, Land Development Regulations, or Code of Ordinances, as may be required, to address such uses; and

WHEREAS, the Board wishes to establish a temporary moratorium of up to one (1) year on the acceptance, review, or approval of applications for land use amendments to the Clay County 2045 Comprehensive Plan, for rezoning, for conditional uses, for permits, and for development review of site or building plans related to data center facilities within unincorporated areas and such moratorium is reasonable and necessary to accomplish the goal of revising its regulations to ensure the community welfare is well-balanced and the public health, safety and general welfare are preserved; and

WHEREAS, the Board of County Commissioners finds this ordinance imposing a one (1) year temporary moratorium on the acceptance, review, or approval of applications for data center

facilities serves the health, safety, and welfare of the residents of and visitors to Clay County, Florida.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Clay County, Florida as follows:

SECTION 1. FINDINGS. The foregoing “Whereas” clauses are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and incorporated as part of this Ordinance.

SECTION 2. PURPOSE. The purpose of this Ordinance is to allow Clay County sufficient time to review, study, prepare and adopt an amendment or amendments to the Clay County Comprehensive Plan, Land Development Code and/or Code of Ordinances, relating to Data Center Facilities.

SECTION 3. TEMPORARY MORATORIUM ESTABLISHED. A temporary moratorium is hereby established on the acceptance, review, processing, or approval of any applications for:

- land use amendments to the Clay County 2045 Comprehensive Plan
- rezoning
- conditional uses
- permits
- development review of site or building plans

for the construction, expansion, or operation of Data Center Facilities within the unincorporated areas of Clay County.

During the moratorium period, County staff shall not accept, process, review, approve, or issue any such application or approval.

SECTION 4. DEFINITION. For the purposes of this moratorium, Data Center Facilities is a building, a dedicated space within a building, or group of buildings housing computer systems and associated components, such as telecommunication and data processing systems, to be used for remote storage, processing, or distribution of large amounts of data. Examples of such data, include but are not limited to, computationally intensive applications such as cryptocurrency mining, artificial intelligence (A.I.) computing, weather modeling, genome sequencing, application hosting, cloud storage, video and technical streaming services, etc. Such facilities may include air handlers, power generators, water cooling and storage facilities, utility substations, and other infrastructure to support operations.

SECTION 5. STUDY AND EVALUATION. During the moratorium period, Clay County staff shall conduct a comprehensive review of the potential impacts associated with data center facilities, including but not limited to:

1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer management policies.
2. Water supply and wastewater treatment capacity, including potential impacts on municipal and regional water systems.

3. Electrical grid capacity and infrastructure requirements, including consultation with regional electric utilities regarding potential long-term demand impacts.

4. Land use compatibility, including appropriate zoning classifications and development standards for such facilities.

5. Environmental considerations, including impacts on wetlands, coastal ecosystems, noise, lighting, and surrounding land uses.

6. Best practices adopted by other jurisdictions in Florida and throughout the United States for the regulation of data center development.

SECTION 6. DEVELOPMENT OF REGULATORY FRAMEWORK. Following the completion of and during the review process, County staff shall present recommendations to the Board of Commissioners regarding the adoption of appropriate zoning regulations, permitting requirements, infrastructure standards, and environmental safeguards governing data center facilities within Clay County.

SECTION 7. DURATION. This temporary moratorium shall remain in effect for a period of twelve (12) months from and including the effective date of this Ordinance or until the effective date of an ordinance(s) amending the Clay County Comprehensive Plan, Land Development Regulations and/or the Code of Ordinances relating to Data Center Facilities, whichever first occurs.

SECTION 8. DIRECTIONS NOT TO CODIFY. The Board hereby directs that the provisions of this Ordinance shall not be codified in the Clay County Code, the Clay County 2045 Comprehensive Plan, or the Clay County Land Development Regulations.

SECTION 9. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of June, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Tara S. Green
County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

Kristen Burke, Chair

ORDINANCE NUMBER 2026-044

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS, DEVELOPMENT ORDERS, REZONING, OR SITE PLANS RELATED TO DATA CENTERS, DATA PROCESSING FACILITIES, DATA MINING OR CRYPTOCURRENCY MINING OPERATIONS (REFERENCED HEREIN COLLECTIVELY AS DATA CENTER FACILITIES) WITHIN UNINCORPORATED NASSAU COUNTY, FLORIDA; ADOPTING FINDINGS; PROVIDING FOR THE STUDY AND DEVELOPMENT OF APPROPRIATE LAND USE REGULATIONS ADDRESSING SUCH DATA CENTER USES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (Board) has the authority pursuant to Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution to protect the public health, safety and general welfare of its residents and to enact ordinance for valid governmental purposes that are no inconsistent with general or special law; and

WHEREAS, on April 13, 2026, the Board directed the County Attorney to prepare an ordinance instituting a temporary moratorium on the acceptance, review, or approval of applications for data center facilities; and

WHEREAS, Nassau County is located within a coastal region, an area that relies heavily upon groundwater resources from the Floridan Aquifer system, which has historically been subject to significant management and conservation efforts due to saltwater intrusion risks and long-term sustainability concerns; and

WHEREAS, state and regional planning efforts emphasize the importance of careful management of groundwater withdrawals and coastal water resources to ensure long-term environmental and economic stability for coastal communities; and

WHEREAS, data center facilities are known to require substantial water resources for cooling systems and substantial electrical power to support continuous computing operations, which in some cases require infrastructure demands comparable to small municipalities; and

WHEREAS, such facilities have the potential to place significant demands on regional groundwater supplies, water treatment infrastructure, and electrical grid capacity, particularly in rapidly growing areas; and

WHEREAS, the Board finds that Nassau County currently lacks specific zoning provisions or development regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with data center facilities; and

WHEREAS, the Board further finds that allowing such facilities to proceed without appropriate regulatory standards could create risks to the County's water resources, electrical infrastructure capacity, land use planning objectives, and long-term community development strategy; and

WHEREAS, Nassau County's proximity to sensitive coastal ecosystems, wetlands, estuarine systems, and maritime forests further underscores the importance of ensuring that new forms of industrial-scale development are evaluated carefully and responsibly; and

WHEREAS, local governments may enact moratoriums if the moratorium is intended to preserve the status quo and is rationally related to the government's attempt to enact changes to development regulations. (*WCI Communities Inc. v. City of Coral Springs*, 885 So. 2d 912 (Fla. 4th DCA 2004)); and

WHEREAS, Florida courts have held that permissible basis for land use restrictions include concern about the effect of the proposed development on traffic, congestion, surrounding property values, demands for public services, and on other aspects of the general welfare (*WCI Communities Inc. v. City of Coral Springs*, 885 So.2d 912 (Fla. 4th DCA 2004; *see also Corn v. City of Lauderdale Lakes*, 997 F.2d 1369, 1375 (11th Cir. 1993)); and

WHEREAS, local governments are entitled to enact moratoriums as a land-use tool to promote effective planning and preserve the status quo during this change (*Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 337, 122 S.Ct. 1465, L.Ed.2d 517 (2002) (holding temporary moratoria are used widely among land use planners to preserve the status quo while formulating a more permanent development strategy)); and

WHEREAS, the County is actively engaged in the process of review, study, and planning public workshops and hearings to prepare and adopt amendments to its Comprehensive Plan, Land Development Regulations, and Code of Ordinances as may be necessary to address the demands of data center facilities; and

WHEREAS, a temporary moratorium on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to data center facilities within unincorporated Nassau County will allow time to review, study, hold public hearing, and prepare and adopt an amendment or amendments to the County Comprehensive Plan, Land Development Regulations, or Code of Ordinances, as may be required, to address such uses; and

WHEREAS, the Board wishes to establish a temporary moratorium of up to one (1) year on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to data center facilities within unincorporated areas and such moratorium is reasonable and necessary to accomplish the goal of revising its regulations to ensure the community welfare is well-balanced and the public health, safety and general welfare are preserved; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163, Florida Statutes and the Nassau County Land Development Code; and

WHEREAS, the Board of County Commissioners finds this ordinance imposing a one (1) year temporary moratorium on the acceptance, review, or approval of applications for data center facilities serves the health, safety, and welfare of the residents of and visitors to Nassau County, Florida.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida as follows:

SECTION 1. FINDINGS OF FACT.

The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to allow Nassau County sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Nassau County Comprehensive Plan, Land Development Code and/or Code of Ordinances, relating to Data Center Facilities.

SECTION 3. TEMPORARY MORATORIUM ESTABLISHED.

A temporary moratorium is hereby established on the acceptance, review, processing, or approval of any:

- rezoning applications
- conditional use permits
- development permits
- site plan approvals
- building permits
- or other development approvals

for the construction, expansion, or operation of Data Center Facilities within the unincorporated areas of Nassau County.

SECTION 3. DEFINITION.

For the purposes of this moratorium, Data Center Facilities is a building, a dedicated space within a building, or group of buildings housing computer systems and associated components, such as telecommunication and data processing systems, to be used for remote storage, processing, or distribution of large amounts of data. Examples of such data, include but are not limited to, computationally intensive applications such as cryptocurrency mining, artificial intelligence (A.I.) computing, weather modeling, genome sequencing, application hosting, cloud storage, video and technical streaming services, etc. Such facilities may include air handlers, power generators, water cooling and storage facilities, utility substations, and other infrastructure to support operations.

SECTION 4. STUDY AND EVALUATION.

During the moratorium period, Nassau County staff shall conduct a comprehensive review of the potential impacts associated with data center facilities, including but not limited to:

1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer and coastal aquifer management policies.
2. Water supply and wastewater treatment capacity, including potential impacts on municipal and regional water systems.
3. Electrical grid capacity and infrastructure requirements, including consultation with regional electric utilities regarding potential long-term demand impacts.
4. Land use compatibility, including appropriate zoning classifications and development standards for such facilities.
5. Environmental considerations, including impacts on wetlands, coastal ecosystems, noise, lighting, and surrounding land uses.
6. Best practices adopted by other jurisdictions in Florida and throughout the United States for the regulation of data center development.

SECTION 5. DEVELOPMENT OF REGULATORY FRAMEWORK.

Following the completion of and during the review process, County staff shall present best practices, hold public workshops, and make final recommendations to the Board of Commissioners regarding the adoption of appropriate zoning regulations, permitting requirements, infrastructure standards, and environmental safeguards governing data center facilities within Nassau County.

SECTION 6. DURATION.

This temporary moratorium shall remain in effect for a period of twelve (12) months from and including the effective date of this Ordinance or until the effective date of an ordinance(s) amending the Nassau County Comprehensive Plan, Land Development Regulations and/or the Code of Ordinances relating to Data Center Facilities, whichever first occurs.

SECTION 7. CONFLICTING PROVISIONS.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY.

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

**ADOPTED THIS ____ DAY OF _____, 2026 BY THE BOARD OF
COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

ALYSON R. MCCULLOUGH
Chair

ATTEST AS TO CHAIR'S SIGNATURE:

MITCH L. KEITER
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

DENISE C. MAY

ORDINANCE NO.: 2026-__

AN ORDINANCE AMENDING HERNANDO COUNTY CODE TO IMPOSE A MORATORIUM ON THE PROCESSING OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS FOR DATA CENTERS FOR A PERIOD OF 365 DAYS, UNLESS EXTENDED OR TERMINATED; ENACTING A TEMPORARY MORATORIUM ON DATA CENTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hernando County (the “County”), as provided in Fla. Const. Article VIII, Section 1(f), and Fla. Stat. Chapters 125, 162, 163, 177 and 380, possesses police power, land development and zoning authority, and the governmental and proprietary powers necessary to conduct county government and perform county functions, and the County may exercise any power for county purposes, except as expressly prohibited by law; and,

WHEREAS, Fla. Stat. § 163.3174 requires the Board, in its capacity as the County’s local planning agency, to monitor and oversee the effectiveness and status of the County’s adopted comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required; and,

1 WHEREAS, Fla. Stat. §§ 163.3201, 163.3202, 163.3211 and 163.3213 empower and require
2 the Board of County Commissioners of Hernando County, Florida (the “Board”), to enact
3 comprehensive plans and then adopt land development regulations that implement said plans; and,

4 WHEREAS, Hernando County has enacted land development regulations in the interest of
5 the health, safety and welfare of its citizens, visitors and business residents; and,

6 WHEREAS, Florida is experiencing a sudden increase in development pressure from the
7 construction of new data centers; and,

8 WHEREAS, data centers are a rapidly growing and evolving land use that typically require
9 substantial electricity and water usage for cooling and related operations, often generate a significant
10 amount of noise, and can take up a very large amount of land; and,

11 WHEREAS, because this development pressure was unanticipated, existing ordinances and
12 development standards do not adequately address the unique infrastructure demands, impacts to
13 neighboring property owners, and operational characteristics of newer data centers; and,

14 WHEREAS, the potential cumulative impacts of data centers on the County's water and
15 wastewater systems, groundwater resources, wastewater infrastructure, and electrical grid are not
16 yet fully understood; and,

17 WHEREAS, the Board finds that allowing the establishment or expansion of data centers
18 without the presence of use-specific regulations could pose risks to water availability, wastewater
19 system performance, electrical grid resilience, quality of life, and the long-term interests of the
20 community; and,

1 WHEREAS, the County is not an “impacted local government” as that term is defined by
2 Fla. Stat. § 25.422; and,

3 WHEREAS, a temporary moratorium on the processing of applications for development
4 orders for data centers will provide the County with the necessary time to study these issues, consult
5 with experts, evaluate infrastructure capacity, consider appropriate regulations, and develop
6 standards to mitigate potential adverse impacts; and,

7 WHEREAS, the Florida Legislature passed a bill during its 2026 regular session, CS for CS
8 for SB 484, that will provide for the local and regional regulation of data centers, especially related
9 to their use of water and electrical utilities, but the Governor has not yet signed it into law or vetoed
10 it; and,

11 WHEREAS, the imposition of a 365-day, temporary moratorium, with certain exemptions,
12 on the acceptance, processing and/or consideration of any petition, application or request for
13 development order, of any type, including but not limited to a zoning change or comprehensive plan
14 amendment, related to data centers will allow the necessary time to research, review, study and
15 prepare the appropriate regulations for the County; and,

16 WHEREAS, after conducting the requisite public hearings, the Board finds that such a
17 temporary moratorium is consistent with Hernando County’s Comprehensive Plan, serves a
18 legitimate public purpose, is reasonable in time and is in the best interest of the health, safety and
19 welfare of the citizens, visitors and business residents of Hernando County.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF HERNANDO COUNTY:

3 **Section 1. Incorporation of Recitals.** The above-delineated recitals are incorporated into
4 this ordinance as the Board of County Commissioners' findings of fact as if they were fully set forth
5 herein.

6 **Section 2. Enacting a Temporary Moratorium on Data Centers.** A new Hernando County
7 Code, Appendix A, Article V, § 11, to be entitled “Temporary Moratorium on Data Centers,” is
8 hereby enacted to read as follows:

9 Temporary Moratorium on Data Centers.

10 A. Purpose. The purpose of this Ordinance is to enable Hernando County to have
11 sufficient time to review, study, hold public hearings, and prepare and adopt an
12 amendment or amendments to the Hernando County Comprehensive Plan and/or
13 Code of Ordinances, relating to permitting new data centers, if any, and any related
14 land use standards. During this up to 12 month time period, Hernando County will
15 not accept or process applications for preliminary development plans of data centers,
16 or issue preliminary development plan approvals for data centers that have the effect
17 of permitting development of parcels as data centers, except as provided in this
18 ordinance. This temporary moratorium does not have the effect of prohibiting the
19 issuance of building or construction permits for any developments that received final

1 development plan approval for a data center before or during the duration of this
2 temporary moratorium.

3 B. Definitions:

4 1. “Common Law Vested Rights” shall have the same meaning as is
5 provided for the phrase in Hernando County Code § 23-240(a), as it may be
6 amended.

7 2. “Data Center,” for the purposes of this section only, shall mean a
8 facility whose primary and principal use is for the storage, management, processing,
9 and transmission of digital data, which houses computer or network equipment,
10 systems, servers, appliances and other associated components related to digital data
11 operations. The facility may also include air handlers, power generators, water
12 cooling and storage facilities, utility substations, and other associated utility
13 infrastructure to support sustained operations at the data center. Data centers may
14 also contain accessory office uses necessary to monitor and manage sustained
15 operations at the data center.

16 3. “Statutory Vested Rights” shall have the same meaning as is provided
17 for the phrase in Hernando County Code § 23-240(a), as it may be amended.

18 C. Declaration of Moratorium. As of the effective date of this ordinance there
19 shall be a moratorium in the unincorporated area of Hernando County on the
20 issuance of development orders or permits for data centers, including but not limited

1 to, the approval or issuance of any comprehensive plan text or future land use map
2 amendment, rezoning, plat or re-plat, conditional use approval, variance, building
3 permit, or other development order/permit that allows for the initiation, construction,
4 expansion, or modification of existing or new data centers.

5 D. Claims of Exemption from the Moratorium. Any person or entity that is
6 aggrieved by a determination by the administrative official that an application for a
7 development order or permit is subject to this moratorium may appeal the
8 administrative official's determination as set forth below:

9 1. If the petitioner claims to have either common law vested rights or
10 statutory vested rights which cannot be affected by revisions to the comprehensive
11 plan or any subsequent rezoning, the petitioner may appeal the administrative
12 official's determination by following the processes set forth in Hernando County
13 Code § 23-240(a), as it may be amended; or,

14 2. If the petitioner claims another legal basis for which they should be
15 deemed exempt from the moratorium, the petitioner may appeal the administrative
16 official's determination by following processes set forth in Hernando County Code,
17 Appendix A, Article V, § 3(F), as it may be amended.

18 E. Duration of Moratorium. This moratorium shall be in effect for three hundred
19 and sixty-five (365) days following the effective date of this ordinance, or until the
20 Board of County Commissioners adopts the legislation called for in Subpart I below,

1 whichever is earlier. This temporary moratorium may also be extended one time for
2 a period not to exceed one hundred twenty (120) additional days, so long as the
3 necessary public hearings are conducted and findings made that the issues giving rise
4 to the need for the temporary moratorium established herein continue to exist and
5 that reasonable progress is being made in the carrying out of a specific and prompt
6 plan for corrective legislative action.

7 F. Prospective Application Only. In order to protect the due process and other
8 constitutional rights of applicants and the general public, any petitions or
9 applications received prior to the effective date of this ordinance shall continue to be
10 processed pursuant to the County's normal procedures.

11 G. Existing Businesses. This temporary moratorium shall not affect any
12 development lawfully constructed within the unincorporated area of the County, as
13 of the effective date of this ordinance, pursuant to valid permits and approvals if the
14 existing development is in compliance with all applicable County, State and Federal
15 laws, codes, ordinances, rules, regulations and policies.

16 H. Alleviation of Hardship

17 (1) The governing body may grant an exception from the temporary
18 moratorium imposed by this ordinance when it finds, based upon substantial
19 competent evidence presented to it in a quasi-judicial hearing, that deferral of action

1 on an application for any of the covered development orders and permits would
2 impose an extraordinary hardship on a landowner or developer.

3 (2) A landowner or a developer, with the written consent of the
4 landowner, shall file a request for an exception based upon extraordinary hardship
5 with the administrative official or designee, along with a fee of \$500.00 to cover
6 processing and advertising costs. The application shall be on a form provided by the
7 Hernando County Department of Development Services and shall, at a minimum,
8 include a recitation of the specific facts that are alleged to support the claim of
9 extraordinary hardship and shall contain such other information as the administrative
10 official shall prescribe as necessary for the governing body to be fully informed with
11 respect to the application.

12 (3) The administrative official or designee shall provide the public with
13 notice of the quasi-judicial hearing in which the governing body will consider an
14 application for an exception in the manner provided for appeals and variances in
15 Hernando County Code Appendix A, Article V, § 3(H), as it may be amended;
16 provided, that notice may be provided pursuant to Hernando County Code § 1-12,
17 as it may be amended, in lieu of a newspaper advertisement.

18 (4) Criteria. The governing body shall consider only the following criteria
19 when considering an application for an exception:

1 (a) The extent to which the party applying for the exception has,
2 prior to the effective date of this ordinance, received Hernando County permits or
3 approvals for the proposed development.

4 (b) The extent to which the party applying for the exception has,
5 prior to the effective date of this ordinance, made a substantial expenditure of money
6 or resources in reliance upon permits or other approvals of Hernando County that are
7 directly associated with physical improvements on the land, such as grading,
8 installation of utility infrastructure, or any other public improvements.

9 (c) Whether the party applying for the exception has, prior to the
10 effective date of this ordinance, contractual commitments in reliance upon permits
11 or other approvals of Hernando County to complete a structure(s).

12 (d) Whether the party applying for the exception has, prior to the
13 effective date of this ordinance, in reliance upon permits or other approvals of
14 Hernando County, incurred financial obligations to a lending institution which,
15 despite a thorough review of alternative solutions, the applicant cannot meet unless
16 development proceeds.

17 (e) Whether the moratorium will expose the party applying for the
18 exception to substantial monetary liability to third persons, or would leave the
19 applicant completely unable, after a thorough review of alternative solutions, to earn
20 a reasonable investment-backed expectation on the property.

1 I. Direction to Develop Data Centers Ordinance. During the period of this
2 moratorium, the Planning Department, in consultation with the relevant County
3 departments, is directed to draft an ordinance providing comprehensive and
4 appropriate regulations of data centers to protect the public health, safety and general
5 welfare of Hernando County’s residents, businesses, visitors, and the general public.
6 It is the intention of the Board of County Commissioners to adopt any legislation
7 pertaining to data centers before the expiration of this moratorium. All affected
8 property and business owners are placed on notice with respect to this pending
9 legislation regulations and the action being taken by the appropriate County
10 departments.

11 J. Subjects of Consideration. In preparing a proposed ordinance(s) amending
12 the County’s comprehensive plan and/or land development regulations, the Planning
13 Department shall review the possible impacts that these uses may have on the health,
14 safety and general welfare of the residents, businesses, visitors and general public in
15 Hernando County; provided, that any ordinances that are proposed do not contain
16 any provisions that are prohibited by Fla. Stat. § 377.816. The Planning Department
17 and other relevant County Departments shall also consult with other municipalities,
18 experts, stakeholders, and relevant available studies and research pertaining to
19 effective regulation of data centers.

1 K. Penalties. This moratorium may be enforced by the following methods of
2 enforcement:

3 1. Revocation or temporary suspension of development permits,
4 development orders and/or certificates of occupancy and/or licenses; or,

5 2. Enforcement pursuant Hernando County Code, Chapter 2, Article III;
6 or,

7 3. By an action for injunctive relief, civil penalties or both, through a
8 court of competent jurisdiction; or

9 4. By any other process permitted by law or equity.

10 **Section 3. Severability.** It is declared to be the intent of the Board of County
11 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
12 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
13 the validity of the remaining portions of this ordinance.

14 **Section 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners
15 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
16 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
17 the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and
18 that the word “ordinance” may be changed to “section,” “article,” or any other appropriate
19 designation.

Section 5. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HERNANDO COUNTY in Regular Session this _____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: _____
DOUG CHORVAT, JR.
Clerk

By: _____
JERRY CAMPBELL
Chairman

Approved for Form and Legal Sufficiency

Jon Jouben
County Attorney's Office