

ORDINANCE NUMBER 2026-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING CHAPTER 42, ARTICLE XI, OF THE ESCAMBIA COUNTY CODE OF ORDINANCES; CREATING SECTION 42-424, "MORATORIUM ON CERTAIN DATA CENTER FACILITIES"; ESTABLISHING A TWELVE-MONTH MORATORIUM ON CERTAIN DATA CENTER FACILITIES WITHIN THE UNINCORPORATED AREA OF ESCAMBIA COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the 2026 Legislative Session, the Florida Legislature enacted CS/CS/SB 484, codified as Chapter 2026-65, Laws of Florida, which recognizes the unique planning, infrastructure, environmental, and public facility considerations associated with data centers and, through sections 163.326 and 373.262, Florida Statutes, preserves local government authority over such facilities; and

WHEREAS, on July 23, 2026, the Board adopted Resolution No. 2026-71, memorializing the Board's interpretation of the Escambia County Land Development Code that data center facilities, regardless of size or electrical demand, are not identified as a permitted or conditional principal use in any zoning district and therefore are not authorized as principal uses within the unincorporated area of Escambia County; and

WHEREAS, the Board subsequently adopted Ordinance No. 2026-30, creating Article XI of Chapter 42 of the Escambia County Code of Ordinances and expressly banning large-scale data centers, as defined in section 373.203, Florida Statutes, within the unincorporated area of Escambia County; and

WHEREAS, the Board finds that a twelve-month moratorium on data center facilities with an anticipated monthly peak load of at least ten megawatts but less than fifty megawatts, calculated as the highest average load over a 15-minute interval, is a reasonable and appropriate measure to provide sufficient time for staff to evaluate the potential impacts of such facilities on public infrastructure, natural resources, and surrounding communities and to determine whether additional action is necessary or appropriate; and

WHEREAS, this Ordinance does not amend the Escambia County Comprehensive Plan or Land Development Code, alter the uses permitted or conditionally permitted within any zoning district, or restrict any principal use presently authorized by the County's existing zoning regulations, but instead supplements and preserves the County's existing regulatory position as memorialized in Resolution No. 2026-71; and

WHEREAS, the Board finds that preserving finite public infrastructure capacity, protecting natural resources, and ensuring the orderly development of the unincorporated area are important governmental objectives and that adoption of this Ordinance promotes the public health, safety, and welfare of the citizens of Escambia County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Recitals.

The foregoing recitals are adopted and incorporated herein as the legislative findings.

Section 2. Creation.

Chapter 42, Article XI, of the Escambia County Code of Ordinances is hereby amended to add section 42-424 to read as follows:

Sec. 42-424. Moratorium on data centers.

A twelve-month moratorium is hereby imposed within the unincorporated area of Escambia County on the acceptance, processing, approval, or issuance of any application, development order, development permit, or other County authorization for the establishment or construction of a data center, as defined in section 42-422, with an anticipated monthly peak load of at least ten megawatts but less than fifty megawatts, calculated as the highest average load over a 15-minute interval.

During the moratorium period, County staff shall study and evaluate the potential impacts of data centers and any appropriate amendments to the County's Comprehensive Plan, Land Development Code, or other regulations. The moratorium established by this section is supplemental to the County's existing regulatory framework and shall not be construed to authorize any data center facility, including a facility below the ten-megawatt threshold established herein, or any other use not otherwise authorized by the Escambia County Land Development Code.

Section 3. Severability.

If any section, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflicts.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 5. Inclusion in the Code.

It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Escambia County Code of Ordinances and may be renumbered or relettered to accomplish such intent.

Section 6. Effective Date.

This Ordinance shall become effective upon filing with the Florida Department of State.

DONE AND ENACTED this ____ day of ____, 2026.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

By: _____
Ashlee M. Hofberger, Chair

**ATTEST: Pam Childers
Clerk of the Circuit Court**

Approved as to form and legal sufficiency.

By/Title: Christopher R. Shaffer, ACA

By: _____
**Deputy Clerk
(SEAL)**

Date: 09-02-2026

ENACTED:

FILED WITH DEPARTMENT OF STATE:

EFFECTIVE: