

DESOTO COUNTY, FLORIDA
ORDINANCE 2026- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, ESTABLISHING A TEMPORARY ONE (1) YEAR MORATORIUM ON THE ACCEPTANCE, PROCESSING, REVIEW, OR APPROVAL OF DEVELOPMENT APPLICATIONS, DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, REZONINGS, BUILDING PERMITS, AND OTHER DEVELOPMENT APPROVALS FOR DATA CENTER FACILITIES WITHIN THE UNINCORPORATED AREA OF DESOTO COUNTY; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXCEPTIONS; PROVIDING DIRECTION TO STAFF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 1(f), Florida Constitution, and Chapter 125, Florida Statutes, grant counties broad home rule authority to protect the public health, safety, and welfare and to enact land development regulations; and

WHEREAS, the Board of County Commissioners is authorized to adopt and enforce comprehensive planning and land development regulations pursuant to Chapter 163, Florida Statutes; and

WHEREAS, Chapter 2026-65, Laws of Florida (CS/CS/SB 484), created section 163.326, Florida Statutes, wherein the Legislature expressly found that certain land uses, including data centers and other large load customers, may present unique planning, infrastructure, utility, environmental, and compatibility considerations; and

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

WHEREAS, the Legislature expressly recognized that local governments maintain authority to exercise their comprehensive planning and land development regulatory powers with respect to data centers and other large load customers; and

WHEREAS, Chapter 2026-65, Laws of Florida, further directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to contract for an independent interdisciplinary study regarding the construction and operation of large-scale data centers and to submit such study to the Governor, President of the Senate, and Speaker of the House of Representatives by July 1, 2027; and

WHEREAS, the Legislature's direction to OPPAGA demonstrates that the statewide impacts, infrastructure demands, environmental considerations, utility requirements, and policy implications associated with large-scale data centers remain the subject of ongoing evaluation and study; and

WHEREAS, Data Center Facilities may require substantial and continuous electric demand, water supply, reclaimed water infrastructure, wastewater capacity, cooling infrastructure, stormwater systems, backup generation facilities, emergency services planning, fire protection infrastructure, fuel storage, transmission facilities, and related public infrastructure; and

WHEREAS, DeSoto County presently lacks comprehensive plan policies and land development regulations specifically addressing the siting, compatibility, utility demand, infrastructure capacity, water consumption, reclaimed water use, wastewater impacts, emergency service impacts, environmental impacts, noise impacts, security infrastructure, and fiscal impacts associated with Data Center Facilities; and

WHEREAS, local governments may enact temporary development moratoria where reasonably related to legitimate planning objectives and where necessary to preserve the status quo while studying and implementing appropriate land use regulations; and

WHEREAS, the Board finds that a temporary one-year moratorium is reasonable in duration and necessary to allow staff sufficient time to review the forthcoming OPPAGA study, evaluate the impacts of such facilities, prepare draft Comprehensive Plan and Land Development Regulation amendments, and complete the public hearing process required by Florida law; and

WHEREAS, on March 24, 2026, the Board approved Ordinance No. 2026-004, Application RZNE-0077-2025, rezoning approximately 34.22 acres to Planned Unit Development (PUD) for a data center facility subject to specific conditions and development limitations and finds it appropriate to exempt development activity

associated with RZNE-0077-2025 from the provisions of this Ordinance; and

WHEREAS, the Board further acknowledges that two (2) rezoning applications have already been filed with the County seeking to rezone certain parcels to Planned Unit Development (PUD) to allow development of data center facilities on said parcels (to wit, applications RZNE-0087-2026 and RZNE-0086-2026) (the “Pending Applications”), and given the timing of those applications, finds it appropriate to exempt the Pending Applications from the provisions of this Ordinance, which shall continue to be processed pursuant to the County’s normal procedures; and

WHEREAS, on June 23, 2026, the Board by a vote of 4-0, directed the County Attorney to prepare this Ordinance enacting a moratorium as provided for herein; and

WHEREAS, on July 7, 2026, at a duly noticed and advertised public hearing, the Planning Commission, which also serves as the County’s Local Planning Agency, held a public hearing on this Ordinance and recommended approval subject to certain amendments; and

WHEREAS, on July 28, 2026, after conducting the requisite public hearings, and giving consideration to the Planning Commission’s recommendations and proposed amendments, the Board finds that a temporary moratorium as set forth herein, is consistent with the County’s Comprehensive Plan, serves a legitimate public purpose, is reasonable in time and is in the best interest of the health, safety and welfare of the citizens, visitors and business residents of DeSoto County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS. The foregoing recitals are adopted and incorporated herein as legislative findings.

SECTION 2. DEFINITIONS.

- A. “Data Center Facility” shall mean 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. The term shall not include server rooms and computer rooms typically used to house IT and related network equipment located internally to a building where such rooms are incidental to the primary use in the building or on the site. As used herein, Data Center Facility shall also include facilities that fall within the definition of Data Center and Large-Scale Data Center as those terms are defined in section 373.203, Florida Statutes.

- B. "Development Approval" means any rezoning, special exception, conditional use, variance, site plan approval, development order, development permit, building permit, comprehensive plan amendment, concurrency approval, utility approval, construction plan approval, or other County approval required to establish, construct, expand, or intensify a Data Center Facility.

SECTION 3. MORATORIUM. For a period of one (1) year following the effective date of this Ordinance, the County shall not accept, process, review, approve, issue, or grant any Development Approval for the construction, expansion, or operation of Data Center Facilities within the unincorporated areas of DeSoto County.

SECTION 4. APPLICABILITY. The moratorium established herein applies to all applications for Development Approval relating to Data Center Facilities filed with the County on or after **June 23, 2026**, whether such applications were pending on the effective date of this Ordinance or are submitted thereafter, except as expressly provided in Section 5.

SECTION 5. EXEMPTION. This Ordinance shall not apply to:

- A. Ordinance No. 2026-004 (PUD Rezoning RZNE-0077-2025) approved by the Board of County Commissioners on March 24, 2026, and any future applications or approvals necessary to implement the development approved under RZNE-0077-2025.
- B. the Pending Applications (RZNE-0087-2026 and RZNE-0086-2026), which shall continue to be processed pursuant to the County's normal procedures.

SECTION 6. STAFF DIRECTION. County staff are directed during the moratorium period to:

A. Evaluate infrastructure, water, wastewater, transportation, emergency service, environmental, ecological, noise, building scale & massing, and fiscal impacts associated with Data Center Facilities. Said review shall include, at a minimum:

- i. Identification of appropriate zoning districts and future land use categories, if any;
- ii. zoning performance standards;
- iii. conditional use or special exception criteria;
- iv. minimum and maximum parcel size;
- v. setbacks; building height; buffers; screening; landscaping;
- vi. noise; vibration; lighting; thermal impacts;
- vii. water supply; reclaimed water; wastewater; stormwater; cooling systems; water conservation;
- viii. electric infrastructure coordination; backup generators; fuel storage; battery storage; fire suppression;
- ix. traffic and road impacts;
- x. emergency response and public safety capacity;
- xi. environmental resources;
- xii. wetlands; floodplain and floodway impacts; habitat impacts;
- xiii. security; fencing; access control;
- xiv. compatibility with residential, rural, agricultural, conservation, and public uses;
- xv. decommissioning or adaptive reuse standards; and
- xvi. application submittal requirements, including technical studies.

B. Prepare Comprehensive Plan amendments as appropriate;

C. Prepare Land Development Regulation amendments as appropriate;

D. Review the findings and recommendations of the OPPAGA study; and

E. Return proposed regulations to the Board for consideration before expiration of the moratorium.

SECTION 7. DURATION. Unless sooner repealed, extended, or superseded by subsequent ordinance, this moratorium shall automatically expire one (1) year after its effective date.

SECTION 8. SEVERABILITY. It is the intent of the Board of County Commissioners of, 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. CONFLICTS. All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective immediately upon filing with the Secretary of State.

PASSED AND DULY ADOPTED in DeSoto County, Florida this 28th day of July, 2026.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy J. Hines
County Administrator

By: _____
Elton Langford, Vice-Chair
Board of County Commissioners

Approved as to Form and Correctness:

By: _____
Valerie Vicente,
County Attorney