13	**AGENDA ITEM** **ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**
	Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

11/3/2026

BCC MEETING DATE

TO: **Joy Andrews, County Administrator** **DATE:** **October 6, 2026**

FROM: **Kealey West, Deputy County Attorney** **PHONE:** **904 209-0861**

SUBJECT OR TITLE: **Temporary Planning Data Center Moratorium**

AGENDA TYPE: **Business Item, Ordinance**

BACKGROUND INFORMATION:

Enactment of an Ordinance establishing a temporary planning moratorium regarding data centers effective November 15, 2026. On September 1, 2026, the Board of County Commissioners directed the Office of County Attorney to provide an Ordinance enacting a temporary planning moratorium regarding data centers for its consideration. This ordinance was presented to the Board on October 6, 2026, for a first presentation as required by BOCC Rule 3.103.

1. IS FUNDING REQUIRED? No **2. IF YES, INDICATE IF BUDGETED.** No

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:

INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to enact Ordinance 2026- _____, establishing a temporary planning moratorium regarding medium and large scale data centers, effective November 15, 2026.

For Administration Use Only:
Legal: Kealey West 10/18/2026 **OMB: LF 10/19/2026** **Admin: Brad Bradley 10/19/2026**

ORDINANCE NO. 2026-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A TEMPORARY PLANNING MORATORIUM ON MEDIUM-SCALE AND LARGE-SCALE DATA CENTER DEVELOPMENT APPLICATIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING EXEMPTIONS; PROVIDING FOR A STAFF STUDY; PROVIDING FOR DURATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Article VIII, Section 1(f), Florida Constitution and section 125.01, Florida Statutes, grant counties broad home rule authority to regulate land development and protect the public health, safety, and welfare; and

WHEREAS, during the 2026 Legislative Session, the Florida Legislature enacted Chapter 2026-65, Laws of Florida (SB 484) relating to large-scale data center development and creating section 163.326, Florida Statutes; and

WHEREAS, section 163.326 expressly recognizes that facilities having substantial electrical or utility demands, present unique planning, infrastructure capacity, land use compatibility, environmental, and public facility considerations that are intended to be addressed through local comprehensive planning and land development regulations. The Legislature further provided that local governments shall maintain the authority and responsibility to exercise comprehensive planning and land development regulation with respect to medium-scale and large-scale data center development; and

WHEREAS, Chapter 2026-65 also establishes new statutory requirements concerning large-scale data centers, including statutory definitions, consumptive use permitting requirements, reclaimed water requirements, and water conservation planning, reflecting the Legislature's recognition that such facilities present planning issues not addressed by traditional industrial development; and

WHEREAS, the Board finds that the St. Johns County Comprehensive Plan and Land Development Code presently contain no policies or objective development standards specifically addressing the siting, compatibility, infrastructure requirements, utility demands, water use,

cooling technologies, electrical infrastructure, operational characteristics, or other impacts associated with medium-scale and large-scale data center development; and

WHEREAS, the Board further finds that temporary preservation of the existing regulatory framework is necessary while the County evaluates implementation of Chapter 2026-65 and determines whether amendments to the Comprehensive Plan or Land Development Code are appropriate; and

WHEREAS, Chapter 2026-65 further directs the Office of Program Policy Analysis and Government Accountability ("OPPAGA") to conduct an independent interdisciplinary study addressing policy considerations relating to large-scale data centers, including land use, water resources, energy demand, public health and safety, facility siting, and mitigation measures. The Legislature has directed that the study be submitted no later than July 1, 2027; 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, 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 Board finds that the proposed temporary planning moratorium will allow the County to assess and evaluate Chapter 2026-65 through a comprehensive planning process while developing objective planning policies and development standards based upon technical information, coordination with affected agencies, public participation, and legislative guidance.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Johns 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 temporarily preserve the existing regulatory framework while the County evaluates existing Comprehensive Plan policies, Land Development Code provisions, water supply and reclaimed water availability, electrical

transmission capacity, and compatibility with surrounding land uses; studies infrastructure capacity; coordinates with electric utility providers and the St. Johns River Water Management District; conducts stakeholder outreach; considers the findings of the OPPAGA study; and develops objective Comprehensive Plan and Land Development Code recommendations.

SECTION 3. Legislative Intent. This Ordinance is intended solely to preserve the existing regulatory framework while the County undertakes the planning responsibilities recognized by section 163.326, Florida Statutes. Nothing in this Ordinance shall be construed as adopting permanent development regulations or amending the Comprehensive Plan or Land Development Code.

SECTION 4. Definitions. Adopt the definitions contained in section 373.203, Florida Statutes, together with the following:

Large-Scale Data Center Project means a proposal involving one or more data centers located on contiguous or related property under common ownership or control that:

(a) constitutes a Large-Scale Data Center under section 373.203, Florida Statutes;
(b) is intended to be developed in phases that collectively constitute a Large-Scale Data Center; or
(c) is designed as a campus-style data center development.

Medium-Scale Data Center Project means a proposal involving one or more data centers located on contiguous or related property under common ownership or control that:

(a) may be used for onsite or regional enterprise facilities, or co-location or data c centers;
(b) will range generally from 2,000 to 5,000 servers with a power capacity of 5MW – 49MW.

SECTION 5. Temporary Planning Moratorium. Effective November 15, 2026, the County shall not accept, deem complete, process, review, schedule for public hearing, approve, or issue any discretionary development approval for a Medium-Scale or Large-Scale Data Center Project.

The moratorium applies to applications including Comprehensive Plan Amendments, Rezonings, Planned Unit Developments, Special Use Permits, Major Modifications, Site Plans, Development Permits, Development Orders, Building Permits requiring prior discretionary development approval, and any substantially similar discretionary approval.

SECTION 6. Exemptions. This Ordinance shall not apply to complete applications determined sufficient before November 1, 2026, existing lawful data center, routine maintenance, repair or replacement of existing facilities, interior renovations, emergency work, utility maintenance, or facilities that do not constitute a Medium-Scale or Large-Scale Data Center Project.

SECTION 7. Staff Study. During the moratorium staff shall evaluate future land use, zoning districts, compatibility standards, campus size, transmission infrastructure, backup generation, fuel storage, cooling technologies, potable water demand, reclaimed water, wastewater, stormwater, environmental impacts, noise, lighting, setbacks, buffering, landscaping, emergency management, concurrency, transportation impacts, phased development, decommissioning, best practices adopted by other Florida jurisdictions, recommendations contained in the OPPAGA study, if available.

SECTION 8. Chapter 2025-190, Laws of Florida. The Board recognizes that St. Johns County is an impacted local government as defined in section 252.422, Florida Statutes.

The Board further finds that this Ordinance is adopted for planning purposes in response to Chapter 2026-65, Laws of Florida, which expressly recognizes local government responsibility for regulating large-load customers through comprehensive planning and land development regulations.

The Board further finds that this Ordinance does not amend the Comprehensive Plan or the Land Development Code, does not establish permanent development standards, and is intended to temporarily preserve the existing regulatory framework while the County evaluates whether future amendments are appropriate.

Nothing in this Ordinance shall be construed as determining the applicability of section 252.422, Florida Statutes, to any future Comprehensive Plan amendment or Land Development Code amendment, each of which shall be independently evaluated for consistency with applicable law before Board consideration.

SECTION 9. Duration. This Ordinance shall expire upon the earliest of October 31, 2027, adoption of permanent regulations governing Medium-Scale and Large-Scale Data Centers, or repeal by subsequent ordinance.

SECTION 10. Severability. It is the intent of the Board of County Commissioners of St. Johns 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 11. Conflicts. All ordinances or parts of ordinances in conflict are repealed to the extent of the conflict.

SECTION 12. Effective Date. This Ordinance shall become effective November 15, 2026, as provided by law.

DULY APPROVED and ENACTED on this 3rd day of November 2026, by the Board of County Commission of St. Johns County, Florida, in regular session.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

_____
Clay Murphy, Chair

ATTEST: Brandon J. Patty,
Clerk of the Circuit Court and Comptroller

_____
Deputy Clerk of Court