INSTR # 775573, OR BK: 1868 PG: 501, Recorded 10/9/2026 10:30 AM
Rec: $35.50 Matt Brooks,Clerk of the Circuit Court Levy FL Deputy Clerk Jennifer

# ORDINANCE NO. 2026-05

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA MAKING CERTAIN FINDINGS; PROVIDING DEFINITIONS; DECLARING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS AND DEVELOPMENT ORDERS FOR DATA CENTER FACILITIES; PROVIDING FOR NO EFFECT ON EXISTING DEVELOPMENT APPROVALS; PROVIDING FOR THE AREA OF APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section 1(f) of the Florida Constitution and section 125.66, Florida Statutes, Levy County (the "County") possesses the authority to enact ordinances to protect the health, safety, and welfare of its citizens; and

**WHEREAS**, on June 30, 2026, the Board of County Commissioners ("Board") directed the County Attorney to prepare an ordinance instituting a temporary moratorium on the acceptance, review, processing, or approval of applications for development permits and development orders for data center facilities; and

**WHEREAS**, pursuant to Chapter 2026-65, Laws of Florida, enacted by the Florida Legislature, effective on July 1, 2026, "[t]he Legislature finds 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 "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;" and

**WHEREAS**, pursuant to Chapter 2026-65, Laws of Florida, "[l]ocal 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," such as data centers; 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**, 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**, data center facilities have the potential to place significant demands on regional groundwater supplies, water treatment infrastructure, and electrical grid capacity; and

**WHEREAS**, the Board hereby finds that the County currently lacks specific land use 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 data center 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**, imposing a temporary moratorium on the County's acceptance of applications for, the processing and review of, and the issuance of development orders and development permits for data center facilities will allow time for the County to review, study, hold public hearings, prepare, and consider proposed revisions to the land development code and comprehensive plan in order to ensure that data centers are properly regulated within the County in a manner which furthers the compatibility of land uses, protection of the environment and natural resources of the County, and sound land use planning principles; and

**WHEREAS**, the adoption of this Ordinance is undertaken in good faith and is intended to further the goals of the Comprehensive Plan and the comprehensive planning process set forth in Chapter 163, Florida Statutes; and

**WHEREAS**, adoption of this Ordinance will further the health, safety, and welfare of the citizens of Levy County.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Levy County, Florida, as follows:

**SECTION 1. INCORPORATION OF RECITALS.** The above recitals are true and correct and are hereby incorporated by reference.

**SECTION 2. DEFINITIONS.** As used in this Ordinance, the following terms shall have the meanings set forth below. Unless the context clearly indicates otherwise, defined terms include their plural and singular forms.

"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.

"Development Order" shall have the meaning provided in Section 163.3164(15), *Florida Statutes*.

"Development Permit" shall have the meaning provided in Section 163.3164(16), *Florida Statutes*.

**SECTION 3. TEMPORARY MORATORIUM IMPOSED.**

A. The County hereby imposes a temporary moratorium on the acceptance of applications for, the processing and review of, and the issuance and/or approval of Development Orders and Development Permits for Data Center Facilities.

B. The temporary moratorium on Data Center Facilities imposed pursuant to this Ordinance 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 amending the Levy County Land Development Code and/or the Code of Ordinances relating to Data Center Facilities, or until such time as repealed by the Board, whichever occurs first. The moratorium may be extended by subsequent ordinance adopted by the Board to the extent permitted by law.

C. During the moratorium period, Levy County staff shall conduct a comprehensive review of the potential impacts associated with Data Center Facilities. Following the completion of the review process, County staff shall present best practices and make final recommendations to the Board regarding the adoption of appropriate zoning regulations, permitting requirements, infrastructure standards, and environmental safeguards governing Data Center Facilities.

**SECTION 4. EXISTING DEVELOPMENT APPROVALS.** The moratorium imposed pursuant to this Ordinance shall not affect the validity of any existing Development Permits or Development Orders obtained prior to the effective date of this Ordinance.

**SECTION 5. APPLICABILITY.** This Ordinance shall be applicable in the unincorporated areas of Levy County.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or provision shall be deemed severable and shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 7. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed by the Clerk with the Department of State within 10 days after its enactment by the Board and shall be effective upon filing with the Department of State.

**PASSED AND DULY ENACTED** by the Board of County Commissioners of Levy County, Florida in regular session, this 6 day of October, 2026.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

Tim Hodge

Tim Hodge, Chair

ATTEST:

Clerk of the Circuit Court
Matt Brooks

APPROVED AS TO FORM:

Ray Poole
County Attorney