

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY, FLORIDA, PROHIBITING DATA CENTERS AND ASSOCIATED FACILITIES WITHIN THE UNINCORPORATED AREA OF JACKSON COUNTY; PROHIBITING THE ACCEPTANCE, PROCESSING, REVIEW, AND ISSUANCE OF DEVELOPMENT APPLICATIONS, DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, BUILDING PERMITS, AND OTHER COUNTY APPROVALS FOR DATA CENTERS AND ASSOCIATED FACILITIES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY AND PENDING APPLICATIONS; PROVIDING LIMITED EXCEPTIONS; PROVIDING THAT THE ORDINANCE DOES NOT REGULATE MATTERS WITHIN THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Jackson County, Florida, is authorized by Chapter 125, Florida Statutes, to establish and administer land development regulations and to protect the public health, safety, and welfare of the citizens of Jackson County; and

WHEREAS, the Board of County Commissioners of Jackson County, Florida, recognizes the importance of maintaining current regulations that reflect state law and promote orderly land development within the County; 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 centers and associated facilities may require significant electric demand, water supply, cooling infrastructure, wastewater capacity, stormwater infrastructure, backup generation,

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

WHEREAS, data centers and associated facilities may present land use compatibility, infrastructure capacity, water resource, environmental, public safety, and public facility concerns regardless of whether such facilities meet any particular electric load threshold; and

WHEREAS, the Board finds that data centers and associated facilities are incompatible with the County's present land development framework and with the orderly development of the unincorporated area of Jackson County unless and until the Board determines otherwise by subsequent ordinance; and

WHEREAS, the Board finds that prohibiting data centers and associated facilities within the unincorporated area of Jackson County is necessary and appropriate to protect the public health, safety, and welfare and to preserve the County's authority over local land use, development compatibility, infrastructure capacity, environmental impacts, and public facilities and services; and

WHEREAS, the Board has conducted the necessary public hearings and has determined that adoption of this Ordinance is in the best interests of the citizens of Jackson County, Florida;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Jackson County, Florida:

SECTION 1. FINDINGS AND INTENT.

The foregoing recitals are true and correct and are incorporated herein by reference as findings of the Board of County Commissioners. The purpose of this Ordinance is to prohibit data centers and associated facilities within the unincorporated area of Jackson County as an exercise of the County's comprehensive planning, zoning, land development regulation, police power, and home rule authority.

This Ordinance is intended to regulate local land use and development approvals. It is not intended to regulate electric utility rates, tariffs, service classifications, cost allocation, interconnection requirements, electric service curtailment, or any matter within the jurisdiction of the Florida Public Service Commission or any other state or federal agency.

SECTION 2. DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

Accessory or ancillary facility means any structure, building, equipment, improvement, use, or area that is subordinate to, supportive of, or customarily associated with a data center, including cooling equipment, mechanical equipment, electrical equipment, generators, battery energy storage systems, fuel storage, water treatment or cooling-water facilities, security facilities, utility yards, equipment yards, telecommunications equipment, or other supporting infrastructure.

Adjacent or appurtenant facility means any structure, improvement, equipment, utility component, or use located on the same parcel, on a contiguous parcel, on a commonly owned or commonly controlled parcel, or on property functionally integrated with a data center, when such

facility is designed, intended, constructed, operated, or used to support, serve, cool, power, secure, connect, or otherwise function in connection with a data center.

Associated facility means any accessory, ancillary, adjacent, appurtenant, colocated, or supporting structure, building, equipment yard, mechanical yard, cooling facility, generator facility, battery energy storage facility, electrical equipment compound, fuel storage facility, water treatment or cooling-water facility, security facility, utility yard, telecommunications facility, or other structure, improvement, equipment, or use that is designed, intended, constructed, operated, or used to support, serve, house, cool, power, secure, connect, or otherwise function in connection with a data center.

Colocation facility means a facility in which space, power, cooling, network connectivity, equipment racks, cabinets, cages, rooms, suites, or related infrastructure are leased, licensed, or otherwise made available to one or more third parties for the purpose of housing, operating, processing, storing, transmitting, or managing digital information or electronic equipment.

Cooling infrastructure means any equipment, structure, system, or improvement used to remove, transfer, dissipate, manage, or regulate heat generated by electronic equipment, including chillers, cooling towers, evaporative cooling systems, liquid cooling systems, air handling units, computer room air conditioning units, pumps, heat exchangers, cooling loops, water treatment equipment, and related mechanical systems.

Data center means a facility, building, structure, portion of a building or structure, campus, site, or use that primarily contains electronic equipment used to process, store, transmit, exchange, manage, or distribute digital information, and that uses environmental control equipment or cooling infrastructure to maintain conditions for the operation of such electronic equipment. The term includes, but is not limited to, enterprise data centers, cloud computing facilities, colocation facilities, hyperscale facilities, server farms, artificial intelligence computing facilities, high-performance computing facilities, cryptocurrency mining facilities, and similar facilities.

Development approval means any rezoning, special exception, conditional use, variance, site plan approval, development order, development permit, building permit, construction plan approval, certificate of concurrency, capacity reservation, comprehensive plan amendment, or other County approval necessary to establish, construct, expand, intensify, or operate a data center or associated facility.

Digital information means data, content, communications, code, records, files, images, video, audio, transactions, computational workloads, artificial intelligence workloads, blockchain transactions, or other information in electronic or digital form.

Electronic equipment means servers, computer processors, graphics processing units, artificial intelligence accelerators, data storage devices, networking equipment, switches, routers, telecommunications equipment, power distribution units, racks, cabinets, cages, or similar equipment used to process, store, transmit, exchange, manage, or distribute digital information.

Environmental control equipment means equipment or systems used to maintain temperature, humidity, air quality, ventilation, fire suppression, power continuity, or other operating conditions necessary or desirable for electronic equipment, including cooling infrastructure, backup power systems, uninterruptible power supply systems, fire suppression systems, humidity control systems, air filtration systems, and related monitoring or control equipment.

Expansion or intensification means any enlargement, alteration, modification, change in use, increase in floor area, increase in equipment capacity, increase in electrical demand, increase in water demand, increase in cooling capacity, increase in generator capacity, increase in battery storage capacity, increase in fuel storage capacity, or other change that increases the scale, capacity, intensity, or operational capability of a data center or associated facility.

Facility means any building, structure, site, parcel, use, equipment installation, yard, compound, campus, or portion thereof.

Operate or operation means to own, lease, maintain, manage, use, occupy, power, cool, secure, staff, monitor, or otherwise conduct activities associated with a data center or associated facility, whether directly or through an affiliate, contractor, tenant, licensee, customer, or other third party.

Public utility infrastructure means infrastructure owned or operated by a public utility, electric utility, telecommunications provider, water utility, wastewater utility, governmental entity, or other regulated utility provider for the purpose of furnishing utility service to the public generally, and not primarily for the purpose of supporting, serving, powering, cooling, connecting, or operating a data center.

Telecommunications facility means infrastructure used primarily to provide telecommunications, broadband, wireless, fiber optic, cable, telephone, emergency communications, or similar communications service to the public or to a governmental entity and not primarily used as a data center.

SECTION 3. PROHIBITION ESTABLISHED.

Data centers and associated facilities are prohibited uses within the unincorporated area of Jackson County.

No person shall establish, construct, expand, intensify, operate, or seek County approval for a data center or associated facility within the unincorporated area of Jackson County.

The County shall not accept, process, review, approve, or issue any application, development approval, development order, development permit, building permit, construction plan approval, certificate of concurrency, capacity reservation, comprehensive plan amendment, rezoning, special exception, conditional use, variance, site plan approval, or other County approval for the establishment, construction, expansion, intensification, or operation of a data center or associated facility.

SECTION 4. DURATION.

The prohibition established by this Ordinance shall remain in effect unless and until repealed or amended by ordinance of the Board of County Commissioners.

SECTION 5. APPLICABILITY AND PENDING APPLICATIONS.

This Ordinance applies to all applications submitted on or after the effective date of this Ordinance and to all pending applications for which a final, unexpired development order or building permit has not been issued before the effective date, subject to any vested rights protected by law.

Any person claiming vested rights may submit a written request for a vested rights determination to the County Administrator or designee. The request must identify the property, the proposed development, the approvals obtained, the expenditures made in good-faith reliance on valid

governmental approvals, and the specific relief requested. Relief may be granted only to the extent required by law.

SECTION 6. EXCEPTIONS.

The prohibition established by this Ordinance shall not apply to:

1. Ordinary repair, maintenance, or replacement of existing lawful equipment, structures, or facilities, provided such work does not establish, expand, intensify, or operate a data center or associated facility;
2. Interior alterations to an existing lawful facility that do not establish, expand, intensify, or operate a data center or associated facility;
3. Emergency work necessary to protect public health, safety, or welfare;
4. Permits necessary to correct unsafe conditions or code violations;
5. Government-owned public safety, emergency management, emergency communications, or critical public infrastructure facilities;
6. Public utility infrastructure, provided such infrastructure is used to furnish utility service to the public generally and is not primarily designed, constructed, or operated to support, serve, power, cool, connect, or operate a data center;
7. Telecommunications facilities, provided such facilities are used primarily to provide telecommunications, broadband, wireless, fiber optic, cable, telephone, emergency communications, or similar communications service to the public or to a governmental entity and are not primarily used as a data center;
8. Ordinary computer rooms, server rooms, network closets, telecommunications rooms, or information technology facilities that are accessory to and used primarily in support of a lawful principal use on the same premises, including offices, schools, hospitals, public facilities, financial institutions, retail establishments, agricultural operations, industrial facilities, or other lawful uses, provided such facilities are not operated as a data center, colocation facility, cloud computing facility, cryptocurrency mining facility, artificial intelligence computing facility, or similar separate commercial or industrial use;
9. Development authorized by a final, unexpired development order and building permit issued before the effective date of this Ordinance, provided the proposed work is consistent with such approvals and does not require a material modification; and
10. Any application or approval expressly exempted by the Board after a finding that application of this Ordinance is not necessary to protect the public health, safety, or welfare and would not impair the purposes of this Ordinance.

SECTION 7. PERIODIC REVIEW.

The Board may direct County staff to periodically review changes in state law, technology, infrastructure conditions, utility capacity, water resources, and land use impacts relating to data centers and associated facilities and to recommend whether this Ordinance should be amended or repealed.

SECTION 8. NO REGULATION OF PUBLIC SERVICE COMMISSION MATTERS.

Nothing in this Ordinance shall be construed to regulate electric utility rates, tariffs, rate classifications, cost allocation, service agreements, interconnection requirements, electric service curtailment, or any matter within the jurisdiction of the Florida Public Service Commission or any other state or federal agency.

SECTION 9. CONFLICTS.

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

SEVERABILITY:

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held, for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.

EFFECTIVE DATE:

This Ordinance shall take effect immediately upon filing with the Department of State.

The foregoing ordinance was adopted by a vote of ____ by the Board of County Commissioners of Jackson County, Florida, after due notice and publication and on motion, second and discussion, in the meeting of _____, 2026 and _____, 2026

ATTEST:

JACKSON COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

Clerk/Deputy Clerk

By:

HON. JAMEY WESTBROOK,
CHAIRMAN

APPROVED AS TO LEGAL FORM:

Clayton Ford Knowles, Esquire
County Attorney