

ORDINANCE NO.: 2026-__

AN ORDINANCE AMENDING HERNANDO COUNTY CODE TO IMPOSE A MORATORIUM ON THE PROCESSING OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS FOR DATA CENTERS FOR A PERIOD OF 365 DAYS, UNLESS EXTENDED OR TERMINATED; ENACTING A TEMPORARY MORATORIUM ON DATA CENTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hernando County (the “County”), as provided in Fla. Const. Article VIII, Section 1(f), and Fla. Stat. Chapters 125, 162, 163, 177 and 380, possesses police power, land development and zoning authority, and the governmental and proprietary powers necessary to conduct county government and perform county functions, and the County may exercise any power for county purposes, except as expressly prohibited by law; and,

WHEREAS, Fla. Stat. § 163.3174 requires the Board, in its capacity as the County’s local planning agency, to monitor and oversee the effectiveness and status of the County’s adopted comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required; and,

1 WHEREAS, Fla. Stat. §§ 163.3201, 163.3202, 163.3211 and 163.3213 empower and require
2 the Board of County Commissioners of Hernando County, Florida (the “Board”), to enact
3 comprehensive plans and then adopt land development regulations that implement said plans; and,

4 WHEREAS, Hernando County has enacted land development regulations in the interest of
5 the health, safety and welfare of its citizens, visitors and business residents; and,

6 WHEREAS, Florida is experiencing a sudden increase in development pressure from the
7 construction of new data centers; and,

8 WHEREAS, data centers are a rapidly growing and evolving land use that typically require
9 substantial electricity and water usage for cooling and related operations, often generate a significant
10 amount of noise, and can take up a very large amount of land; and,

11 WHEREAS, because this development pressure was unanticipated, existing ordinances and
12 development standards do not adequately address the unique infrastructure demands, impacts to
13 neighboring property owners, and operational characteristics of newer data centers; and,

14 WHEREAS, the potential cumulative impacts of data centers on the County's water and
15 wastewater systems, groundwater resources, wastewater infrastructure, and electrical grid are not
16 yet fully understood; and,

17 WHEREAS, the Board finds that allowing the establishment or expansion of data centers
18 without the presence of use-specific regulations could pose risks to water availability, wastewater
19 system performance, electrical grid resilience, quality of life, and the long-term interests of the
20 community; and,

1 WHEREAS, the County is not an “impacted local government” as that term is defined by
2 Fla. Stat. § 25.422; and,

3 WHEREAS, a temporary moratorium on the processing of applications for development
4 orders for data centers will provide the County with the necessary time to study these issues, consult
5 with experts, evaluate infrastructure capacity, consider appropriate regulations, and develop
6 standards to mitigate potential adverse impacts; and,

7 WHEREAS, the Florida Legislature passed a bill during its 2026 regular session, CS for CS
8 for SB 484, that will provide for the local and regional regulation of data centers, especially related
9 to their use of water and electrical utilities, but the Governor has not yet signed it into law or vetoed
10 it; and,

11 WHEREAS, the imposition of a 365-day, temporary moratorium, with certain exemptions,
12 on the acceptance, processing and/or consideration of any petition, application or request for
13 development order, of any type, including but not limited to a zoning change or comprehensive plan
14 amendment, related to data centers will allow the necessary time to research, review, study and
15 prepare the appropriate regulations for the County; and,

16 WHEREAS, after conducting the requisite public hearings, the Board finds that such a
17 temporary moratorium is consistent with Hernando County’s Comprehensive Plan, serves a
18 legitimate public purpose, is reasonable in time and is in the best interest of the health, safety and
19 welfare of the citizens, visitors and business residents of Hernando County.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF HERNANDO COUNTY:

3 **Section 1. Incorporation of Recitals.** The above-delineated recitals are incorporated into
4 this ordinance as the Board of County Commissioners' findings of fact as if they were fully set forth
5 herein.

6 **Section 2. Enacting a Temporary Moratorium on Data Centers.** A new Hernando County
7 Code, Appendix A, Article V, § 11, to be entitled “Temporary Moratorium on Data Centers,” is
8 hereby enacted to read as follows:

9 Temporary Moratorium on Data Centers.

10 A. Purpose. The purpose of this Ordinance is to enable Hernando County to have
11 sufficient time to review, study, hold public hearings, and prepare and adopt an
12 amendment or amendments to the Hernando County Comprehensive Plan and/or
13 Code of Ordinances, relating to permitting new data centers, if any, and any related
14 land use standards. During this up to 12 month time period, Hernando County will
15 not accept or process applications for preliminary development plans of data centers,
16 or issue preliminary development plan approvals for data centers that have the effect
17 of permitting development of parcels as data centers, except as provided in this
18 ordinance. This temporary moratorium does not have the effect of prohibiting the
19 issuance of building or construction permits for any developments that received final

1 development plan approval for a data center before or during the duration of this
2 temporary moratorium.

3 B. Definitions:

4 1. “Common Law Vested Rights” shall have the same meaning as is
5 provided for the phrase in Hernando County Code § 23-240(a), as it may be
6 amended.

7 2. “Data Center,” for the purposes of this section only, shall mean a
8 facility whose primary and principal use is for the storage, management, processing,
9 and transmission of digital data, which houses computer or network equipment,
10 systems, servers, appliances and other associated components related to digital data
11 operations. The facility may also include air handlers, power generators, water
12 cooling and storage facilities, utility substations, and other associated utility
13 infrastructure to support sustained operations at the data center. Data centers may
14 also contain accessory office uses necessary to monitor and manage sustained
15 operations at the data center.

16 3. “Statutory Vested Rights” shall have the same meaning as is provided
17 for the phrase in Hernando County Code § 23-240(a), as it may be amended.

18 C. Declaration of Moratorium. As of the effective date of this ordinance there
19 shall be a moratorium in the unincorporated area of Hernando County on the
20 issuance of development orders or permits for data centers, including but not limited

1 to, the approval or issuance of any comprehensive plan text or future land use map
2 amendment, rezoning, plat or re-plat, conditional use approval, variance, building
3 permit, or other development order/permit that allows for the initiation, construction,
4 expansion, or modification of existing or new data centers.

5 D. Claims of Exemption from the Moratorium. Any person or entity that is
6 aggrieved by a determination by the administrative official that an application for a
7 development order or permit is subject to this moratorium may appeal the
8 administrative official's determination as set forth below:

9 1. If the petitioner claims to have either common law vested rights or
10 statutory vested rights which cannot be affected by revisions to the comprehensive
11 plan or any subsequent rezoning, the petitioner may appeal the administrative
12 official's determination by following the processes set forth in Hernando County
13 Code § 23-240(a), as it may be amended; or,

14 2. If the petitioner claims another legal basis for which they should be
15 deemed exempt from the moratorium, the petitioner may appeal the administrative
16 official's determination by following processes set forth in Hernando County Code,
17 Appendix A, Article V, § 3(F), as it may be amended.

18 E. Duration of Moratorium. This moratorium shall be in effect for three hundred
19 and sixty-five (365) days following the effective date of this ordinance, or until the
20 Board of County Commissioners adopts the legislation called for in Subpart I below,

1 whichever is earlier. This temporary moratorium may also be extended one time for
2 a period not to exceed one hundred twenty (120) additional days, so long as the
3 necessary public hearings are conducted and findings made that the issues giving rise
4 to the need for the temporary moratorium established herein continue to exist and
5 that reasonable progress is being made in the carrying out of a specific and prompt
6 plan for corrective legislative action.

7 F. Prospective Application Only. In order to protect the due process and other
8 constitutional rights of applicants and the general public, any petitions or
9 applications received prior to the effective date of this ordinance shall continue to be
10 processed pursuant to the County's normal procedures.

11 G. Existing Businesses. This temporary moratorium shall not affect any
12 development lawfully constructed within the unincorporated area of the County, as
13 of the effective date of this ordinance, pursuant to valid permits and approvals if the
14 existing development is in compliance will all applicable County, State and Federal
15 laws, codes, ordinances, rules, regulations and policies.

16 H. Alleviation of Hardship

17 (1) The governing body may grant an exception from the temporary
18 moratorium imposed by this ordinance when it finds, based upon substantial
19 competent evidence presented to it in a quasi-judicial hearing, that deferral of action

1 on an application for any of the covered development orders and permits would
2 impose an extraordinary hardship on a landowner or developer.

3 (2) A landowner or a developer, with the written consent of the
4 landowner, shall file a request for an exception based upon extraordinary hardship
5 with the administrative official or designee, along with a fee of \$500.00 to cover
6 processing and advertising costs. The application shall be on a form provided by the
7 Hernando County Department of Development Services and shall, at a minimum,
8 include a recitation of the specific facts that are alleged to support the claim of
9 extraordinary hardship and shall contain such other information as the administrative
10 official shall prescribe as necessary for the governing body to be fully informed with
11 respect to the application.

12 (3) The administrative official or designee shall provide the public with
13 notice of the quasi-judicial hearing in which the governing body will consider an
14 application for an exception in the manner provided for appeals and variances in
15 Hernando County Code Appendix A, Article V, § 3(H), as it may be amended;
16 provided, that notice may be provided pursuant to Hernando County Code § 1-12,
17 as it may be amended, in lieu of a newspaper advertisement.

18 (4) Criteria. The governing body shall consider only the following criteria
19 when considering an application for an exception:

1 (a) The extent to which the party applying for the exception has,
2 prior to the effective date of this ordinance, received Hernando County permits or
3 approvals for the proposed development.

4 (b) The extent to which the party applying for the exception has,
5 prior to the effective date of this ordinance, made a substantial expenditure of money
6 or resources in reliance upon permits or other approvals of Hernando County that are
7 directly associated with physical improvements on the land, such as grading,
8 installation of utility infrastructure, or any other public improvements.

9 (c) Whether the party applying for the exception has, prior to the
10 effective date of this ordinance, contractual commitments in reliance upon permits
11 or other approvals of Hernando County to complete a structure(s).

12 (d) Whether the party applying for the exception has, prior to the
13 effective date of this ordinance, in reliance upon permits or other approvals of
14 Hernando County, incurred financial obligations to a lending institution which,
15 despite a thorough review of alternative solutions, the applicant cannot meet unless
16 development proceeds.

17 (e) Whether the moratorium will expose the party applying for the
18 exception to substantial monetary liability to third persons, or would leave the
19 applicant completely unable, after a thorough review of alternative solutions, to earn
20 a reasonable investment-backed expectation on the property.

1 I. Direction to Develop Data Centers Ordinance. During the period of this
2 moratorium, the Planning Department, in consultation with the relevant County
3 departments, is directed to draft an ordinance providing comprehensive and
4 appropriate regulations of data centers to protect the public health, safety and general
5 welfare of Hernando County’s residents, businesses, visitors, and the general public.
6 It is the intention of the Board of County Commissioners to adopt any legislation
7 pertaining to data centers before the expiration of this moratorium. All affected
8 property and business owners are placed on notice with respect to this pending
9 legislation regulations and the action being taken by the appropriate County
10 departments.

11 J. Subjects of Consideration. In preparing a proposed ordinance(s) amending
12 the County’s comprehensive plan and/or land development regulations, the Planning
13 Department shall review the possible impacts that these uses may have on the health,
14 safety and general welfare of the residents, businesses, visitors and general public in
15 Hernando County; provided, that any ordinances that are proposed do not contain
16 any provisions that are prohibited by Fla. Stat. § 377.816. The Planning Department
17 and other relevant County Departments shall also consult with other municipalities,
18 experts, stakeholders, and relevant available studies and research pertaining to
19 effective regulation of data centers.

1 K. Penalties. This moratorium may be enforced by the following methods of
2 enforcement:

3 1. Revocation or temporary suspension of development permits,
4 development orders and/or certificates of occupancy and/or licenses; or,

5 2. Enforcement pursuant Hernando County Code, Chapter 2, Article III;
6 or,

7 3. By an action for injunctive relief, civil penalties or both, through a
8 court of competent jurisdiction; or

9 4. By any other process permitted by law or equity.

10 **Section 3. Severability.** It is declared to be the intent of the Board of County
11 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
12 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
13 the validity of the remaining portions of this ordinance.

14 **Section 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners
15 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
16 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
17 the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and
18 that the word “ordinance” may be changed to “section,” “article,” or any other appropriate
19 designation.

