

ORDINANCE NUMBER 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING CHAPTER 42 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES; CREATING ARTICLE XI, "LARGE-SCALE DATA CENTERS"; BANNING LARGE-SCALE DATA CENTERS WITHIN THE UNINCORPORATED AREA OF ESCAMBIA COUNTY; INCORPORATING THE DEFINITIONS FROM SECTION 373.203, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, recent data center proposals throughout Florida and the United States have generated significant public concern regarding their potential impacts on public infrastructure, natural resources, and surrounding communities, and similar concerns have been expressed by residents of Escambia County; and

WHEREAS, the Board of County Commissioners recognizes that the Escambia County Land Development Code authorizes only those principal uses expressly identified as permitted or conditional within each zoning district and that data center facilities are not identified as a permitted or conditional principal use in any zoning district and therefore are not authorized as principal uses within the unincorporated area of Escambia County; and

WHEREAS, section 373.262, Florida Statutes, expressly preserves the authority of counties and municipalities to prohibit large-scale data center facilities within their respective jurisdictions; and

WHEREAS, the Board finds that data center facilities may require extraordinary electrical capacity, significant water resources, expanded wastewater capacity, substantial utility infrastructure, and transmission improvements, placing substantial demands on public infrastructure and resources while generally creating comparatively few permanent employment opportunities relative to those demands; and

WHEREAS, the Board further finds that data center facilities are not an appropriate form of development within the unincorporated area of Escambia County and that adoption of this Ordinance will codify, clarify, and reaffirm the County's existing regulatory framework by expressly banning large-scale data center facilities pursuant to the authority preserved by section 373.262, Florida Statutes; and

WHEREAS, the Board finds that preserving finite public infrastructure capacity, protecting natural resources, and encouraging development that provides broader long-term economic and employment benefits are important governmental objectives and that adoption of this Ordinance promotes the public health, safety, and welfare of the citizens of Escambia County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Recitals.

The foregoing recitals are adopted and incorporated herein as the legislative findings of the Board.

Section 2. Creation.

Chapter 42 of the Escambia County Code of Ordinances is hereby amended to add Article XI, "Large-Scale Data Centers," to read as follows:

ARTICLE XI. LARGE-SCALE DATA CENTERS

Sec. 42-422. Definitions.

The terms "data center" and "large-scale data center" shall have the meanings assigned in section 373.203, Florida Statutes, as amended.

Sec. 42-423. Ban on large-scale data centers.

Large-scale data centers are banned within the unincorporated area of Escambia County.

Section 3. Severability.

If any section, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflicts.

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

Section 5. Inclusion in the Code.

It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Escambia County Code of Ordinances and may be renumbered or relettered to accomplish such intent.

Section 6. Effective Date.

This Ordinance shall become effective upon filing with the Florida Department of State.

DONE AND ENACTED this ____ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

By: _____
Ashlee M. Hofberger, Chair

**ATTEST: PAM CHILDERS
CLERK OF THE CIRCUIT COURT**

By: _____
**Deputy Clerk
(SEAL)**

Approved as to form and legal sufficiency.

By/Title: Christopher R. Shaffer, ACA

Date: 7/16/2026

ENACTED:

FILED WITH DEPARTMENT OF STATE:

EFFECTIVE: