



September 17, 2026 - Planning Commission

Subject

9:00 A.M. TIME CERTAIN OR AS SOON THEREAFTER AS MAY BE HEARD

Ordinance No. 26-42 - Data Center Moratorium - PLN2609-0022 - Legislative - Jay Stearman, Planner I - Countywide

An Ordinance Manatee County, Florida establishing a temporary moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to data centers, large-scale data centers and other large load customers within unincorporated Manatee County; providing for authority; legislative findings of fact; temporary moratorium imposed; duration of temporary moratorium; providing for severability; and an effective date.

Category

ADVERTISED PUBLIC HEARINGS (Presentation Scheduled)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Presenter: Jay Stearman, Planner I, 941-748-4501 x3477, Jay.Stearman@mymanatee.org

Contact: Abigail Bonds, Planning and Zoning Tech III, 941-748-4501 x3927,

Abigail.bonds@mymanatee.org

Action Requested

ALTERNATIVE MOTIONS

APPROVAL

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and in accordance with the applicable provisions of the Land Development Code, I move to RECOMMEND ADOPTION of Manatee County Ordinance No. 26-42.

DENIAL

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be INCONSISTENT with the Manatee County Comprehensive Plan and not in accordance with the applicable provisions of the Land Development Code, I move to RECOMMEND DENIAL of Manatee County Ordinance No. 26-42.

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

At the Regular Meeting of the Board of County Commissioners on July 28, 2026, a motion was made and carried 6-0, to authorize preparation of a proposed ordinance regarding a temporary moratorium for data centers and other large-load customers or facilities with substantial electrical, water, wastewater, or other utility demands. The Planning Commission public hearing is set for September 17, 2026 (rescheduled from September 10, 2026), the first Board public hearing is scheduled for September 22, 2026 and the adoption public hearing is scheduled for October 6, 2026

Attorney Review

Other (Requires explanation in field below) Schenk

Sarah Schenk reviewed and responded by emails to Matter FY25/26-0472.

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



September 17, 2026 - Planning Commission

Subject

Updates to Agenda - September 16, 2026

Category

ANNOUNCEMENTS

Briefings

None

Contact and/or Presenter Information

Bobbi Roy, Agenda Division Supervisor, ext 6878

Action Requested

Updates incorporated appropriately

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

Below are agenda updates(dated 9/16/2026) for the meeting of 9/17/2026 8:00 AM - September 17, 2026 - Planning Commission

E. ADVERTISED PUBLIC HEARINGS (AFFORDABLE HOUSING) - QUASI-JUDICIAL

Presentations Scheduled

Item 1.PDR-25-04(G)(R) – 5TH Street Elmington – Westerman Investments, LLC (Owner) – PLN2603-0016- Quasi-Judicial- Lindsey Craig, Planner I- District 2 - Topographic error to page 5 section 3 Site design details as listed below.

- Up to 108 multifamily residential dwelling units
- One access point on 5th Street East
- One stormwater facility to the west
- ~~Three~~ Two Specific Approvals requested with this application
- 100% Affordable Housing

F. ADVERTISED PUBLIC HEARINGS - LEGISLATIVE

Presentations Scheduled

Item 2. 9:00 A.M. TIME CERTAIN OR AS SOON THEREAFTER AS MAY BE HEARD Ordinance No. 26-42 - Data Center Moratorium - PLN2609-0022 - Legislative - Jay Stearman, Planner I - Countywide- Revised Ordinance.

G. ADVERTISED PUBLIC HEARINGS - QUASI-JUDICIAL

Presentations Upon Request

Item 3.PDMU-23-27(G)(R) – Bradenton Crossings JACK 95 ,LLC-ROSY 95, LLC- PETER 74, LLC- TCG, LLC- SCHOOLOFHARDKNOCKS, LLC- DSHC TRANSITIONS 006, LLC-DSHC ENTERPRISES, LLC (OWNERS) – PLN2510-0160- Quasi-Judicial- Jay Stearman, Planner I - District 2- Additional public comment and request for continuance uploaded.

Item 4.PDC-18-21(Z)(P)(R) – Sawgrass Storage –PSI Atlantic Parrish FL 2 LLC (Owners) – PLN2511-0132-Quasi-Judicial - Lindsey Craig, Planner I -District 1 - Revised staff report uploaded.

Item 5.ZL-26-02 – Gettel Bradenton Inc. Rezone – Gettel Bradenton Inc. (Owner) – PLN2602-0134 - Quasi-Judicial-Alyssa Grove, Planner I- District 2- Revised C.1 Condition in staff report.

Presentations Scheduled

Item 7.Ordinance No. 26-15 – Parrish Lakes DRI #28 – PLN2408-0048 - Quasi-Judicial - CJ Mills, Planner II - District 1- Additional public comment.

Item 8.PDMU-16-16(G)(R3) – Parrish Lakes GDP Amendment – FLM Inc. – PLN2408-0049- Quasi-Judicial-CJ Mills, Planner II - District 1- Updated motion in strikethrough underline format and additional public comment.

Item 9.PDR-04-39(G)(R4) – Concession Phase VI – PLN2603-0145- Quasi-Judicial- Jay Stearman, Planner I- District 5- Additional public comment.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Planning Commission: 9/17/2026

ORDINANCE NO. 26-42
DATA CENTER MORATORIUM
(PLN2609-0022)

AN ORDINANCE MANATEE COUNTY, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMISSION AND ACCEPTANCE OF APPLICATIONS FOR BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, DEVELOPMENT AGREEMENTS, SPECIAL PERMIT USES, REZONINGS, AND COMPREHENSIVE PLAN AMENDMENTS RELATED TO DATA CENTERS, LARGE-SCALE DATA CENTERS AND OTHER LARGE LOAD CUSTOMERS WITHIN UNINCORPORATED MANATEE COUNTY; PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; TEMPORARY MORATORIUM IMPOSED; DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

Planning Commission:	09/17/2026
BOCC (First Public Hearing):	09/22/2026
BOCC (Second Public Hearing-Adoption):	10/06/2026

ALTERNATIVE MOTIONS

APPROVAL

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and in accordance with the applicable provisions of the Land Development Code, I move to RECOMMEND ADOPTION of Manatee County Ordinance No. 26-42.

DENIAL

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be INCONSISTENT with the Manatee County Comprehensive Plan and not in accordance with the applicable provisions of the Land Development Code, I move to RECOMMEND DENIAL of Manatee County Ordinance No. 26-42.

BACKGROUND INFORMATION:

A motion, which carried 6-0, was made at the Regular Meeting of the Board of County Commissioners on July 28, 2026, to address data centers and large load customers by directing staff to prepare a draft ordinance establishing a temporary moratorium on the acceptance, processing, and review of applications and development orders related to Data Centers and other “large-load customers.” The goal of the moratorium would be to allow staff to conduct a thorough evaluation of the County’s Comprehensive Plan, Land Development Code, and other land development regulations to identify amendments to the Future Land Use Categories, applicable maps, goals, objectives and policies of the Comprehensive Plan, and amendments to the Land Development Regulations and other applicable manuals, codes and regulations. The full motion has been provided as Attachment 1.

On July 1, 2026, Chapter 2026-65, Laws of Florida (Senate Bill 484) took effect which defines the terms “data center” and “large-load customers,” forbids economic agencies from entering into non-disclosure agreements for developments of Data Centers in progress, requires minimum energy tariffs for large load customers, adds conditions for providing water to large-scale data centers, and asserts local governments’ authority to “exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.” A “large-scale data center” or “large-load customer” means a single location of one or more data centers that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. The minimum tariff and service requirements must reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Regarding the provisioning of water to large-scale data centers, Chapter 2026-65, Laws of Florida states that the “governing board of a water management district or the department may not issue a permit to a large-scale data center applicant for an allocation of water if the proposed use of the water is harmful to the water resources of the area or is prohibited by the applicable local government zoning regulations and comprehensive plan.” The law continues on to say that a permit shall be issued to a large-scale data center applicant for an allocation of water if the applicant establishes that the proposed use of water (a) is a reasonable-beneficial use as defined in s. 373.019, Florida Statutes, (b) will not interfere with any presently existing legal use of water, and (c) is consistent with the public interest.

While not an entirely new use, data center development has received a substantial increase in investment due macroeconomic trends targeting the provision of artificial intelligence operations within online products and services. Together with efficiency gains from the co-location of computer servers and associated equipment, large-scale and hyperscale data centers have received significant financial backing from major technology firms primarily in an effort to expand artificial intelligence related operations. Large-scale data centers, and other large load 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 have the potential to place significant demands on regional water supplies, water treatment infrastructure, electrical grid capacity, particularly in rapidly growing areas. Data centers, as a use, generally do not support many long-term employment opportunities once operational. Additionally, large data center buildings are continuously operated and are prone to emitting low-frequency ‘hums’ and ‘drones’ generated primarily by fans and other cooling equipment which may not exceed local conventional noise ordinance limits, yet can produce constant nuisance noise to surrounding properties.

Several counties in Central and South Florida have adopted or are currently contemplating the adoption of temporary moratoriums with respect to data centers including Sarasota County, DeSoto County, Pasco County, Lake County, Citrus County, Palm Beach County, and Hernando County.

Positive Considerations

A 12-month moratorium will allow staff time to recommend appropriate Comprehensive Plan, Land Development Code, and Code of Ordinances changes to establish planning and use categories for different types of data center facilities and to address water and electricity consumption considerations, noise abatement, siting and aesthetic standards, and compatible zoning districts and Future Land Use Categories.

Currently, the Land Development Code does not define “data center,” “large-scale data center,” or “large load customer” as a use or use category within Chapter 2 of the Land Development Code. As such, the use is not shown on any of the schedules of uses contained in Chapter 4 of the Land Development Code for either Standard or Planned Development zoning districts. Enacting the moratorium will allow staff the time to recommend appropriate definitions of data center uses and add them to schedules of uses within corresponding zoning districts which are compatible with the Comprehensive Plan to minimize adverse off-site impacts.

Staff would also use the time period of the moratorium to carefully design standards for specific uses contained in Section 531 of the Land Development Code. This section would contain siting standards including setbacks and buffers contextual to surrounding uses and impose regulations on noise abatement, process requirements, and other factors which may come into consideration during the course of research.

The Board will consider whether the establishment of a temporary moratorium of up to one year on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities is reasonable and necessary to accomplish the goal of revising the County’s regulations to ensure the community welfare is well-balanced and the public health, safety, and general welfare are preserved.

PROPOSED CHANGES:

The proposed change is a proactive moratorium on the acceptance of all data center-related development orders in applications for the next 12 months so that staff can review and recommend adoption of appropriate regulations and updates to the Comprehensive Plan, Land Development Code, and Code of Ordinances as may be necessary.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The LDC is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County. It states in Section 101, Authority and Purpose, of the LDC that the “Land Development Code is adopted in order to foster and preserve public health, safety, comfort, and welfare in the unincorporated areas of the County.” Furthermore, the LDC states that “It is the intent of this Code that the development process in Manatee County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and

procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.”

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Specifically, the proposed ordinance is consistent with Elements 2, Future Land Use, 8, Recreation and Open Space, and 9, Public Facilities, of the Comprehensive Plan specifically with the following objectives and policies:

Policy 2.1.4.2. Continue enforcing the LDC provisions to mitigate the impact of light industrial uses on neighboring residential uses through the utilization of appropriate measures such as transition/landscape buffering, building design, setbacks, noise barriers, exterior lighting controls, operating hour limits, vibration limits, truck access/routing limits, binding agreements to benefit and protect the community, and other practices as necessary to protect and enhance neighborhoods and community character.

Policy: 2.2.2.2.5. Watershed Overlay District Development Restriction/Conditions.

Objective 2.4.1. - Level of Service and Concurrency. – Require the issuance of a Certificate of Level of Service for all development to ensure that required public facilities and services are available concurrent with development.

Objective 2.6.1. - Compatibility through Screening, Buffering, Setbacks, and Other Mitigative Measures. – Require suitable separation between adjacent incompatible land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

Objective 2.6.3. - Industrial Compatibility and Performance Measures. – Industrial development compatible with adjacent uses. (See also Goals 3.2, 3.3, and 3.4)

Policy 2.6.3.1. Consider performance standards or other measures to distinguish between light and heavy industries.

Objective 2.9.4. - Community Image. – Develop an aesthetically pleasing environment which enhances the image of Manatee County as a high quality community in which to live, work, and visit.

Policy 2.9.4.6. Reduce noise and pollution, promote an aesthetically pleasing environment, and promote water conservation through the use of native landscaping materials.

GOAL - 2.14 Establish Specific Area Policies to Minimize the Impact of Certain Developments on the Community.

Objective 2.14.1. - Establish specific policies restricting the location and intensity of certain developments in order to preserve and protect neighborhoods from encroachment by incompatible uses and intensities, ensure adequate provision of infrastructure, and other reasons the Board of County Commissioners may decide warrant a specific area policy.

Objective 8.3.1. – Protect Conservation and open space lands from incompatible uses to maintain the function and value of open space lands as habitat for wildlife, promote unique communities, and for passive recreation.

GOAL - 9.5 Ensure Adequate Supply, Treatment, and Delivery of Potable Water For All Retail and Wholesale Customers of Manatee County Within the Potable/Wastewater Service Areas.

In the opinion of Staff, Ordinance 26-42 is consistent with the Comprehensive Plan and in accordance with the Land Development Code.

Attachments

1. Ordinance No. 26-42
2. Business Impact Estimate
3. Chapter 2026-65, Laws of Florida
4. Affidavit of Publishing
5. Public comment

ORDINANCE NO. 26-42

AN ORDINANCE OF MANATEE COUNTY, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMISSION AND ACCEPTANCE OF APPLICATIONS FOR BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, DEVELOPMENT AGREEMENTS, SPECIAL PERMIT USES, REZONINGS, AND COMPREHENSIVE PLAN AMENDMENTS RELATED TO DATA CENTERS, LARGE-SCALE DATA CENTERS AND OTHER LARGE LOAD CUSTOMERS WITHIN UNINCORPORATED MANATEE COUNTY; PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; TEMPORARY MORATORIUM IMPOSED; DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, (hereinafter the “Board”) has the authority pursuant to Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution to protect the public health, safety, and general welfare of its residents and to enact ordinances for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, Chapter Law 2026-65 creating Section 163.326, Florida Statutes, specifically provides for the authority of the Board to regulate facilities with substantial electric or other utility demands, such as data centers, large-scale data centers, as defined in Sections 373.203(3) and (4), Florida Statutes, and other large load customers, as defined in Section 366.043(2)(d), Florida Statutes, through comprehensive plans and land development regulations. Further, newly created Section 373.262, Florida Statutes, provides that local governments may prohibit the siting of large-scale data centers within their jurisdictions; and

WHEREAS, Manatee County is located within a coastal region and in the Tampa Bay Area, an area that relies heavily upon groundwater resources from the Floridan Aquifer system and surface waters; and

WHEREAS, the Southwest Florida Water Management District and the Peace River Manasota Regional Water Supply Authority, of which Manatee County is a member, emphasize the importance of careful management of groundwater withdrawals and surface

water resources to ensure long-term environmental and economic stability for the region; and

WHEREAS, data centers, large-scale data centers, and other large load customers (hereinafter referred to collectively as “Data Center or 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, such Facilities have the potential to place significant demands on regional water supplies, water treatment infrastructure, electrical grid capacity, particularly in rapidly growing areas such as Manatee County; and

WHEREAS, such Facilities are typically massive in scale, covering vast land areas hundreds of acres in size with buildings and infrastructure, while providing little to no employment opportunities; and

WHEREAS, the Board finds that Manatee County currently lacks specific zoning 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 Facilities to proceed without appropriate regulatory standards would create risks to the County’s and the Region’s water resources, electrical infrastructure capacity, and land use planning objectives, will undermine economic development initiatives and long-term community development strategies; 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, Florida courts have held that a permissible base for land use restrictions include concern about the effect of the proposed development on traffic, congestion, surrounding property values, demands for public services, and on other aspects of the general welfare. (*WCI Communities, Inc. v. City of Coral Springs*, 885 So. 2d 912, 915 (Fla. 4th DCA 2004); see also *Corn v. City of Lauderdale Lakes*, 997 F. 2d 1369, 1375 (11th Cir. 1993)); and

WHEREAS, local governments are entitled to enact moratoriums as a land-use tool to promote effective planning and preserve the status quo while formulating a more permanent development strategy. (*Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 337; 122 S. Ct. 1465, 1487 (2002); and

WHEREAS, a temporary moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within unincorporated Manatee County will allow the Board the opportunity to determine the appropriateness of allowing such uses and adopt amendments to the Manatee County Comprehensive Plan ("Comprehensive Plan"), Land Development Code("LDC"), and Code of Ordinances ("County Code") and other applicable regulations, as may be required, to regulate or prohibit such uses and the off-site impacts related thereto; and

WHEREAS, the Board wishes to establish a temporary moratorium of up to one (1) year on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within the unincorporated area and such moratorium is reasonable and necessary to accomplish the goal of revising its regulations to ensure the community welfare is well-balanced and the public health, safety, and general welfare are preserved; and

WHEREAS, on September 22, 2026, the Board of County Commissioners applied the Pending Ordinance Doctrine to this Data Center Facilities Moratorium Ordinance, which was first noticed by publication for public hearing on September 4, 2026; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163, Florida Statutes, and the LDC; and

WHEREAS, the Board hereby finds and declares that this Ordinance imposing a moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, as follows:

SECTION 1. Authority. This Ordinance is enacted pursuant to Chapter 125, Florida Statutes, and under the home rule powers of the County in the interest of the health, peace, safety, and general welfare of the people of Manatee County.

SECTION 2. Legislative Findings of Fact. The foregoing Whereas clauses, incorporated herein, are true and correct. The Board further finds that to enable the Development Services Department and other affected County Departments the opportunity to research, study, and determine the appropriate treatment of Data Center Facilities in Manatee County, it is necessary to place a moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within the unincorporated area.

SECTION 3. Applicability. The temporary moratorium is applicable to the unincorporated area of Manatee County, Florida.

SECTION 4. Temporary Moratorium Imposed. The County hereby imposes a temporary moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within the unincorporated areas. The adoption of this Ordinance is undertaken by the County in good

faith and is intended to further the goals of the Comprehensive Plan and Chapter 163, Florida Statutes, and Chapter Law 2026-65 and is not intended to discriminate against those landowners which may be subject to this Ordinance.

SECTION 5. Duration of Temporary Moratorium. The duration of this temporary moratorium shall be twelve (12) months, or until such time as repealed by the Board, whichever occurs first, and may be extended by resolution of the Board to the extent permitted by law. In addition, this temporary moratorium shall not exceed twelve (12) months unless approved by the Board by a majority vote. The limited duration of this temporary moratorium has been established to accomplish appropriate planning and regulations for future development through the LDC amendment process as described in Chapter 163, Part II, Florida Statutes, the Comprehensive Plan, the County Code and other applicable regulations. The Board may extend this moratorium by resolution if it makes a legislative determination that it is in the best interests of the citizens of Manatee County to do so.

SECTION 6. Severability. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DULY ADOPTED with a quorum present and voting this ____ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

This ORDINANCE NO. 26-42

AN ORDINANCE MANATEE COUNTY, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMISSION AND ACCEPTANCE OF APPLICATIONS FOR BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, DEVELOPMENT AGREEMENTS, SPECIAL PERMIT USES, REZONINGS, AND COMPREHENSIVE PLAN AMENDMENTS RELATED TO DATA CENTERS, LARGE-SCALE DATA CENTERS AND OTHER LARGE LOAD CUSTOMERS WITHIN UNINCORPORATED MANATEE COUNTY; PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; TEMPORARY MORATORIUM IMPOSED; DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, (hereinafter the “Board”) has the authority pursuant to Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution to protect the public health, safety, and general welfare of its residents and to enact ordinances for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, Chapter Law 2026-65 creating Section 163.326, Florida Statutes, specifically provides for the authority of the Board to regulate facilities with substantial electric or other utility demands, such as data centers, large-scale data centers, as defined in Sections 373.203(3) and (4), Florida Statutes, and other large load customers, as defined in Section 366.043(2)(d), Florida Statutes, through comprehensive plans and land development regulations. Further, newly created Section 373.262, Florida Statutes, provides that local governments may prohibit the siting of large-scale data centers within their jurisdictions; and

WHEREAS, Manatee County is located within a coastal region and in the Tampa Bay Area, an area that relies heavily upon groundwater resources from the Floridan Aquifer system and surface waters; and

WHEREAS, the Southwest Florida Water Management District and the Peace River Manasota Regional Water Supply Authority, of which Manatee County is a member,

emphasize the importance of careful management of groundwater withdrawals and surface water resources to ensure long-term environmental and economic stability for the region; and

WHEREAS, data centers, large-scale data centers, and other large load customers (hereinafter referred to collectively as “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, such Facilities have the potential to place significant demands on regional water supplies, water treatment infrastructure, electrical grid capacity, particularly in rapidly growing areas such as Manatee County; and

WHEREAS, such Facilities are typically massive in scale, covering vast land areas hundreds of acres in size with buildings and infrastructure, while providing little to no employment opportunities; and

WHEREAS, the Board finds that Manatee County currently lacks specific zoning 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 Facilities to proceed without appropriate regulatory standards would create risks to the County’s and the Region’s water resources, electrical infrastructure capacity, and land use planning objectives, will undermine economic development initiatives and long-term community development strategy; 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, Florida courts have held that permissible basis for land use restrictions include concern about the effect of the proposed development on traffic, congestion, surrounding property values, demands for public services, and on other aspects of the general welfare. (*WCI Communities Inc. v. City of Coral Springs*, 885 So.2d 912 (Fla. 4th DCA 2004; see also *Corn v. City of Lauderdale Lakes*, 997 F.2d 1369, 1375 (11th Cir. 1993)); and

WHEREAS, local governments are entitled to enact moratoriums as a land-use tool to promote effective planning and preserve the status quo while formulating a more permanent development strategy. (*Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 337; 122 S.Ct. 1465, 1487 (2002); and

WHEREAS, a temporary moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within unincorporated Manatee County will allow the Board the opportunity to determine the appropriateness of allowing such uses and adopt amendments to the Manatee County Comprehensive Plan, Land Development Code, and Code of Ordinances, and other applicable regulations, as may be required, to regulate or prohibit such uses and the off-site impacts related thereto; and

WHEREAS, the Board wishes to establish a temporary moratorium of up to one (1) year on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within the unincorporated area and such moratorium is reasonable and necessary to accomplish the goal of revising its regulations to ensure the community welfare is well-balanced and the public health, safety, and general welfare are preserved; and

WHEREAS, on _____, 2026, the Board of County Commissioners applied the Pending Ordinance Doctrine to this Data Center Facilities Moratorium Ordinance, which was first noticed by publication for public hearing on

_____ 2026; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163, Florida Statutes, and the Manatee County Land Development Code; and

WHEREAS, the Board hereby finds and declares that this Ordinance imposing a moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, as follows:

SECTION 1. Authority. This Ordinance is enacted pursuant to Chapter 125, Florida Statutes, and under the home rule powers of the County in the interest of the health, peace, safety, and general welfare of the people of Manatee County.

SECTION 2. Legislative Findings of Fact. The foregoing Whereas clauses, incorporated herein, are true and correct. The Board further finds that to enable the Development Services Department and other affected County Departments the opportunity to research, study, and determine the appropriate treatment of Data Center Facilities in Manatee County, it is necessary to place a moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within the unincorporated area.

SECTION 3. Applicability. The temporary moratorium is applicable to the unincorporated area of Manatee County, Florida.

SECTION 4. Temporary Moratorium Imposed. The County hereby imposes a

temporary moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities within the unincorporated areas. The adoption of this Ordinance is undertaken by the County in good faith and is intended to further the goals of the Comprehensive Plan and Chapter 163, Florida Statutes, and Chapter Law 2026-65 and is not intended to discriminate against those landowners which may be subject to this Ordinance.

SECTION 5. Duration of Temporary Moratorium. The duration of this temporary moratorium shall be twelve (12) months, or until such time as repealed by the Board, whichever occurs first, and may be extended by resolution of the Board to the extent permitted by law. In addition, this temporary moratorium shall not exceed twelve (12) months unless approved by the Board of County Commissioners by a majority vote. The limited duration of this temporary moratorium has been established to accomplish appropriate planning and regulations for future development through the Land Development Code amendment process as described in Chapter 163, Part II, Florida Statutes, the Comprehensive Plan, the County Code and other applicable regulations. The Board may extend this moratorium by resolution if it makes a legislative determination that it is in the best interests of the citizens of Manatee County to do so.

SECTION 6. Severability. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DULY ADOPTED with a quorum present and voting this ____ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

Development Services

Public Hearing

9000 Town Center Parkway, Lakewood Ranch, FL 34202

Phone number: (941) 748-4501



BUSINESS IMPACT ESTIMATE

In accordance with Section 125.66(3)(a), Florida Statutes, a Business Impact Estimate (BIE) is required to be prepared before enacting certain ordinances and posted on Manatee County's website no later than the date the notice of intent to consider the proposed ordinance is published (which, per Section 125.66, Florida Statutes, is 10 days before the public hearing).

Proposed Ordinance Title

ORDINANCE NO. 26-42

AN ORDINANCE MANATEE COUNTY, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMISSION AND ACCEPTANCE OF APPLICATIONS FOR BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, DEVELOPMENT AGREEMENTS, SPECIAL PERMIT USES, REZONINGS, AND COMPREHENSIVE PLAN AMENDMENTS RELATED TO DATA CENTERS, LARGE-SCALE DATA CENTERS AND OTHER LARGE LOAD CUSTOMERS WITHIN UNINCORPORATED MANATEE COUNTY; PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; TEMPORARY MORATORIUM IMPOSED; DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), Florida Statutes. As such, if one or more boxes are checked below, Manatee County believes that a BIE is not required by state law for the proposed ordinance referenced above. Manatee County reserves the right to revise this BIE following an initial posting. Notwithstanding, Manatee County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Manatee County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.

VACANT
District 1

AMANDA
BALLARD
District 2

TAL
SIDDIQUE
District 3

MIKE
RAHN
District 4

DR. BOB
MCCANN
District 5

JASON
BEARDEN
At Large

GEORGE W.
KRUSE
At Large

- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement.
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Consistent with the posting requirement set forth in Section 125.66(3)(a), Florida Statutes, the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this _____ day of _____ 2026:

1. Summary of Proposed Ordinance, Including a Statement of the Public Purpose to be Served by the Proposed Ordinance, Such as Serving the Public Health, Safety, Morals, and Welfare of the County:

At the Regular Meeting of the Board of County Commissioners on July 28, 2026, a motion was made and carried 6-0, regarding a temporary moratorium for data centers and other large-load customers or facilities with substantial electrical, water, wastewater, or other utility demands. The temporary moratorium is in the interest of the public health, safety, and welfare since it allows the Development Services Department the time to research, study, and prepare the appropriate amendments to the Manatee County Comprehensive Plan, Land Development Code and other applicable ordinances and regulations of the County, to sufficiently address the treatment of data centers.

2. Estimate of Direct Economic Impact of Proposed Ordinance on Private, For-Profit Businesses in the County, Including the Following (if any):

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:

No direct compliance costs will be incurred if the ordinance is enacted.

- b. Any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible:

There are no current businesses subject to the proposed ordinance that will be financially responsible.

- c. An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

No regulatory costs or revenues will be imposed on current businesses to cover such costs.

3. A Good Faith Estimate of the Number of Businesses Likely to be Impacted by the Ordinance:

At this time, no current businesses will be impacted by the ordinance.

4. Additional Information the Board Determines May be Useful:

CHAPTER 2026-65

Committee Substitute for Committee Substitute for Senate Bill No. 484

An act relating to data centers; creating s. 163.326, F.S.; providing legislative findings; specifying that local governments maintain authority to exercise power and responsibility over comprehensive planning and land development regulations relating to large load customers; prohibiting a large load customer from being considered an electric substation; amending s. 288.075, F.S.; defining the term “data center”; providing an exception to a provision allowing an extension of certain confidentiality protections; creating s. 366.043, F.S.; providing legislative findings; defining terms; requiring public utilities to provide certain minimum tariff and service requirements for large load customers; requiring that such requirements ensure that large load customers bear their costs of service and that such costs are not shifted to the general body of ratepayers; requiring certain measures to minimize the risk of nonpayment of such costs; requiring that such minimum tariff and service requirements include certain provisions designed to prevent a public utility from providing electric service to a large load customer that is a foreign entity; prohibiting a customer from separating a certain electrical load into multiple smaller connections for a specified purpose; authorizing the Florida Public Service Commission to approve public utility tariffs that include certain utility industry-accepted ratemaking and other financial tools; prohibiting any tariff, contractual provision, service requirement, or other public utility policy from preventing or hindering the curtailment or interruption of electric service to a large load customer for certain purposes; prohibiting a public utility from knowingly providing electric service to a large load customer that is a foreign entity; requiring each public utility to file a tariff in compliance with the provisions of the bill by a specified date; amending s. 373.203, F.S.; defining terms; creating s. 373.262, F.S.; providing legislative intent; prohibiting the governing board of a water management district or the Department of Environmental Protection from issuing a permit for the consumptive use of water to a large-scale data center under certain circumstances; requiring that such permit be issued to a large-scale data center applicant if the applicant establishes that the proposed use of water satisfies certain requirements; requiring the governing board or the department to require the use of reclaimed water for a large-scale data center applicant’s allocation when certain requirements are met; specifying requirements for certain permit applications; prohibiting the approval of permit applications without a hearing; amending s. 373.239, F.S.; requiring that consumptive use permit modifications proposed by a large-scale data center be treated in a specified manner; requiring the Office of Program Policy Analysis and Government Accountability to contract for a study relating to the construction and operation of large-scale data centers; providing requirements for the study; requiring the study to be submitted

to the Governor, the President of the Senate, and the Speaker of the House by a specified date; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective upon becoming a law, section 163.326, Florida Statutes, is created to read:

163.326 Large load customer considerations.—

(1) The Legislature finds that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers as defined in s. 366.043(2), may present unique planning, infrastructure, and compatibility considerations. The Legislature intends 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.

(2) Local 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. A large load customer may not be considered an electric substation for the purposes of s. 163.3208.

Section 2. Paragraphs (a), (b), and (c) of subsection (1) of section 288.075, Florida Statutes, are redesignated as paragraphs (b), (c), and (d), respectively, paragraph (a) of subsection (2) is amended, and a new paragraph (a) is added to subsection (1) of that section, to read:

288.075 Confidentiality of records.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Data center” has the same meaning as in s. 373.203.

(2) PLANS, INTENTIONS, AND INTERESTS.—

(a)1. If a private corporation, partnership, or person requests in writing before an economic incentive agreement is signed that an economic development agency maintain the confidentiality of information concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state, the information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 12 months after the date an economic development agency receives a request for confidentiality or until the information is otherwise disclosed, whichever occurs first.

2. An economic development agency may extend the period of confidentiality specified in subparagraph 1. for up to an additional 12 months upon

written request from the private corporation, partnership, or person who originally requested confidentiality under this section and upon a finding by the economic development agency that such private corporation, partnership, or person is still actively considering locating, relocating, or expanding its business activities in this state. Such a request for an extension in the period of confidentiality must be received prior to the expiration of any confidentiality originally provided under subparagraph 1. This subparagraph does not apply to information described in subparagraph 1. relating to data centers.

If a final project order for a signed economic development agreement is issued, then the information will remain confidential and exempt for 180 days after the final project order is issued, until a date specified in the final project order, or until the information is otherwise disclosed, whichever occurs first. However, such period of confidentiality may not extend beyond the period of confidentiality established in subparagraph 1. or subparagraph 2.

Section 3. Section 366.043, Florida Statutes, is created to read:

366.043 Large load tariffs for public electric utilities.—

(1) The Legislature finds that the provision of safe and reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of the ratepayers of this state. The Legislature further finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on the other ratepayers of this state and makes it necessary for the commission to develop and enforce rate structures and other policies for such customers which ensure such risk is mitigated as much as possible and prevent shifting the costs of serving large load customers to the general body of ratepayers.

(2) As used in this section, the term:

(a) “Controlled by” means having the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or that is entitled to 25 percent or more of its profits is presumed to control the entity.

(b) “Foreign country of concern” has the same meaning as in s. 692.201.

(c) “Foreign entity” means an entity that is:

1. Owned or controlled by the government of a foreign country of concern;
or

2. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal

place of business in a foreign country of concern, or a subsidiary of such entity.

(d) “Large load customer” means a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this paragraph.

(e) “Public utility” has the same meaning as in s. 366.02, except that the term does not include a gas utility.

(3) The following minimum tariff and service requirements for large load customers are required in public utility tariffs:

(a) The minimum tariff and service requirements must reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Such cost of service includes, but is not limited to, connection, incremental transmission, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer. The risk of nonpayment of such costs may not be borne by the general body of ratepayers.

(b) The minimum tariff and service requirements must include provisions reasonably designed to prevent a public utility from providing electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(4) A customer may not separate an electrical load at a single location into multiple smaller connections to avoid being classified as a large load customer.

(5) To effectuate the requirements of subsection (3), the commission may approve public utility tariffs that include utility industry-accepted rate-making and other financial tools, including, but not limited to, the following:

(a) Contributions in aid of construction or other required customer infrastructure investments that may be returned, in whole or in part, to such customers over time.

(b) Demand charges, including minimum demand charges.

(c) Incremental generation charges.

(d) Financial guarantees.

(e) Minimum load factors.

(f) Take-or-pay provisions or similar provisions requiring payment for contracted capacity, regardless of a large load customer's actual electricity use or demand.

(g) Minimum period of service contract requirements, including early termination fees or other fees for violation of such contracts.

(6) Any tariff, contractual provision, service requirement, or other public utility policy relating to large load customers may not prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.

(7) A public utility may not knowingly provide electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(8) No later than October 1, 2026, each public utility shall file, for commission approval, a tariff that complies with this section.

Section 4. Effective upon becoming a law, subsections (3) and (4) of section 373.203, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and new subsections (3) and (4) are added to that section, to read:

373.203 Definitions.—

(3) "Data center" means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(4) "Large-scale data center" means a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this subsection.

Section 5. Section 373.262, Florida Statutes, is created to read:

373.262 Large-scale data center permitting.—

(1) It is the intent of the Legislature that the development and operation of large-scale data centers in this state be managed under a permitting framework that ensures this state's water resources are used in the public interest, in a manner that is not harmful to the water resources of this state, and consistent with local government zoning regulations and comprehensive plans.

(2) Consistent with other provisions of this part, the governing board of a water management district or the department may not issue a permit to a large-scale data center applicant for an allocation of water if the proposed use of the water is harmful to the water resources of the area or is prohibited by the applicable local government zoning regulations and comprehensive plan. A permit shall be issued to a large-scale data center applicant for an allocation of water if the applicant establishes that the proposed use of water:

(a) Is a reasonable-beneficial use as defined in s. 373.019;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(3) The governing board or the department shall require the use of reclaimed water in lieu of all or a portion of a proposed use of surface water or groundwater by a large-scale data center applicant when:

(a) A suitable reclaimed water supply source is available and permitted;

(b) Reclaimed water distribution or supply lines are available at the property boundary in sufficient capacity and quality to serve the applicant's needs;

(c) The applicant is capable of accessing the reclaimed water source through distribution or supply lines;

(d) Use of reclaimed water is environmentally, economically, and technically feasible; and

(e) Use of reclaimed water would not conflict with the requirements contained in the applicant's surface water discharge permit, if applicable.

(4)(a) In addition to the requirements of s. 373.229, all permit applications made under this part requesting an allocation of at least an average daily flow of 100,000 gallons of water per day by a large-scale data center must contain:

1. All sources and amounts of water and losses of water used for cooling, industrial and treatment processes, personal or sanitary needs of employees, and landscape irrigation; and

2. A water conservation plan that, at a minimum, incorporates recycling cooling water before discharge or disposal, implementation of a leak detection and repair program, use of water efficient fixtures, and implementation of an employee awareness and education program concerning water conservation.

(b) Notwithstanding s. 373.229(4), the governing board or the department may not approve a permit application made under this part by a large-scale data center without a hearing.

Section 6. Subsection (2) of section 373.239, Florida Statutes, is amended to read:

373.239 Modification and renewal of permit terms.—

(2) If the proposed modification involves water use of 100,000 gallons or more per day or is proposed by a large-scale data center as defined in s. 373.203, the application shall be treated under the provisions of s. 373.229 in the same manner as the initial permit application. Otherwise, the governing board or the department may at its discretion approve the proposed modification without a hearing, provided the permittee establishes that:

(a) A change in conditions has resulted in the water allowed under the permit becoming inadequate for the permittee's need, or

(b) The proposed modification would result in a more efficient utilization of water than is possible under the existing permit.

Section 7. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall contract for an independent, interdisciplinary study of policy considerations related to the construction and operation of large-scale data centers, including, but not limited to, state, regional, or local economic development and tax revenue impacts; use of land, water, and other natural resources; energy use and related cost and rate impacts; and public health and safety related impacts. OPPAGA may contract with one or more nonpartisan academic or nonprofit research organizations with policy and scientific expertise in relevant fields of study. The study must identify any issues unique to the construction and operation of large-scale data centers in this state. The study must also include recommendations on facility siting and mitigation measures that should be considered to reduce any potential negative impacts. OPPAGA shall submit the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2027.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2026.

Approved by the Governor May 7, 2026.

Filed in Office Secretary of State May 7, 2026.

MANATEE COUNTY GOVERNMENT

STATE OF FLORIDA

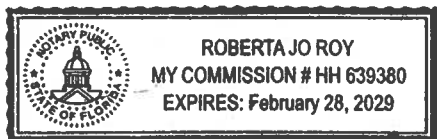
COUNTY OF MANATEE

Before the undersigned authority personally appeared **Abigail Bonds**, who on oath says that she is a **County Employee of Manatee County Government, Manatee County, Florida**; that the attached copy of advertisement, being a public notice in the matters of **Notice of Public Hearing for Ordinance 26-42 and Business Impact Estimate** for the **Manatee County Planning Commission Public Hearing on September 17, 2026**, in Manatee County Florida, was published on the publicly accessible website of Manatee County Government, Manatee County, Florida, of www.mymanatee.org on **September 4, 2026**.

Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

By: Abigail Bonds
Abigail Bonds
Planning and Zoning Tech III

Sworn to and subscribed before me this 4th day of September 2026, by Abigail Bonds, who is personally known to me or who has produced (type of identification) as identification.



Roberta Jo Roy
(Signature of Notary Public)
Roberta Jo Roy
(Print Name of Notary Public)
Notary Public
(Title)

My Commission Expires: 2/28/2029
Commission Number: HH 639380

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the **Planning Commission of Manatee County** will conduct a Public Hearing on **September 17, 2026, at 8:00 a.m. or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor, Patricia M. Glass Chambers, 1112 Manatee Avenue West, Bradenton Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matter:

ORDINANCE NO. 26-42

An Ordinance Manatee County, Florida establishing a temporary moratorium on the submission and acceptance of applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Centers, large-scale Data Centers and other large load customers within Unincorporated Manatee County; providing for authority; legislative findings of fact; temporary moratorium imposed; duration of temporary moratorium; providing for severability; and an effective date.

All interested parties may appear and be heard at the meeting with respect to the proposed Ordinances, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Development Services Department will be heard and considered by the Planning Commission.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners.

Interested parties may examine the Official Zoning Atlas, Ordinances, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Development Services Department, 9000 Town Center Parkway, Lakewood Ranch, Florida, telephone number (941) 748-4501 x6878; e-mail to public.comments@mymanatee.org.

Rules of procedure for this public hearing are in effect pursuant to Resolution 25-013. A copy of this Resolution is available for review or purchase from the Development Services Department (see address below).

Please send comments to: Manatee County Development Services Department
Attn: Agenda Coordinator
1112 Manatee Ave. West / P.O. Box 1000, Bradenton, FL 34205
public.comments@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans with Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability. Manatee County is committed to providing full access to facilities, programs, and services to all, as well as supporting the employment of qualified individuals with disabilities in its workforce in accordance with federal and state laws and regulations, including the Americans with Disabilities Acts of 1990 (ADA) and as amended

("ADAA"), and 503 and 504 of the Rehabilitation Act of 1973. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), or assistance with accessing any of these documents, should contact Carmine DeMilio, ADA Compliance Coordinator, at (941)792-4501 ext. 6016 or carmine.demilio@mymanatee.org, as least 3 business days prior to the scheduled meeting. If you are deaf/hard of hearing and require the services of an interpreter, please contact the Florida Relay Service at 711.

THIS HEARING MAY BE CONTINUED FROM TIME-TO-TIME PENDING ADJOURNMENTS

MANATEE COUNTY PLANNING COMMISSION
Manatee County Development Services Department
Manatee County, Florida
Date Published: September 4, 2026

Development Services

Public Hearing

9000 Town Center Parkway, Lakewood Ranch, FL 34202

Phone number: (941) 748-4501



BUSINESS IMPACT ESTIMATE

In accordance with Section 125.66(3)(a), Florida Statutes, a Business Impact Estimate (BIE) is required to be prepared before enacting certain ordinances and posted on Manatee County's website no later than the date the notice of intent to consider the proposed ordinance is published (which, per Section 125.66, Florida Statutes, is 10 days before the public hearing).

Proposed Ordinance Title

ORDINANCE NO. 26-42

AN ORDINANCE MANATEE COUNTY, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMISSION AND ACCEPTANCE OF APPLICATIONS FOR BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, DEVELOPMENT AGREEMENTS, SPECIAL PERMIT USES, REZONINGS, AND COMPREHENSIVE PLAN AMENDMENTS RELATED TO DATA CENTERS, LARGE-SCALE DATA CENTERS AND OTHER LARGE LOAD CUSTOMERS WITHIN UNINCORPORATED MANATEE COUNTY; PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; TEMPORARY MORATORIUM IMPOSED; DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), Florida Statutes. As such, if one or more boxes are checked below, Manatee County believes that a BIE is not required by state law for the proposed ordinance referenced above. Manatee County reserves the right to revise this BIE following an initial posting. Notwithstanding, Manatee County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Manatee County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.

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JASON
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At Large

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At Large

- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement.
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Consistent with the posting requirement set forth in Section 125.66(3)(a), Florida Statutes, the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 4th day of September 2026:

1. Summary of Proposed Ordinance, Including a Statement of the Public Purpose to be Served by the Proposed Ordinance, Such as Serving the Public Health, Safety, Morals, and Welfare of the County:

At the Regular Meeting of the Board of County Commissioners on July 28, 2026, a motion was made and carried 6-0, regarding a temporary moratorium for data centers and other large-load customers or facilities with substantial electrical, water, wastewater, or other utility demands. The temporary moratorium is in the interest of the public health, safety, and welfare since it allows the Development Services Department the time to research, study, and prepare the appropriate amendments to the Manatee County Comprehensive Plan, Land Development Code and other applicable ordinances and regulations of the County, to sufficiently address the treatment of data centers.

2. Estimate of Direct Economic Impact of Proposed Ordinance on Private, For-Profit Businesses in the County, Including the Following (if any):

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:

No direct compliance costs will be incurred if the ordinance is enacted.

- b. Any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible:

There are no current businesses subject to the proposed ordinance that will be financially responsible.

- c. An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

No regulatory costs or revenues will be imposed on current businesses to cover such costs.

3. A Good Faith Estimate of the Number of Businesses Likely to be Impacted by the Ordinance:

At this time, no current businesses will be impacted by the ordinance.

4. Additional Information the Board Determines May be Useful:

County-Initiated Code Of Ordinances Amendment: Data Center Moratorium

**Ordinance 26-42
PLN2609-0022**



Jay Stearman

Planner I

Planning Commission

September 17, 2026

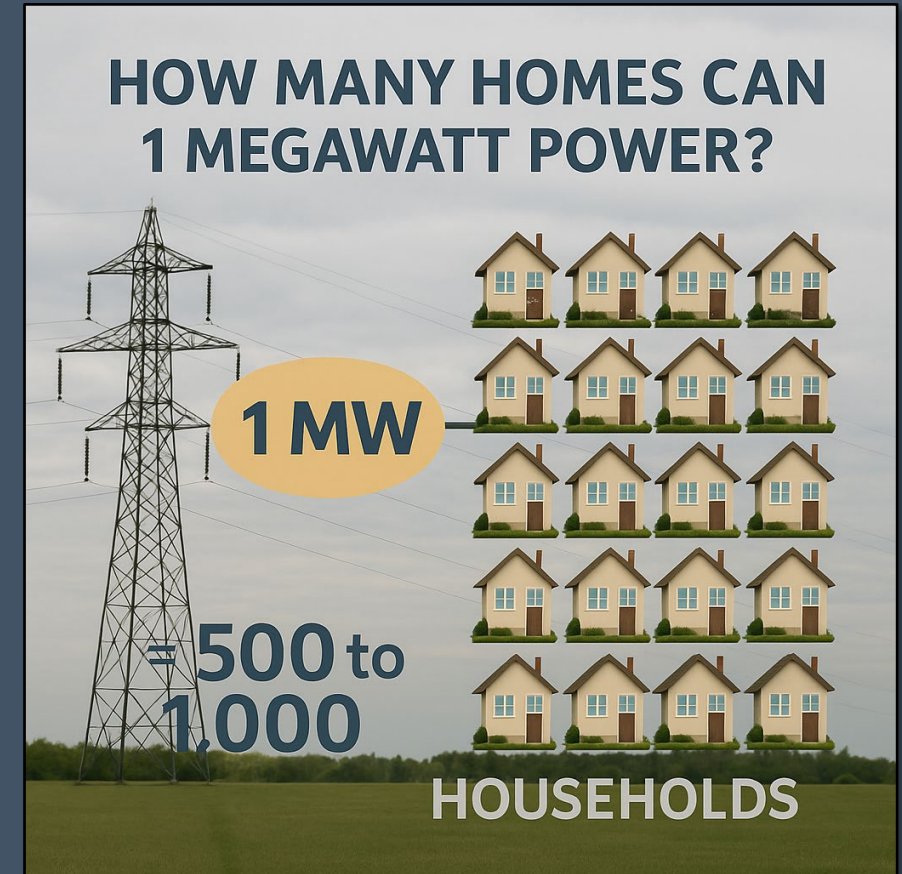
History

- On July 28th, 2026, the BOCC made a motion for staff to create a draft ordinance establishing a temporary moratorium on the acceptance, processing, and review of applications and development orders related to Data Centers and other “large-load customers.”
- On July 1, 2026, Chapter 2026-65, Laws of Florida (Senate Bill 484) took effect which defines the terms “data center” and “large-load customers,” prohibits economic agencies from entering into NDAs for Data Centers in progress, requires minimum energy tariffs for large load customers, and adds conditions for providing water to large-scale data centers
 - The law also asserts local governments’ authority to “exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.”



Background (SB 484)

- A “large-scale data center” or “large-load customer” means a single location of one or more data centers that has an anticipated monthly peak load of 50 MW or more, calculated as the highest average load over a 15-minute interval.
- Requires that energy providers impose an “energy tariff” on large-load customers which must “reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers.”



Courtesy of Amble Sun Solar

Background (SB 484)

- The governing board of a water management district or the department may not issue a permit to a large-scale data center applicant for an allocation of water if the proposed use of the water
 - Is harmful to the water resources of the area or
 - Is prohibited by the applicable local government zoning regulations and comprehensive plan.
- A permit shall be issued to a large-scale data center applicant for an allocation of water if the applicant establishes that the proposed water use:
 - (a) is a reasonable-beneficial use as defined in 373.019, FS;
 - (b) will not interfere with any presently existing legal use of water; and
 - (c) is consistent with the public interest.



Background – Data Centers

- While not an entirely new use, data center development has received a substantial increase in investment due to the growing provision of Artificial Intelligence (AI).
- Large-scale data centers are known to require substantial water and electrical resources to power and cool specialized computer servers.
 - in some cases, they require infrastructure demands comparable to small municipalities
- Data centers, as a use, generally do not support many long-term employment opportunities once operational.
- Large data center buildings are continuously operated and are prone to emitting low-frequency nuisance noise to surrounding properties.
- Several counties in FL either have adopted or are currently contemplating similar temporary moratoriums such as Sarasota County, DeSoto County, Pasco County, Lake County, Citrus County, Palm Beach County, and Hernando County.



Proposed Changes

- The proposed change is a proactive moratorium on the acceptance of all data center-related development orders in applications for the next 12 months so that staff can review and recommend adoption of appropriate regulations and updates to the Comprehensive Plan, Land Development Code, and Code of Ordinances as may be necessary.
- Applies to applications for building permits, site plans, development orders, development agreements, special permit uses, rezonings, and comprehensive plan amendments related to Data Center Facilities.



Positive Considerations

- The 12-month moratorium will allow time for staff to recommend appropriate code updates including
 - Defining uses
 - Compatibility considerations
 - Water and electricity consumption
 - Noise abatement
 - Environmental impacts
 - Design standards
 - Appropriate zoning districts and Future Land Use Categories.
 - Process requirements and fees



Consistency with the LDC

Section 101. - Authority and Purpose

- **Purpose**

- To “foster and preserve public health, safety, comfort and welfare in the unincorporated areas of the county.”

- **Intent**

- To be effective in terms of “addressing the natural resource and public facility implications of proposed development.”
 - To be equitable in terms of “the consideration of the interests of the citizens of the county.”



Consistency with the Comprehensive Plan

- **Policy 2.1.4.2** - Mitigate the impact of light industrial uses on neighboring residential uses
- **Policy 2.2.2.2.5** - Watershed Overlay District Development Restriction/Conditions
- **Objective 2.4.1** - Level of Service and Concurrency
- **Objective 2.6.1** - Compatibility through Screening, Buffering, Setbacks, and Other Measures
- **Objective 2.6.3** - Industrial Compatibility and Performance Measures
- **Objective 2.9.4** - Community Image
- **Objective 2.14.1** - Protect neighborhoods from encroachment by incompatible uses/intensities
- **Objective 8.3.1** - Protect Conservation and open space lands from incompatible uses
- **Goal 9.5** - Ensure Adequate Supply, Treatment, and Delivery of Potable Water



Conclusion

- **Ordinance 26-42 may demonstrate consistency with the Comprehensive Plan and the Land Development Code.**



Thank you!

