

NOTICE OF INTENT TO CONSIDER ADOPTION OF A COUNTY ORDINANCE

A public hearing to consider the Ordinance will be held on Wednesday, July 15, 2026, at 11:00 a.m. (ET), or as soon thereafter as is possible. The public hearing will be held at the County Commission Meeting Room at the Courthouse Annex, 34 Forbes Street, Apalachicola, Florida.

The Ordinance is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, REVIEW, AND ISSUANCE OF DEVELOPMENT APPLICATIONS, DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, BUILDING PERMITS, AND OTHER COUNTY APPROVALS FOR LARGE-SCALE DATA CENTERS AND LARGE LOAD CUSTOMER FACILITIES WITHIN THE UNINCORPORATED AREA OF FRANKLIN COUNTY; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR VESTED RIGHTS AND HARDSHIP RELIEF; DIRECTING THE COUNTY STAFF TO REVIEW AND PREPARE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS; PROVIDING THAT THE ORDINANCE DOES NOT REGULATE MATTERS WITHIN THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR SERVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

The public is invited to attend the public hearing. Persons who desire to speak regarding the adoption of the proposed Ordinance may appear at the hearing and shall be heard.

The proposed Ordinance is on file with, and may be viewed at, the office of the Clerk of Court at the Franklin County Courthouse, which is located at 33 Market Street, Apalachicola, Florida.

In accordance with the Americans with Disabilities Act, persons needing assistance in obtaining any information from the County or attending the public hearings should contact the County by calling deputy clerk Jessica Gay at 850-653-8861, ext.100, at least 48 hours prior to the hearing.

If any person decides to appeal any decision made with respect to any matter considered at such public hearing, 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 includes the testimony and evidence upon which the appeal is to be used.

Instructions to publisher:

Publish as a display ad on Thursday, July 2, 2026
In the Apalachicola Times.

Send the Invoice to: Franklin County
33 Market Street
Apalachicola, Florida 32320
Attn: Linda Phillips

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, REVIEW, AND ISSUANCE OF DEVELOPMENT APPLICATIONS, DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, BUILDING PERMITS, AND OTHER COUNTY APPROVALS FOR LARGE-SCALE DATA CENTERS AND LARGE LOAD CUSTOMER FACILITIES WITHIN THE UNINCORPORATED AREA OF FRANKLIN COUNTY; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR VESTED RIGHTS AND HARDSHIP RELIEF; DIRECTING COUNTY STAFF TO REVIEW AND PREPARE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS; PROVIDING THAT THE ORDINANCE DOES NOT REGULATE MATTERS WITHIN THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Board of County Commissioners of Franklin County, Florida, recognizes the importance of maintaining current regulations that reflect state law and promote orderly land development within the County; and

WHEREAS, Chapter 2026-65, Laws of Florida, created section 163.326, Florida Statutes, relating to large load customer considerations; and

WHEREAS, section 163.326, Florida Statutes, recognizes that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers, may present unique planning, infrastructure, and compatibility considerations; and

WHEREAS, section 163.326, Florida Statutes, provides that such considerations are to be addressed through local comprehensive planning and land development

regulations adopted pursuant to Chapter 163, Florida Statutes, including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services; and

WHEREAS, section 163.326, Florida Statutes, further provides that local governments maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers; and

WHEREAS, large-scale data centers and large load customer facilities may require significant and continuous electric demand, water supply, cooling infrastructure, wastewater capacity, stormwater infrastructure, backup generation, fuel storage, fire protection, emergency response planning, security infrastructure, and related public facilities and services; and

WHEREAS, the County presently lacks specific comprehensive plan policies and land development regulations addressing the siting, compatibility, infrastructure capacity, water demand, environmental impacts, emergency service impacts, and public facility impacts of large-scale data centers and large load customer facilities; and

WHEREAS, the Board finds that a temporary moratorium is necessary and appropriate to allow County staff to study these issues and prepare proposed amendments to the Comprehensive Plan and Land Development Code; and

WHEREAS, the Board finds that a one-year moratorium is reasonable in duration and necessary to allow for staff review, public input, drafting, notice, hearings, transmittal if required, adoption, and implementation of appropriate regulations; and

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

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

Section 1. Findings and Intent.

The foregoing recitals are true and correct and are incorporated herein by reference as findings of the Board of County Commissioners. The purpose of this Ordinance is to establish a temporary, countywide pause on new applications and approvals for large-scale data centers and large load customer facilities in order to allow the

County to review and, if appropriate, amend its Comprehensive Plan and Land Development Code to address the impacts of such uses.

Section 2. Definitions.

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

Data center: means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be a free-standing structure or a facility within a larger structure, and which uses environmental control equipment to maintain proper conditions for the operation of electronic equipment.

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

Large load customer facility: means a facility or use with an anticipated monthly peak electric load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. A customer, applicant, owner, operator, or other entity may not separate electrical load into multiple smaller connections, meters, accounts, parcels, phases, tenants, or related facilities at a single location for the purpose of avoiding this definition. The term includes customers or other entities that have entered into a colocation or similar agreement at a single location where the aggregate anticipated monthly peak load at that location meets or exceeds 50 megawatts.

Large-scale data center: means a single location, with a data center onsite, that has an anticipated monthly peak electric load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. The term includes customers or other entities that have entered into a colocation or similar agreement at a single location where the aggregate anticipated monthly peak load at that location meets or exceeds 50 megawatts.

Moratorium period: means the period beginning on the effective date of this Ordinance and ending one year thereafter, unless earlier terminated or extended by action of the Board of County Commissioners as provided herein.

Section 3. Temporary Moratorium Established.

A temporary moratorium is hereby imposed on the acceptance, processing, review, approval, or issuance of any application, development approval, development order,

development permit, building permit, construction plan approval, certificate of concurrency, capacity reservation, or other County approval for the establishment, construction, expansion, or intensification of any large-scale data center or large load customer facility within the unincorporated area of Franklin County.

During the moratorium period, County staff shall not accept, process, review, approve, or issue any such application or approval, except as expressly provided in this Ordinance.

Section 4. Duration.

The moratorium shall commence on the effective date of this Ordinance and shall remain in effect for one year, unless earlier terminated by the Board of County Commissioners. The Board may extend the moratorium by ordinance after public hearing upon a finding that additional time is necessary to complete the study, drafting, public review, transmittal, adoption, implementation, or legal review of Comprehensive Plan or Land Development Code amendments addressing large-scale data centers or large load customer facilities.

Section 5. Applicability and Pending Applications.

This Ordinance applies to all new applications submitted on or after the effective date of this Ordinance and to any pending application that has not been deemed complete by the County prior to the effective date of this Ordinance.

Applications deemed complete by the County prior to the effective date of this Ordinance may continue to be processed under the regulations in effect at the time of completeness determination, unless the Board determines, after notice and hearing, that continued processing would create a substantial risk to public health, safety, or welfare.

Section 6. Exceptions.

The moratorium shall not apply to:

1. Ordinary repair, maintenance, or replacement of existing lawful equipment, structures, or facilities, provided such work does not increase electric load, water demand, cooling capacity, floor area, generator capacity, battery storage capacity, or fuel storage capacity so as to establish, expand, or intensify a large-scale data center or large load customer facility;
2. Interior alterations to an existing lawful facility that do not establish, expand, or intensify a large-scale data center or large load customer facility;

3. Emergency work necessary to protect public health, safety, or welfare;
4. Permits necessary to correct unsafe conditions or code violations;
5. Government-owned public safety, emergency management, emergency communications, or critical public infrastructure facilities;
6. Development authorized by a final, unexpired development order and building permit issued before the effective date of this Ordinance, provided the proposed work is consistent with such approvals and does not require a material modification; and
7. Any application or approval expressly exempted by the Board after a finding that application of the moratorium is not necessary to protect the public health, safety, or welfare and would not impair the purposes of this Ordinance.

Section 7. Vested Rights and Hardship Relief.

Any person claiming vested rights or seeking relief from the moratorium may file a written petition with the County Administrator or his designee. The petition shall identify the property, the proposed development, the approvals obtained, the expenditures made in good-faith reliance on valid governmental approvals, and the specific relief requested.

The Board may grant relief only upon finding competent substantial evidence that application of the moratorium would unlawfully impair vested rights or would result in an unconstitutional taking. Any relief granted shall be limited to the minimum necessary to avoid such unlawful impairment.

Section 8. Staff Direction.

The Board directs County staff to review the Comprehensive Plan and Land Development Code and prepare proposed amendments addressing the siting, design, review, compatibility, infrastructure capacity, environmental, water resource, emergency service, and public facility impact of large-scale data centers and large load customer facilities.

The review shall include, at minimum, appropriate zoning districts; conditional use or special exception criteria; minimum parcel size; setbacks; buffers; screening; landscaping; noise; vibration; lighting; thermal impacts; water supply; reclaimed water; wastewater; stormwater; cooling systems; water conservation; electric infrastructure coordination; backup generators; fuel storage; battery storage; fire suppression; traffic and road impacts; emergency response and public safety capacity; environmental resources; wetlands; floodplain impacts; habitat impacts; security; fencing; access control; compatibility with residential, rural, agricultural,

ATTEST:

Clerk, MICHELE MAXWELL

FRANKLIN COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By:

HON. RICKY D. JONES, CHAIRMAN

APPROVED AS TO LEGAL FORM:

THOMAS M. SHULER
County Attorney

BUSINESS IMPACT ESTIMATE REQUIRED BY §125.66(3), Fla. Stat.
FRANKLIN COUNTY, FLORIDA

PROPOSED ORDINANCE TITLE

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, REVIEW, AND ISSUANCE OF DEVELOPMENT APPLICATIONS, DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, BUILDING PERMITS, AND OTHER COUNTY APPROVALS FOR LARGE-SCALE DATA CENTERS AND LARGE LOAD CUSTOMER FACILITIES WITHIN THE UNINCORPORATED AREA OF FRANKLIN COUNTY; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR VESTED RIGHTS AND HARDSHIP RELIEF; DIRECTING COUNTY STAFF TO REVIEW AND PREPARE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS; PROVIDING THAT THE ORDINANCE DOES NOT REGULATE MATTERS WITHIN THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY OF THE ORDINANCE

The ordinance establishes a temporary one-year moratorium on the acceptance, processing, review and issuance of development applications, development orders, development permits, building permits and other county approvals for large-scale data centers and large load customer facilities in the unincorporated area of Franklin County, Florida. It does not regulate matters within the jurisdiction of the Florida Public Service Commission. The one-year moratorium shall allow Franklin County time to study and possibly develop regulations for the unique planning, infrastructure and compatibility considerations that data centers and large-load facilities present to the unique characteristics of Franklin County, Florida, including, but not necessarily limited to, prohibiting such data centers and large load facilities.

PUBLIC PURPOSE OF THE ORDINANCE

The ordinance will serve the public health, safety, morals and welfare of Franklin County, Florida, by preserving the status quo while the county examines the unique planning, compatibility and infrastructure considerations of data centers and large load facilities in unincorporated Franklin County, Florida.

ESTIMATE OF DIRECT ECONOMIC IMPACT OF THE PROPOSED ORDINANCE

- Estimate of the of the direct economic impact of the proposed one-year moratorium ordinance on private, for-profit businesses in Franklin County: The

proposed ordinance may have a direct economic impact on private, for-profit businesses in the county that seek to establish and construct a covered data center or large load facility in the unincorporated area of Franklin County, Florida. Absent information as to the number, timing, size, location, status, business plans or assertion of vested rights or other legal entitlement to a covered data center or large load facility, it is not meaningfully possible to calculate the direct economic impact on private, for-profit businesses.

- Estimate of direct compliance costs businesses may reasonably incur if the ordinance is enacted: The proposed ordinance does not impose any compliance costs. Franklin County does not have any existing data centers and the ordinance does not regulate matters within the jurisdiction of the Florida Public Service Commission. The proposed temporary one-year moratorium ordinance will not impose costs on existing businesses that do not seek to establish, construct and operate data centers or large-load facilities within the unincorporated areas of Franklin County, Florida. A business seeking to establish, construct and operate a data center or large load facility may incur costs associated with the inability to apply for a permit to proceed with construction of a data center or large load facility in the unincorporated area of Franklin County, Florida, such as, but not necessarily limited to, due diligence costs, design and redesign costs, consultant costs, relocation costs, engineering costs, legal costs, financing costs and costs associated with preparation of any requested vested rights determination. Such costs are project specific and not reasonably capable of determination without project specific information.
- Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible: The proposed ordinance does not impose any new charges or fees, though existing county fees may apply if an applicant seeks a vested rights determination.
- 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: The county may incur administrative, legal, planning, publication, website posting and staff review costs associated with implementing the ordinance, responding to inquiries and reviewing any vested rights determination requests and administering the temporary one-year moratorium, which are expected to be absorbed through existing resources unless the Board elects to hire outside legal, planning, engineering or consultant assistance.
- A good faith estimate of the number of businesses likely to be impacted by the temporary one-year moratorium ordinance: A good faith estimate is that no businesses are likely to be impacted by the proposed ordinance.
- Any additional information the board determines to be useful: The proposed ordinance is on file with the Clerk of Court, 33 Market Street, Apalachicola, Florida 32320 (850-653-8611 x100) and provides for findings and intent; duration, applicability; exceptions; vested rights and hardship; staff directions and an effective date.