



Florida Guidance for Letters of Final Determination (LFD) and Revised Flood Insurance Studies and Flood Insurance Rate Maps

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 Florida Division of Emergency Management
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This guidance explains Letters of Final Determination (LFD) issued by the Federal Emergency Management Agency at the end of the process that produced revised Flood Insurance Studies (FIS) and Flood Insurance Rate Maps (FIRMs). It also explains how the Florida Division of Emergency Management, State Floodplain Management Office (SFMO) helps communities respond when LFDs are issued.

The SFMO prepared separate Guidance for the Use of Preliminary Flood Insurance Rate Maps (<https://www.floridadisaster.org/dem/mitigation/floodplain/community-resources/>) (look under Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms).

Description. The basis for establishing flood hazard areas is the FEMA Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRMs). Every Florida community that adopts floodplain management regulations to participate in the National Flood Insurance Program (NFIP) adopts the applicable countywide FIS and FIRMs. In local regulations, this is accomplished in a section titled “Basis for establishing flood hazard areas.” Some Florida communities adopt supplemental flood studies and maps. Contact the SFMO for guidance if your community would like to adopt supplemental maps.

How the FBC Establishes Flood Hazard Areas. The FBC, Building and FBC, Residential state that the applicable governing authority shall, by local floodplain management ordinance, adopt a flood hazard map and supporting data (study). See Sec. 1612.3 and FBC, Residential Table R301.2(1), footnote (g).

FEMA issues Letters of Final Determination (LFD) when the resolution of all appeals is completed, and the revised FIS and FIRMs are ready to become effective for the purposes of administering floodplain management regulations and the flood provisions of the Florida Building Code.

FEMA issues an LFD to a community when that community’s FIRMs are modified by the revision. Some study and map revisions affect only some communities in a county, while others affect every community in a county. The LFD establishes the “effective date.” By law, the effective date is six (6) months after the date of the LFD.

The LFD states that “certain additional requirements must be met under Section 1361” of the National Flood Insurance Act of 1968, as amended. This means that all communities issued LFDs must show evidence that their floodplain management regulations meet or exceed the minimum NFIP requirements based on the identified flood hazard areas. For all flood hazard areas, the flood provisions of the Florida Building Code meet or exceed the minimum NFIP requirements. In addition, communities must adopt the revised FIS and FIRMs, or provide evidence that regulations adopt “all subsequent amendments and revisions” (referred to as “auto-adopt”). Most Florida communities have the auto-adopt provision in their regulations.

Sometimes communities affected by revised maps must modify the technical provisions of their regulations, for example, if a type of flood hazard is included in the revised FIRM that was not present before (e.g., floodway or Zone V delineated for the first time). Failure to satisfy this requirement will result in suspension from the NFIP. Please contact the SFMO if you know the revised FIRM for your community will have a new type of flood hazard.

The FDEM SFMO Role Helping Communities Respond to LFDs. The FEMA Region IV office relies on the SFMO to work with communities and recommend approval of adopted floodplain management regulations.

The SFMO is committed to working with all Florida communities that receive LFDs to ensure all requirements are satisfied before the LFD deadline. The FEMA mapping contractor sends the SFMO monthly report indicating the status of counties and communities that are expected to receive LFDs in the following six months.

After FEMA issues LFDs, the SFMO confirms which communities are required to act and whether any community is required to modify its floodplain management regulations.

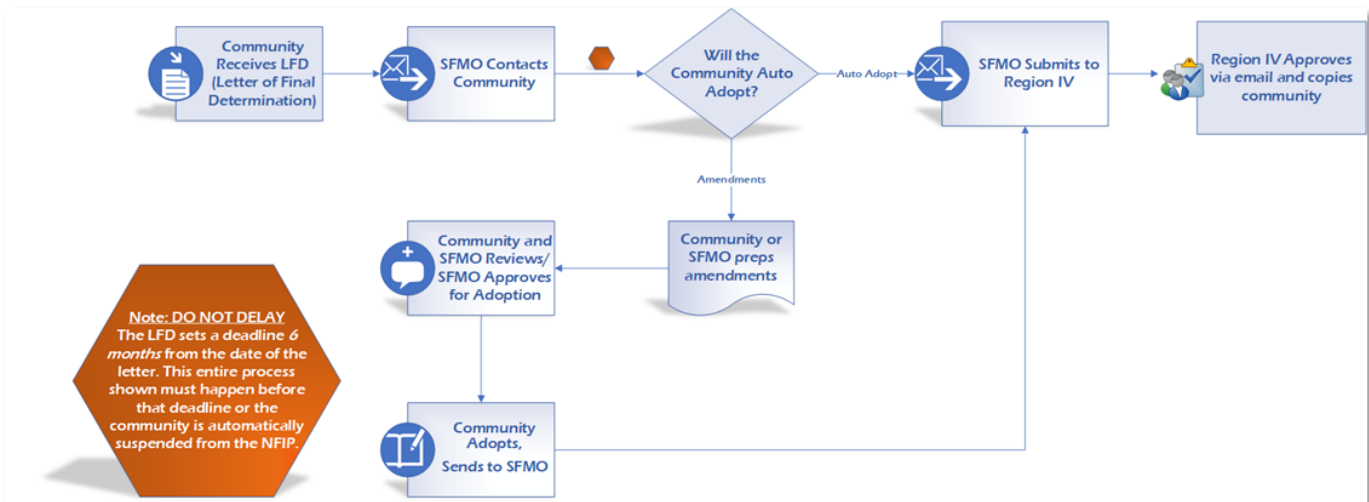
The graphic on the next page illustrates the SFMO's role, starting with an initial contact approximately two weeks after the LFD is issued. The SFMO will submit each community's ordinance to FEMA Region IV at the appropriate time:

- Some communities elect to revise the effective date in their regulations to inform the public of the actual date of the effective FIS and FIRMs. The SFMO offers a model ordinance to accomplish that. The SFMO submits local regulations and the ordinance amending the date to FEMA for approval.
- Many communities elect to rely on phrasing where the FIS and FIRMs are adopted that includes "all subsequent amendments and revisions." This is referred to as "auto-adopt." The SFMO will ask communities that chose this option to confirm their choice. Then, the SFMO submits the local regulations to FEMA for approval.
- Some communities elect to use the LFD as the opportunity to prepare and adopt other amendments, such as higher standards. The SFMO will work with these communities to draft the necessary ordinance, which will also update the FIS effective date. Then, the SFMO submits local regulations and the ordinance amending the regulations to FEMA for approval.

Please Note! All communities that elect to modify regulations must submit draft ordinances to the SFMO at least 30 days before presenting it to your planning board or elected officials.

Please put the community's name in the subject line and sent it to floods@em.myflorida.com.

Or send a request for the SFMO to prepare a draft for you.



LFD Process Flowchart

Answers to Questions about Adopting the Effective Date Established in the LFD.

Question: What are the benefits of amending our ordinance to adopt the new effective date?

Answer: Updating the date of FIS and FIRMs in your ordinance lets the public know which products are effective and avoids confusion about “auto-adopt.” Some municipal and county attorneys prefer to adopt the effective date in writing rather than rely on auto-adopt.

Question: Are we allowed to adopt a map with a future date?

Answer: The SFMO is not aware of any barrier to adopting the revised FIS and FIRM in advance of the effective date established in the LFD. Hundreds of Florida communities have done this over the last decade. Communities may choose to make the effective date of the ordinance that adopts the new date the same as the effective date of the revised FIS and FIRMs. Alternatively, if the adopting ordinance is immediately effective upon passage, the SFMO suggests that those maps be adopted as a “design flood elevation” until the actual effective date. However, the community must not use revised FIS and FIRMs data before the effective date if the revisions lower BFEs and show smaller SFHAs (see next question).

Question: If we adopt an ordinance to modify the date and make the ordinance effective immediately, what data do we do if the revised FIRM shows lower BFE and smaller SFHAs?

Answer: FEMA advises that the higher BFEs and wider SFHAs should be used until after the effective date of the revised FIRM that shows lower BFE and smaller SFHAs. Also see FEMA Policy #104-008-3 (2016): [Guidance on the Use of Available Flood Hazard Information](#).

Question: If we rely on auto-adopt, when are we required to start using the revised FIS/FIRMs?

Answer: FEMA advises that the effective FIS and FIRM should be used until the date of the revised FIS and FIRM. However, when higher BFEs and larger SFHAs are shown in the pending revised study and map, communities should xxx. FEMA specifically notes that when a pending

revised study shows areas with BFEs and/or floodways for the first time, the pending flood hazard should be used as the best available data (as required by local ordinances). Also see FEMA Policy #104-008-3 (2016): [Guidance on the Use of Available Flood Hazard Information](#).

Question: What is the difference between Preliminary, Pending, and Effective studies and maps?

Answer: See [FEMA Flood Map Service Center | Products and Tools Overview](#)

- **Preliminary:** Studies and maps are preliminary products that are released to give the communities and the public the opportunity to review, comment, and submit appeals. Preliminary products are the best flood hazard information available when released to the public. See SFMO Guidance for the Use of Preliminary Flood Insurance Rate Maps (<https://www.floridadisaster.org/dem/mitigation/floodplain/community-resources/>) (look under Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms).
- **Pending:** FIS and FIRMs are pending products after the LFD is issued and before the effective date.
- **Effective:** FIS and FIRMs become effective on the date established in the LFD.

<https://www.floridadisaster.org/dem/mitigation/floodplain/community-resources/> (Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms). Issued December 2021.