



Florida Guidance for the Use of Preliminary Flood Insurance Rate Maps

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This guidance explains the difference between the terms the Federal Emergency Management Agency uses to designate study products when developing revised Flood Insurance Studies (FIS) and Flood Insurance Rate Maps (FIRMs). This guidance also addresses the statutory change adopted in 2021 prohibiting the use of “preliminary maps” (HB 401).

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

Background. Sec. 553.73(4), Florida Statutes, authorizes local governments to adopt administrative and technical amendments to the FBC. However, certain limitations and requirements apply. Notably, except for amendments for flood resistance, local amendments are effective only until the adoption of a new edition of the FBC by the Florida Building Commission. In addition, Sec. 553.73(5), adopted in 2010, specifically provides that local amendments for flood resistance do not expire every three years, provided the amendments are adopted under one of three conditions: (1) requirement was adopted before July 1, 2010; (2) the requirement is freeboard; or (3) the requirement is adopted for the purposes of the NFIP Community Rating System.

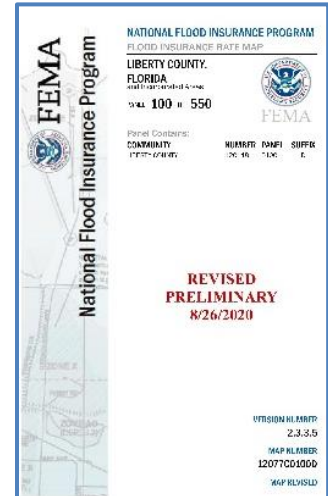
In 2021, House Bill 401 inserted at the end of Sec. 553.73(5) the following: “A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.”

Terminology. At issue is the term “preliminary map.” At different points during the study revision process, FEMA produces different products, described below¹:

- **Preliminary Products:** Preliminary flood hazard data (including preliminary FIRMs) provide the public an early look at the projected risk identified by an in-progress flood hazard study. Preliminary Products are not final but are considered the best information available at the time of release. Therefore, preliminary products are subject to revision prior to final issuance. Preliminary data include new and revised FIRMs, FIS reports, and FIRM databases.
- **Pending Products:** Products with this status are released (by the issuance of LFDs) at the conclusion of a regulatory flood mapping project and have an effective date on which they will become official for the purposes of legal determinations in fulfillment of the National Flood Insurance Program (NFIP) requirements. When a FIRM, FIS, or FIRM database is posted to the FEMA Map Service Center prior to its effective date, it is categorized as a Pending Product until that date, at which time it becomes an effective product that replaces the previous effective product.

¹ Source: FEMA Flood Map Service Center: Products and Tools Overview/Regulatory Product Status, access at <https://msc.fema.gov/portal/resources/productsandtools>.

- **Effective Products:** Regulatory products with effective status are authorized by law to be used in making determinations under the NFIP. The set of Effective FIRM, FIS, and National Flood Hazard Layer data, as well as any Effective LOMCs that have been issued to modify those products, collectively comprise FEMA’s official, effective flood hazard determination for a given area.



Conclusion. FIS and FIRMs stamped “Preliminary” by FEMA become “pending products” upon issuance of LFDs, and then become “effective products” on the effective date established in the LFD. Therefore, the SFMO considers the 2021 amendment (HB 401) does not constrain the use of pending products after FEMA issues the LFD where the pending products show higher BFEs or wider SFHAs.

Also see FEMA Policy #104-008-3 (2016): [Guidance on the Use of Available Flood Hazard Information](#). When the flood hazard information shown in preliminary products shows higher BFEs and larger SFHAs, the SFMO encourages communities to encourage applicants to use the information that shows increased flood risk. Communities must not use pending products for site-specific use where BFEs are lower, or where SFHAs are narrower than current effective study and maps until the actual effective date.

A Note About FEMA Mitigation Grant Requirements. FEMA may require the use of BFEs, SFHAs, floodways, and zones shown on Preliminary Products as a condition of grants for flood mitigation projects. The SFMO considers that communities that accept those grant conditions are not using the preliminary maps in a manner that is contrary to the restriction adopted by HB 401. Fulfilling a grant requirement is not using the preliminary maps for compliance with “any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.”

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