

## COMMUNITY RESPONSIBILITIES FOR PARTICIPATION IN THE NFIP

When communities initially decide to participate in the National Flood Insurance Program (NFIP) they pass resolutions making certain commitments. Subsequently, communities adopt regulations that apply to all development in special flood hazard areas. These regulations must meet or exceed the minimum administrative and technical requirements in the NFIP regulations (44 CFR Part 59 and Part 60). Both documents contain statements of responsibility – commitments the community makes in return for the Federal government making flood insurance available through the NFIP and providing certain forms of disaster assistance in mapped special flood hazard areas.

This document summarizes the community responsibilities from that initial resolution and from the April 12, 2012 Florida model floodplain management ordinance package, and notes the NFIP regulation associated with each responsibility. These responsibilities are in addition to the duties and responsibilities of building officials under the 2010 *Florida Building Code*.

The State Floodplain Management Office posts guidance documents and other materials for administering various aspects of local floodplain management regulations and inter-local agreements at <http://www.floridadisaster.org/Mitigation/SFMP/Index.htm>

Local Ordinance and Building Code Resources, including model ordinances (with instructions and notes), excerpts of the flood provisions of the 2010 *Florida Building Code*, “Highlights of ASCE 24,” model language for some “higher standards, and a 6-page summary of the flood provisions that was prepared by Building A Safer Florida are available at [http://www.floridadisaster.org/Mitigation/SFMP/lobc\\_resources.htm](http://www.floridadisaster.org/Mitigation/SFMP/lobc_resources.htm)

FROM: Resolution of Intent to Participate in the NFIP	NFIP Regulations (44 CFR)
(a) Assist FEMA, at its request, in delineation of the limits of the area having special flood, or flood-related hazards, (b) Provide such information as FEMA may request concerning present uses and occupancy of the floodplain, or flood-related areas, (c) Cooperate with Federal, State, and local agencies and private firms that undertake to study, survey, map, and identify floodplain, or flood-related areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, and/or flood-related areas in order to prevent aggravation of existing hazards, and	59.22(a)(9)(iv)
(d) Upon occurrence, notify FEMA, in writing, whenever the boundaries of the Community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the Community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.	59.22(a)(9)(v)

FROM: Resolution of Intent to Participate in the NFIP	NFIP Regulations (44 CFR)
Appoints ( <i>OFFICIAL TITLE &amp; OFFICE OR AGENCY</i> ) to maintain for public inspection and to furnish upon request for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new and substantially improved structures, and include whether or not such structures include a basement, and if the structure has been floodproofed; and	59.22(a)(9)(iii)
Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.	See additional duties set forth in the FPM ordinance and FBC.

Florida Model Code-Coordinated Ordinance (April 12, 2012)	NFIP Regulations (44 CFR)
<b>SECTION 103 DUTIES AND POWER OF THE FLOODPLAIN ADMINISTRATOR</b> <b>103.1 Designation.</b> The {insert position title} is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.	60.22(a)(9)(iii)
<b>103.2 General.</b> The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.	60.3
<b>103.3 Applications and permits.</b> The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:	60.3(a)(3)
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;	60.3(a)(3)
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;	60.3(a)(3)
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;	60.3(a)(3)
4. Provide available flood elevation and flood hazard information;	60.3(b)(4)
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;	60.3(b)(4)
6. Review applications to determine whether proposed development will be reasonably safe from flooding;	60.3(a)(3)
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the <i>Florida Building Code</i> , including buildings, structures and facilities exempt from the <i>Florida Building Code</i> , when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and	60.3(a)(1)
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for building permits for buildings and structures in flood hazard areas comply with the requirements of this ordinance.	60.3(a)(1)

Florida Model Code-Coordinated Ordinance (April 12, 2012)	NFIP Regulations (44 CFR)
<p><b>103.4 Determinations for existing buildings and structures.</b> For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:</p> <ol style="list-style-type: none"> <li>1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;</li> <li>2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;</li> <li>3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and</li> <li>4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant provisions of the <i>Florida Building Code</i> and this ordinance is required.</li> </ol>	<p>60.3(a)(1); 60.3(b)(1); 60.3(c)(2); 60.3(e)(2)</p>
<p><b>103.5 Modifications of the strict application of the requirements of the <i>Florida Building Code</i>.</b> The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the <i>Florida Building Code</i> to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance. <i>[Used only under specific circumstances.]</i></p>	<p>60.6(a)(6)</p>
<p><b>103.6 Notices and orders.</b> The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance</p>	
<p><b>103.7 Inspections.</b> The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the <i>Florida Building Code</i>, including buildings, structures and facilities exempt from the <i>Florida Building Code</i>. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.</p>	<p>60.3</p>
<p><b>103.8 Other duties of the Floodplain Administrator.</b> The Floodplain Administrator shall have other duties, including but not limited to:</p>	
<ol style="list-style-type: none"> <li>1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;</li> </ol>	<p>60.3(a)(1); 60.3(b)(1); 60.3(c)(2); 60.3(e)(2)</p>
<ol style="list-style-type: none"> <li>2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);</li> </ol>	<p>60.3(b)(6)</p>
<ol style="list-style-type: none"> <li>3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;</li> </ol>	<p>65.3</p>

Florida Model Code-Coordinated Ordinance (April 12, 2012)	NFIP Regulations (44 CFR)
4. Review required design certifications and documentation of elevations specified by this ordinance and the <i>Florida Building Code</i> and this ordinance to determine that such certifications and documentations are complete;	60.3(b)(5)(i)&(ii); 60.3(e)(4)&(5)
5. Notify the Federal Emergency Management Agency when the corporate boundaries of <b>{name of community}</b> are modified; and	59.22(a)(9)(v)
6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”	
<b>103.9 Floodplain management records.</b> Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the <i>Florida Building Code</i> , including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the <i>Florida Building Code</i> and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the <i>Florida Building Code</i> . These records shall be available for public inspection at {location and instructions to request access, if applicable}.	60.3(b)(5)(i)&(ii); 60.3(b)(7); 60.3(e)(2); 60.6(a)(6)
<b>104.7 Other permits required.</b> Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following: <ol style="list-style-type: none"> <li>1. The <b>{insert name}</b> Water Management District; section 373.036, F.S.</li> <li>2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.</li> <li>3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.</li> <li>4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.</li> <li>5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.</li> </ol>	60.3(a)(2)
<b>106.1.1 [Inspections] Development other than buildings and structures.</b> The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.	

Florida Model Code-Coordinated Ordinance (April 12, 2012)	NFIP Regulations (44 CFR)
<p><b>107.7 [Variances] Conditions for issuance of variances.</b> Variances shall be issued only upon:</p> <p>(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.</p>	60.6(a)(6)
<p><b>108.2 [Violations] Authority.</b> For development that is not within the scope of the <i>Florida Building Code</i> but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.</p>	