MEMORANDUM

To: Local Governments, State and Regional Agencies, Indian Tribal Governments, Local Mitigation Strategy Working Groups, Private Non-Profit Organizations Submitting Hazard Mitigation Grant Program Applications for the Hurricane Isaac.

From: Bryan W. Koon, State Coordinating Officer

Subject: Hazard Mitigation Grant Program Funding Summary

Date: March 15, 2013

Program Summary

The Florida Division of Emergency Management (the Division) is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declaration for Hurricane Isaac (FEMA 4084-DR-FL).

HMGP funding is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act. This funding helps communities implement measures to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division encourages all potential applicants to submit applications for projects that address eligible mitigation activities. The amount of HMGP funding available to the state is based on the total federal disaster assistance for the Presidential Disaster Declaration.

Application Timeline

Applications are currently being accepted. The application period will close June 21, 2013. Applications mailed to the Division must be postmarked on or before June 21, 2013. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. EDT on June 21, 2013. The Division encourages potential applicants to submit complete applications before the close of the application period.

Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice.
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Please provide four completed copies of the State of Florida Hazard Mitigation Grant Program Application and all appropriate attachments. The application and all other pertinent forms may be obtained at the Division’s website located at http://www.floridadisaster.org/Mitigation/Hazard/forms.htm. You may also contact the Division directly at (850) 487-2053.

Completed applications must be sent to the following address:

ATTN: Kathleen Marshall, Hazard Mitigation Grant Program
Florida Division of Emergency Management
Mitigation Section
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Minimum Program Eligibility

Eligible Applicants: According to the Code of Federal Regulations (CFR) 44 §206.434(a), the following parties are eligible to apply for Hazard Mitigation Grant Program funds:

- State and local governments who have an approved Local Mitigation Strategy (LMS) in accordance with 44 CFR 201.6, prior to receipt of HMGP subgrant funding for projects;
- Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in §206.221(e); and
- Indian tribes or authorized tribal organizations.

Eligible Activities: Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed are not eligible for funding. Eligible projects include, but are not limited to, the following:

- Acquisition or relocation of hazard prone structures
- Retrofitting of existing buildings and facilities that will result in increased protection from hazards
- Elevation of flood prone structures
- Infrastructure protection measures
- Stormwater management improvements
- Minor structure flood control projects
- Residential and community safe room construction
Ineligible Activities: The state will **not** consider funding requests for:

- Generators (unless for a critical facility provided they are cost-effective, contribute to a long-term solution to the problem that they are intended to address, and meet other project eligibility criteria as required by 44 CFR § 206.434(c); or unless they are an integral part of a larger eligible project);
- Construction of new facilities (Nevertheless, the cost associated with above code upgrades to new facilities may be considered);
- Equipment such as emergency pumps, vehicles, and communication devices;
- Tree removal, debris removal and other forms of maintenance; or
- **Projects already in progress** (*Construction may not begin until the contract between the State and subgrantee is executed and the project has met requirements of the National Environmental Policy Act*).

Eligibility Criteria: All projects submitted must meet **minimum criteria** to be considered for funding. An eligible project must:

- Conform to the Florida State Hazard Mitigation Plan and the respective community's LMS;
- Conform to the funding priorities for the disaster, as established in the appropriate LMS;
- Demonstrate cost-effectiveness;
- Be technically feasible;
- Benefit the designated disaster area;
- Conform to all applicable environmental laws and regulations, as well as Executive Orders;
- Solve a problem independently or constitute a functional part of a solution;
- Benefit a National Flood Insurance Program (NFIP) participating community that is not on probation or suspended from the NFIP; and
- Meet all applicable State and local codes and standards.

Cost-Share Requirements

Under the HMGP, FEMA will contribute up to 75 percent of the total amount approved under the grant award to implement eligible, cost-effective mitigation measures. The applicant must provide the remaining 25-percent non-federal share. Contributions, cash, and in-kind services are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 CFR §13.24. In-kind contributions must be directly related to the eligible project cost and are those personnel, materials, equipment and supplies owned, controlled, and operated by the applicant or a third party contributor.
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Applicants may use the Global Match concept as part of the 25-percent non-federal share. Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to similar type project(s). These similar, non-federally funded projects must meet all of the HMGP eligibility requirements. This means that if Global Match is approved, the applicant may receive up to 100-percent federal share.

Pre-Award Costs

Prior to receiving a grant award, pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting, and other "soft" costs associated with a construction project. Construction activities are not considered pre-award costs. Pre-award costs must be requested in writing. Guidelines for pre-award costs are included in Attachment A.

County Funding Allocation

To ensure funds are distributed equitably, designated counties have been assigned a portion of the total HMGP grant. The amount is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) programs as of March 2013. Commitment of project funds by the Division is contingent upon receipt of appropriate Legislative Budget Authority.

These figures are shown in Attachment B and represent the estimated amount of HMGP funds currently available. HMGP funding is available only to those counties that have a current FEMA-approved LMS. Project applications will be considered only if:

1. The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and,

2. If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in Attachment C.

The Division will attempt to fund each submitted project in priority order until the county's allocation has been exhausted. In accordance with Florida Administrative Code (F.A.C.) 27P-22.006, the Division uses the following tiered allocation system up until the State application deadline with FEMA:

Tier 1 The available HMGP funds are allocated to counties included in the relevant Presidential Disaster Declaration in proportion to each county's share of federal disaster funding from the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) Disaster Loan Program as of the date of receipt of the FEMA
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funding notice described above. Eligible projects submitted by each county included in the relevant Presidential Disaster Declaration will be funded in order of priority as outlined in the LMS until the allocated funds (through the 12-Month Lock-in) are exhausted or all eligible projects are funded.

Tier 2 Any allocation remaining after all eligible projects in any declared county are funded, shall be re-allocated to those counties included in the relevant Presidential Disaster Declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in Attachment D.

Tier 3 In the event funds remain after the Tier 1 and Tier 2 process, any remaining funds will be offered on a statewide basis as described in Attachment D.

Please see Attachment D for a detailed explanation of funding tiers.

Funding Availability and Notification

FEMA notifies the State of HMGP funding availability at several milestones:

1. Initial Estimate  
This represents an early estimate only and is not an actual commitment of funding by FEMA. Funding may increase or decrease based on actual disaster claims during the declaration period. These estimates are provided for planning purposes and to jump-start the HMGP application process.

2. 180 Days from the Date of Declaration  
This represents the State’s Lock-in Amount. It is the minimum the State can expect to receive from FEMA. County allocations listed in Attachment B are based on this estimate. After this disclosure, HMGP funds to the State cannot be decreased.

It is important for potential applicants to recognize that HMGP funds are contingent upon FEMA’s reexamination of the disaster figures at the given time intervals. A county’s funding allocation can increase or decrease after it has submitted an application.

Technical Assistance

The Division is in the process of scheduling HMGP application development workshops. Please check the Division’s website http://www.floridadisaster.org/Mitigation/Hazard for date, time, location and a short overview of the workshops. The Division will provide technical assistance throughout the application process. This includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding
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the allocation of funds or the project review and selection criteria, please call Bureau
staff at one of the following numbers:

(850) 922-5944 (Program Eligibility)

(407) 856-5019 (Environmental)
(407) 856-5010 (Engineering and Technical Feasibility)

For additional information and technical assistance, please refer to FEMA’s Hazard
Mitigation Assistance Unified Guidance document available at

To assist you in submitting qualified project applications, the following attachments are
located on the Division website http://www.floridadisaster.org/Mitigation/Hazard
including the Hazard Mitigation Grant Program Application:

Attachment A: HMGP Program Policy on Pre-award Cost and Form
Attachment B: Initial Estimate of Available HMGP Funding
Attachment C: Sample Project Submission Letter
Attachment D: Florida Administrative Code 27P-22

BWK/km
Attachments
Attachment A
Guidance on Pre-award Cost Associated with HMGP Projects

Pre-award costs are costs incurred by a sub-grantee before the grant was awarded. Any and all pre-award costs associated with an HMGP project must be incurred after the date of declaration of a disaster under which the project is proposed for funding (GAO 10-129).

All construction associated with an HMGP project must be incurred after approval by FEMA and after the State of Florida and the sub-grantee has executed a project contract. According to Webster's II New Riverside Dictionary Revised Edition, the word construction means "the act, process, or work of building." Breaking ground, installing a shutter, taking out a window to replace with impact glass, are all examples of "construction."

FEMA may approve pre-award costs. These costs include study or research required to plan a construction project. Such activities may include engineering, modeling, permitting, environmental study, benefit-cost analysis, etc. These are soft costs and not to be confused with hard construction costs. Construction costs may not be included as pre-award costs. Pre-award costs must be factored into total project costs and included in the benefit-cost analysis calculations.

The applicant may request pre-award costs any time after the disaster declaration. The request must be in writing and include the type of activity or activities proposed and estimated cost. All pre-award activity must clearly be associated with the applicant’s proposed project. The State and FEMA will do a preliminary review of the request and may concur that the activities are necessary for the type of project envisioned or may consult with the applicant on an identified activity that the State or FEMA does not feel is necessary for a proposed project. Conversely, the State or FEMA may suggest additional study or research the applicant has not identified for a particular project. Review by the State and FEMA of pre-award activities may save money and time for the State, FEMA, and the applicant. Letters and documentation of all pre-award activities will need to be submitted to the State with the project application. Preliminary review by the State or FEMA of pre-award activities is no guarantee of eligibility or approval of the activities or the proposed project. FEMA will provide a written final determination on the pre-award request.

An alternative is for the applicant to request approval of pre-award cost by letter attached to the project application. The request must include the type of activity or activities and costs incurred by the applicant. There is greater risk to the applicant with this alternative that incurred costs may not be considered eligible.

If the proposed project meets all eligibility criteria and is approved by FEMA, then pre-award costs identified by the applicant prior to project submittal, or identified by the applicant in documentation attached to the application, will be considered project costs eligible for 75/25 re-imbursement (same as other project costs).
All pre-award costs are subject to an approved grant award and available funding. If
funding is not available, even if pre-award costs are approved in writing, they will not be
reimbursed and will be solely the responsibility of the applicant.

REFERENCES

General Accounting Office, Principles of Federal Appropriations Law, Volume II,
January 2004

Excerpts from OMB Cost Principle Circulars:

OMB Circular A-87 and A-122 (2 CFR 225 and 2 CFR 230, respectively) - Pre-award
costs are those incurred prior to the effective date of the award directly pursuant to the
negotiation and in anticipation of the award where such costs are necessary to comply
with the proposed delivery schedule or period of performance. Such costs are
allowable only to the extent that they would have been allowable if incurred after the
date of the award and only with the written approval of the awarding agency.

OMB Circular A-21 (2 CFR 220) - Pre-agreement costs incurred prior to the effective
date of the sponsored agreement, whether or not they would have been allowable
thereunder if incurred after such date, are unallowable unless approved by the
sponsoring agency.

44 CFR Part 206.439(c) further explains the pre-award cost regulations as
allowable costs under HMG.

44 CFR Part 13.22(b) lists the circulars above as the applicable cost principles for
HMG applicants; governments (A-87), private non-profits (A-122), & educational
institutions (A-21).
HAZARD MITIGATION ASSISTANCE PROGRAM
PRE-AWARD COST REQUEST FORM

To request Pre-Award Costs, please complete this form and submit with your project application. All ELIGIBLE pre-award costs are subject to an approved grant award and availability of funding. If funding is not available or the project is not approved, pre-award costs will NOT be reimbursed and will be the sole responsibility of the applicant. If your project is approved and pre-award costs are eligible, the costs share for the reimbursement of these activities is up to a 75/25 split.

Program:________________________________________________________________________

Name of Applicant:________________________________________________________________________

Project Title:________________________________________________________________________

Start Date for Pre-Award Activities:
Pre-award costs associated with this request incurred prior to the date of declaration are NOT eligible. These costs include: study or research to plan project, engineering, modeling, permitting or environmental study. These costs must be reflected as a line item in the project budget. Construction costs should NOT be included. Construction activities may NOT begin until after a contract has been fully executed with the State for this project.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Estimated Cost</th>
<th>Estimated Start Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Point of Contact Information:

Name: _______________________________ Title: _______________________________

Agency: _______________________________________________________________________

Address: _______________________________________________________________________

Phone: _______________________________ Email: _________________________________

Authorized Applicant Agent:

Name: _______________________________ Title: _______________________________

Signature: ___________________________ Date: ___________________________


Attachment B
FEMA-4084-DR-FL
Hurricane Isaac
Initial 90-Day Estimate

<table>
<thead>
<tr>
<th>County</th>
<th>Federal Allocation</th>
<th>25% Non-Federal Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay County</td>
<td>$403,099</td>
<td>$134,366</td>
</tr>
<tr>
<td>Collier County</td>
<td>$199,550</td>
<td>$66,517</td>
</tr>
<tr>
<td>Escambia County</td>
<td>$1,331,072</td>
<td>$443,691</td>
</tr>
<tr>
<td>Franklin County</td>
<td>$51,110</td>
<td>$17,037</td>
</tr>
<tr>
<td>Glades County</td>
<td>$41,332</td>
<td>$13,777</td>
</tr>
<tr>
<td>Gulf County</td>
<td>$38,221</td>
<td>$12,740</td>
</tr>
<tr>
<td>Martin County</td>
<td>$478,208</td>
<td>$159,403</td>
</tr>
<tr>
<td>Monroe County</td>
<td>$134,218</td>
<td>$44,739</td>
</tr>
<tr>
<td>Okaloosa County</td>
<td>$537,762</td>
<td>$179,254</td>
</tr>
<tr>
<td>Palm Beach County</td>
<td>$797,754</td>
<td>$265,918</td>
</tr>
<tr>
<td>Santa Rosa County</td>
<td>$183,106</td>
<td>$61,035</td>
</tr>
<tr>
<td>St. Lucie County</td>
<td>$248,882</td>
<td>$82,961</td>
</tr>
</tbody>
</table>

$4,444,314  1,481,435

*Note: The amounts shown are initial 90-day estimates and should be used for planning purposes only. These figures are based upon best available data as of March 2013 and are subject to change.

The State anticipates that FEMA will provide the 6-month Lock-in estimate for the Hazard Mitigation Grant Program (HMGP) in April or May 2013. This future estimate will be used to re-evaluate the initial 90-day estimate and establish a lock-in. At this time the lock-in will reflect any increase or decrease in the amount of available HMGP funding.
Attachment C
Date

Mr. Miles Anderson, State Hazard Mitigation Officer
Florida Division of Emergency Management
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399-2100

Re: Hazard Mitigation Grant Program (HMGP) applications for FEMA 4084-DR-FL "Hurricane Isaac"

Dear Mr. Anderson,

The _____________ County Local Mitigation Strategy (LMS) working group has approved by vote and prioritized the following projects for HMGP funding from this disaster. These projects align with our LMS goals and objectives as noted, and with the State's mitigation goals and objectives (in accordance with the Code of Federal Regulations 44§ 201.6.)

The _____________ County LMS group therefore presents the projects below (or in the attachment) in the order in which they are to be considered for funding.

<table>
<thead>
<tr>
<th>Funding priority</th>
<th>Project name or description</th>
<th>Applicant</th>
<th>Goal/ objective implemented</th>
<th>Estimated federal share</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Project name</td>
<td>Applicant</td>
<td>3. B. (2)</td>
<td>$000,000</td>
</tr>
<tr>
<td>2.</td>
<td>Project name</td>
<td>Applicant</td>
<td>1. A. (4)</td>
<td>$000,000</td>
</tr>
<tr>
<td>3.</td>
<td>Project name</td>
<td>Applicant</td>
<td>2. B. (4)</td>
<td>$000,000</td>
</tr>
</tbody>
</table>

Etcetera

For further information or inquiry, please contact me at phone number and email.

Sincerely,

________________________________, LMS Chair
________________________________, County LMS

cc:
Attachment D
CHAPTER 27P-22
HAZARD MITIGATION GRANT PROGRAM

27P-22.001 Purpose
27P-22.002 Definitions
27P-22.003 Eligibility
27P-22.004 LMS Working Groups
27P-22.005 Local Mitigation Strategy
27P-22.006 County Allocations and Project Funding
27P-22.007 Application

27P-22.001 Purpose.
This chapter describes the processes for application, project selection and distribution of funds under the Hazard Mitigation Grant Program.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.001.

27P-22.002 Definitions.
(1) “Adoption” means a resolution, ordinance or other formal action taken by the governing body of a county or municipality indicating agreement with and acceptance of the relevant Local Mitigation Strategy.
(2) “Application” means the request for hazard mitigation funding as submitted to the Division by an Applicant.
(3) “Applicant” means a state agency, local government, Native American tribe or authorized tribal organization or private non-profit organization requesting hazard mitigation funding.
(6) “Hazard” means a condition that exposes human life or property to harm from a man-made or natural disaster.
(7) “Hazard Mitigation” means any action taken to reduce or eliminate the exposure of human life or property to harm from a man-made or natural disaster.
(8) “Hazard Mitigation Grant Program”, herein referred to as HMGP, means the program authorized under Section 404 of the Stafford Act and implemented by 44 C.F.R., Part 206, Subpart N, hereby incorporated by reference, a copy of which may be obtained by contacting the Division, which provides funding for mitigation projects as identified in the State Hazard Mitigation Strategy.
(9) “Local Mitigation Strategy” or “LMS” means a plan to reduce the identified hazards within a county.
(10) “Project” means a hazard mitigation measure as identified in an LMS.
(11) “Repetitive loss structures” means structures that have suffered two or more
occurrences of damage due to flooding and which have received payouts from the National Flood Insurance Program as a result of those occurrences.

(12) “Working Group” is the group responsible for the development and implementation of the Local Mitigation Strategy.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.002.

27P-22.003 Eligibility.
(1) Eligible types of projects shall include, but not be limited to, the following:
   (a) New construction activities that will result in protection from hazards;
   (b) Retrofitting of existing facilities that will result in increased protection from hazards;
   (c) Elevation of flood prone structures;
   (d) Vegetative management/soil stabilization;
   (e) Infrastructure protection measures;
   (f) Stormwater management/flood control projects;
   (g) Property acquisition or relocation; and
   (h) Plans that identify and analyze mitigation problems and include funded, scheduled programs for implementing solutions.

(2) In order to be eligible for funding, projects shall meet the following requirements:
   (a) Conform to the Florida Hazard Mitigation Strategy;
   (b) Conform to the funding priorities for the disaster as established in the LMS governing the project;
   (c) Conform to 44 C.F.R., Part 9, Floodplain Management and Protection of Wetlands, and 44 C.F.R., Part 10, Environmental Considerations, both hereby incorporated by reference, copies of which may be obtained by contacting the Division;
   (d) Eliminate a hazard independently or substantially contribute to the elimination of a hazard where there is reasonable assurance that the project as a whole will be completed; and
   (e) Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a disaster.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.003.

27P-22.004 LMS Working Groups.
Each county electing to participate in the HMGP must have a formal LMS Working Group and a current LMS.

(1) Not later than the last working weekday of January of each year the Chairperson of the Board of County Commissioners shall submit to the Division a list of the members of the Working Group and its designated Chairperson and Vice-Chairperson.

(2) The Working Group shall include, at a minimum:
   (a) Representation from various agencies of county government which may
include, but not be limited to, planning and zoning, roads, public works and
emergency management;
(b) Representation from all interested municipalities within the county; and
(c) Representation from interested private organizations, civic organizations,
trade and commercial support groups, property owners associations, Native
American Tribes or authorized tribal organizations, water management
districts, regional planning councils, independent special districts and non-
profit organizations.

(3) The county shall submit documentation to show that within the preceding year it
has issued a written invitation to each municipality, private organization, civic
organization, Native American Tribe or authorized tribal organization, water
management district, independent special district and non-profit organization, as
applicable, to participate in the LMS working group. This documentation shall
accompany the membership list submitted to the Division.

(4) The Working Group shall have the following responsibilities:
(a) To designate a Chairperson and Vice-Chairperson;
(b) To develop and revise an LMS as necessary;
(c) To coordinate all mitigation activities within the County;
(d) To set an order of priority for local mitigation projects; and
(e) To submit annual LMS updates to the Division by the last working weekday of
each January. Updates shall address, at a minimum:
   1. Changes to the hazard assessment;
   2. Changes to the project priority list;
   3. Changes to the critical facilities list;
   4. Changes to the repetitive loss list; and
   5. Revisions to any maps.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS.
History—New 2-24-02, Formerly 9G-22.004.

27P-22.005 Local Mitigation Strategy.
Each LMS shall have the following components:
(1) A description of the activities of local government and private organizations that
promote hazard mitigation; a description of the policies, ordinances or programs
that guide those activities; and any deficiencies in the policies, ordinances, and
programs with recommendations to correct those deficiencies;
(2) A description of the methods used to engage private sector participation;
(3) A statement of general mitigation goals, with Working Group recommendations for
implementing these goals, and estimated dates for implementation;
(4) A description of the procedures used by the Working Group to review the LMS at
regular intervals to ensure that it reflects current conditions within the County;
(5) A hazard assessment to include, at the minimum, an evaluation of the vulnerability
of structures, infrastructure, special risk populations, environmental resources and
the economy to storm surge, high winds, flooding, wildfires and any other hazard to
which the community is susceptible;
(6) A statement of procedures used to set the order of priority for projects based on project variables which shall include technical and financial feasibility;

(7) A list of approved projects in order of priority with estimated costs and associated funding sources;

(8) A list of critical facilities that must remain operational during and after a disaster;

(9) A list of repetitive loss structures; and

(10) Maps, in Geographical Information System (GIS) format, depicting hazard areas, project locations, critical facilities and repetitive loss structures.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.005.

27P-22.006 County Allocations and Project Funding.

(1) The available HMGP funds shall be allocated to the counties included in the relevant presidential disaster declaration, as defined in Section 252.34(1), F.S., in proportion to each county's share of the federal disaster funding from the Public Assistance, Individual Assistance and Small Business Administration programs as of 90 days after the disaster declaration as reported by FEMA.

(a) Eligible and submitted projects for each county included in the relevant presidential disaster declaration will be funded in order of priority as outlined in the LMS until the allocated funds are exhausted, or all eligible projects are funded, whichever occurs first.

(b) Any allocation remaining after all eligible projects in any declared county are funded shall be reallocated to those counties included in the relevant presidential disaster declaration whose allocation was not sufficient to fund all submitted eligible projects in proportion to each county's share of unfunded projects.

(2) If funds remain after all eligible projects under subsection (1) above have been funded, then they shall be applied to fund eligible projects submitted from counties not included in the relevant presidential disaster declaration on a first-come-first-served basis until all available funds are obligated.

(3) Once a project has been selected for funding, the agreement between the applicant and the Division regarding the terms and conditions of the grant shall be formalized by contract.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.006.

27P-22.007 Application.

(1) The following entities may apply for funding under the program:

(a) State agencies and local governments;

(b) Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 C.F.R., §206.221(e), hereby incorporated by reference, a copy of which may be obtained by contacting the Division; and

(c) Indian tribes or authorized tribal organizations.
(2) The Division shall notify potential applicants of the availability of HMGP funds by publishing a Notice of Funding Availability in the Florida Administrative Weekly.

(3) Applicants will have not less than ninety (90) days from the date of notification to submit project applications. The opening and closing dates will be specified in the Notice of Funding Availability, and applications must be postmarked or stamped in at the Division no later than 5:00 p.m. on the final due date.

(4) A letter shall accompany each application from the Chairperson or Vice-Chairperson of the LMS Working Group endorsing the project. The endorsement shall verify that the proposed project does appear in the current LMS and state its priority in relation to other submitted projects. Applications without this letter of endorsement will not be considered.

(5) Applications must be submitted using Form No. HMGP/FMA-001, State of Florida Joint Hazard Mitigation Grant Program & Flood Mitigation Assistance Application (Effective Date September 30, 2001), which is incorporated into this rule by reference, a copy of which may be obtained by contacting the Division.

(6) If the Division receives an incomplete application, the applicant will be notified in writing of the deficiencies. The applicant will have thirty (30) calendar days from the date of the letter to resolve the deficiencies. If the deficiencies are not corrected by the deadline the application will not be considered for funding.

(7) Applications are to be delivered or sent to:
Division of Emergency Management
Bureau of Mitigation
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399
ATTENTION: Hazard Mitigation Grant Program

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.007.