



# **State of Florida**

## **HAZARD MITIGATION PLAN**

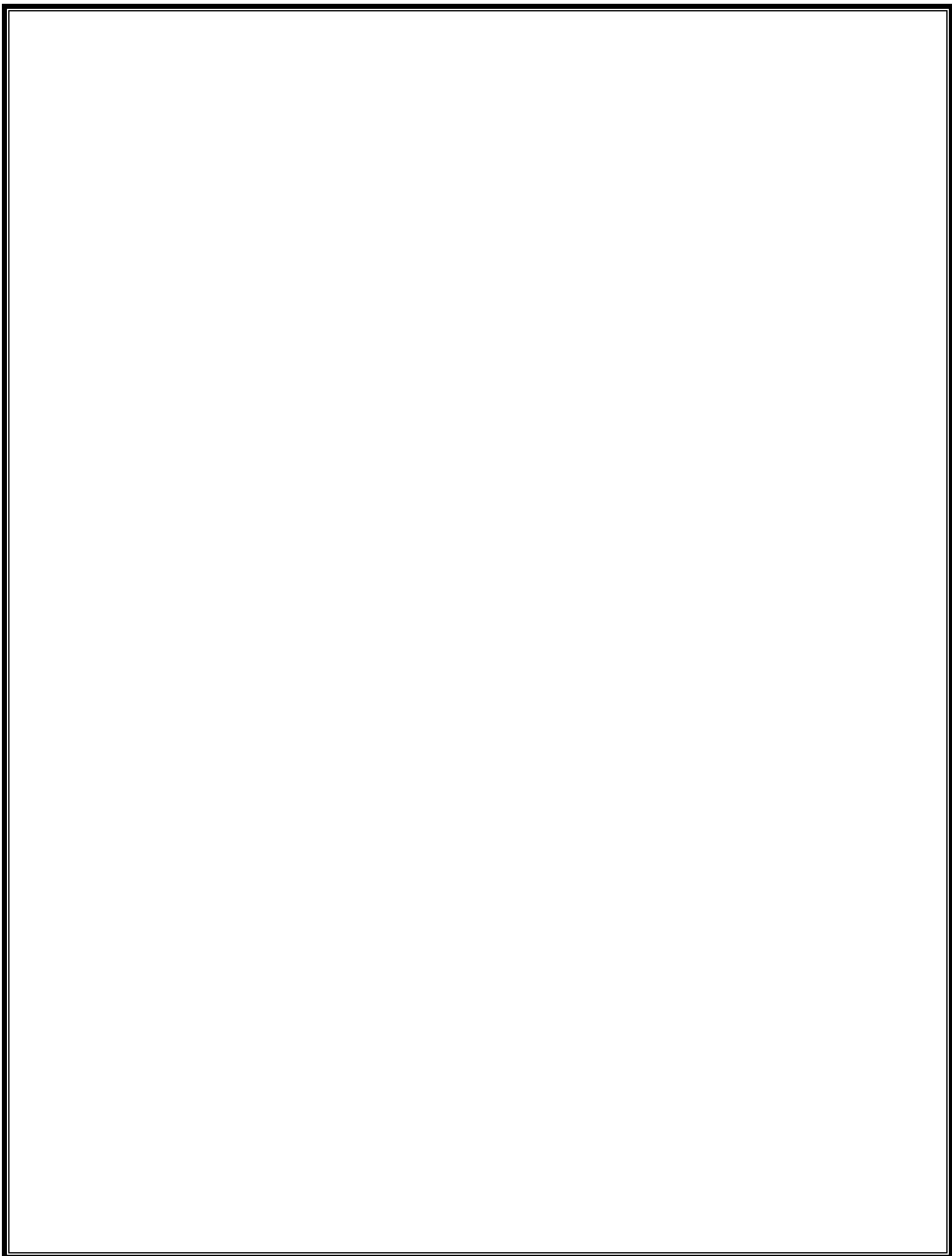
**Florida Division of Emergency Management**

**Approved by  
Federal Emergency Management Agency  
August - 2007  
Severe Repetitive Loss Addendum  
Approved May -- 2008**

## **VISION and MISSION STATEMENT**

**VISION:** Florida will be a disaster resistant and resilient state, where hazard vulnerability reduction is standard practice in both the government and private sectors.

**MISSION:** Ensure that the residents, visitors and businesses in Florida are safe and secure from natural, technological and human induced hazards by reducing the risk and vulnerability before disasters happen, through state agencies and local community communication, citizen education, coordination with partners, aggressive research and data analysis.



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# Introduction

Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, enacted under the Disaster Mitigation Act of 2000, (DMA2K), provides new and revitalized approaches to mitigation planning. This section continues the requirement for a Standard State Mitigation plan as a condition of disaster assistance, but provides for states to receive an increased percentage of HMGP funds (from 7.5 to 20 percent of the total estimated eligible federal assistance) if, at the time of the declaration of a major disaster, they have in effect a FEMA-approved Enhanced State Hazard Mitigation Plan. It establishes a new federal requirement for local mitigation plans, and authorizes up to 7 percent of the Hazard Mitigation Grant Program (HMGP) funds available to a state to be used for development of state, tribal, and local mitigation plans. Section 322, in concert with other sections of DMA2K, provides a significant opportunity to reduce the Nation's disaster losses through mitigation planning. In addition, implementation of planned, pre-identified, cost-effective mitigation measures will streamline the disaster recovery process.

In order to meet the compliance criteria of the DMA2K for an enhanced plan, the Florida Enhanced Hazard Mitigation Plan (FEHMP) provides a framework for linking pre- and post-disaster mitigation planning and measures with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction. It emphasizes the importance of strong state and local planning processes and comprehensive program management. This new planning approach supports state administration of the Hazard Mitigation Grant Program and the Pre-Disaster Mitigation Grant Program, and represents an invigorated state commitment to mitigation activities, comprehensive state mitigation planning, and improved state program management. The new planning process provides a **strong** link among state and local mitigation programs. The FEHMP emphasizes that both state and local plans must address incorporation of post-disaster early mitigation implementation strategies and sustainable recovery actions. Improved mitigation planning will result in a better understanding of risks and vulnerabilities, and will expedite implementation of measures and activities to reduce pre- and post-disaster risks.

The FEHMP illustrates that the state has developed a comprehensive mitigation program, that it effectively uses available mitigation funding, and that it is capable of managing the increased funding. An important requirement of the legislation is that FEMA must approve a completed enhanced plan before a disaster declaration, in order for a state to be eligible for the increased funding. A major goal of the FEHMP is, therefore, for state and local governments to focus early on the development of comprehensive and integrated plans that are coordinated through appropriate state,

local, and regional agencies, as well as non-governmental interest groups. To the extent feasible, the FEMP consolidates the planning requirements for different FEMA mitigation programs. This will ensure that local plans will meet the minimum requirements for all of the different FEMA mitigation programs, such as the Flood Mitigation Assistance Program, the Community Rating System, the Pre-Disaster Mitigation Program, the Hazard Mitigation Grant Program, and the mitigation activities that are based upon the provisions of section 323 and subsections 406(b) and (e) of the Stafford Act. Improved mitigation plans may also serve to integrate documents and plans produced under other emergency management programs. The FEHMP identifies overall goals and state level priorities, incorporates the more specific local risk assessments, when available, and reinforces the links among pre-disaster planning, building and construction standards, and post-disaster reconstruction efforts.

The Florida Enhanced State Mitigation Plan was originally developed and officially approved by FEMA on August 24, 2004. FEMA requires that all state mitigation plans be maintained and updated continually and that every three years an official review be conducted. In order to remain in compliance, a state must meet the required elements from FEMA for the update. The State of Florida is in compliance with this FEMA requirement and initiated a comprehensive public process in 2006-2007 to review and update the 2004 plan.

In summary, this Florida Enhanced State Mitigation Plan and its future revisions will provide the overall guidance to knit together the planning efforts of all state agencies, local governments and private and non-profit organizations into one viable, comprehensive and state-wide mitigation program.

# **1 Prerequisites**



STATE OF FLORIDA  
**DIVISION OF EMERGENCY MANAGEMENT**  
"State Emergency Response Team"

CHARLIE CRIST  
Governor

W. CRAIG FUGATE  
Director

## State Hazard Mitigation Plan Addendum Adoption

The State of Florida Hazard Mitigation Plan as amended to update "Section 7 – Enhanced Mitigation Plan" meets the requirements of Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, Public Law 93-288. Additionally; the minimum planning requirements under 44 Code of Federal Regulations, Part 78 (Flood Mitigation Assistance); and the requirements of the Disaster Mitigation Act of 2000 (DMA2K), Section 322. Section 322 of the Act requires that states, as a condition of receiving federal disaster mitigation funds, have a mitigation plan in place that describes the planning process for identifying hazards, risk and vulnerabilities, identifies and prioritizes mitigation actions, encourages the development of local mitigation and provides technical support for these efforts. In addition, the Act requires local and tribal governments to also have mitigation plans.

The development and implementation of this strategy is authorized and/or required by the following state statutes:

- Sections 252.311(2), 252.32 (1)(e), 252.34(4)(e) 252.35(2)(a)4, and 252.35(2)(g), Florida Statutes.
- Section 163.3184(6), Florida Statutes (County and Municipal Comprehensive Planning) as implemented through Rule 9J-5, Florida Administrative Code.
- Sections 187.2017(7)(a), 187.201(7)(b)25, 187.201(9)(a), 187.201(9)(b)3 and 9, 187.201(16)(b)6, and 187.201(21)(b)5,10 and 13, Florida Statutes (State Comprehensive Plan)

In accordance with 44.C.F.R. 201.4(c)(6), Chapter 252 Florida Statutes (State Emergency Management Act) and the State Comprehensive Emergency Management Plan (CEMP), "Section 7 – Enhanced Mitigation Plan" is hereby adopted and incorporated by reference into the State's Hazard Mitigation Plan. I verify that this amendment has been submitted to the Federal Emergency Management Agency for approval.

  
W. Craig Fugate, Director

  
Date

## 1.2 Compliance with Federal Laws and Regulations

***44 CFR 201.4(c)(7) – The plan must include assurances that the state will comply with all applicable federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with CFR 13.11(c). The state will amend its plan whenever necessary to reflect changes in state or federal laws and statutes as required in CFR 13.11(d).***

Through the development and enforcement of this plan and its ongoing revisions, the State of Florida will comply with all provisions in 44 Code of Federal Regulations, Part 13 as well as Subchapter B-Insurance and Mitigation, Subchapter D- Disaster Assistance and Subchapter F-Preparedness. Additionally, the assurances listed below are provided as documentation that the state or any subsequent sub-grantee (recipients) that receives federal grant funds will comply with all applicable Federal statutes and regulations. The state will amend the plan whenever necessary to reflect changes in federal statutes and regulations or material changes in state law, organization, policy or state agency operations.

As part of the 2007 plan revision process, the State Hazard Mitigation Plan Advisory Team reviewed the applicable federal statutes and regulations that apply to related mitigation grant funding. The SHMPAT, as the representative of the state government, researched the compliance and regulation issues and committed to remaining in compliance with these laws and regulations. Over time, the state will continue to comply with these applicable federal statutes and regulations. The state also commits to updating and amending this plan as necessary to reflect changes in both federal and state laws and statutes related to hazard mitigation.

To the extent outlined above, the following provisions apply to the award of assistance:

- (a) Recipient possesses legal authority to enter into agreements, and to execute the proposed programs;
- (b) Recipient's governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the execution of hazard mitigation agreements, including all understandings and assurances contained therein, and directing and authorizing the recipient's chief administrative officer or designee to act in connection with any application and to provide such additional information as may be required;
- (c) No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of any agreement or to any benefit to arise from the same. No member, officer, or employee of the recipient or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any interest direct or indirect, in any contract or

subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this plan. The recipient shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose stated above;

(d) All recipient contracts for which the state legislature is in any part a funding source, shall contain language to provide for termination with reasonable costs to be paid by the recipient for eligible contract work completed prior to the date the notice of suspension of funding was received by the recipient. Any cost incurred after a notice of suspension or termination is received by the recipient may not be funded with funds provided under a grant agreement unless previously approved in writing by the department. All recipient contracts shall contain provisions for termination for cause or convenience and shall provide for the method of payment in such event;

(e) Recipient will comply with:

(1) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327 et seq., requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty hours in a work week; and

(2) Federal Fair Labor Standards Act, 29 U.S.C. Section 201 et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rates for all hours worked in excess of the prescribed work week.

(f) Recipient will comply with:

(1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and the regulations issued pursuant thereto, which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the recipient, this assurance shall obligate the recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;

(2) Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, as amended (42 U.S.C.: 6101-6107) which prohibits discrimination on the basis of age or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973;

(3) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto, which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of federal or federally assisted construction contracts, affirmative action to ensure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff/termination, rates of pay or other forms of compensation, and election for training and apprenticeship;

(g) The recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), where applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, state and local government services, and in telecommunications;

(h) Recipient will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties pursuant to Section 112.313 and Section 112.3135, FS;

(i) Recipient will comply with the Anti-Kickback Act of 1986, 41 U.S.C. Section 51 which outlaws and prescribes penalties for "kickbacks" of wages in federally financed or assisted construction activities;

(j) Recipient will comply with the Hatch Act (18 USC 594, 598, 600-605), which limits the political activities of employees;

(k) Recipient will comply with the flood insurance purchase and other requirements of the Flood Disaster Protection Act of 1973 as amended, 42 USC 4002-4107, including requirements regarding the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance;

(l) Recipient will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided under a grant agreement to comply with the "Uniform Federal Accessibility Standards," (AS) which is Appendix A to 41 CFR Section 101-19.6 for general type buildings and Appendix A to 24 CFR Part 40 for residential structures. The recipient will be responsible for conducting inspections to ensure compliance with these specifications by the contractor;

(m) Recipient will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the

National Historic Preservation Act of 1966 (U.S.C. 470), Executive Order 11593, 24 CFR Part 800, and the Preservation of Archaeological and Historical Data Act of 1966 (16 U.S.C. 469a-1, et seq.) by:

(1) Consulting with the State Historic Preservation Office to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Section 800.8) by the proposed activity; and

(2) Complying with all requirements established by the state to avoid or mitigate adverse effects upon such properties.

(3) Abiding by the terms and conditions of the "Programmatic Agreement Among the Federal Emergency Management Agency, the Florida State Historic Preservation Office, the Florida Department of Community Affairs and the Advisory Council on Historic Preservation, (PA)" which addresses roles and responsibilities of federal and state entities in implementing Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and implementing regulations in 36 CFR part 800.

(4) Notifying FEMA and the state if any project may affect a historic property. When any of recipient's projects funded under a grant agreement may affect a historic property, as defined in 36 CFR 800. (2)(e), the Federal Emergency Management Agency (FEMA) may require recipient to review the eligible scope of work in consultation with the State Historic Preservation Office (SHPO) and suggest methods of repair or construction that will conform with the recommended approaches set out in the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings 1992 (Standards), the Secretary of the Interior's Guidelines for Archeological Documentation (Guidelines) (48 Federal Register 44734-37), or any other applicable Secretary of Interior standards. If FEMA determines that the eligible scope of work will not conform with the standards, recipient agrees to participate in consultations to develop, and, after execution by all parties, to abide by, a written agreement that establishes mitigation and recondition measures, including but not limited to, impacts to archeological sites, and the salvage, storage, and reuse of any significant architectural features that may otherwise be demolished.

(5) Notifying FEMA and the state if any project funded under a grant agreement will involve ground disturbing activities, including, but not limited to: subsurface disturbance; removal of trees; excavation for footings and foundations; and installation of utilities (such as water, sewer, storm drains, electrical, gas, leach lines and septic tanks) except where these activities are restricted solely to areas previously disturbed by the installation, replacement or maintenance of such utilities. FEMA will request the SHPO's opinion on the potential that archeological properties may be present and be affected by such activities. The SHPO will advise recipient on any feasible steps to be accomplished to avoid any National Register eligible archeological property or will make recommendations for the development of a treatment plan for the recovery of archeological data from the property.

If recipient is unable to avoid the archeological property, it will develop, in consultation with the SHPO, a treatment plan consistent with the guidelines and take into account the Advisory Council on Historic Preservation (Council) publication "Treatment of Archeological Properties." Recipient shall forward information regarding the treatment plan to FEMA, the SHPO and the council for review. If the SHPO and the council do not object within 15 calendar days of receipt of the treatment plan, FEMA may direct recipient to implement the treatment plan. If either the council or the SHPO object, recipient shall not proceed with the project until the objection is resolved.

(6) Notifying the state and FEMA as soon as practicable: (a) of any changes in the approved scope of work for a National Register eligible or listed property; (b) of all changes to a project that may result in a supplemental DSR or modify an HMGP project for a National Register eligible or listed property; (c) if it appears that a project funded under a grant agreement will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner. Recipient acknowledges that FEMA may require recipient to stop construction in the vicinity of the discovery of a previously unidentified property that may be eligible for inclusion in the National Register or upon learning that construction may affect a known historic property in an unanticipated manner. Recipient further acknowledges that FEMA may require recipient to take all reasonable measures to avoid or minimize harm to such property until FEMA concludes consultation with the SHPO. Recipient also acknowledges that FEMA will require, and recipient shall comply with, modifications to the project scope of work necessary to implement recommendations to address the project and the property.

(7) Acknowledging that, unless FEMA specifically stipulates otherwise, it shall not receive funding for projects when, with intent to avoid the requirements of the PA or the NHPA, recipient intentionally and significantly adversely affects a historic property, or having the legal power to prevent it, allowed such significant adverse affect to occur.

(n) Recipient will comply with Title IX of the Education Amendments of 1972, as amended (20 U.S.C.: 1681-1683 and 1685 - 1686) which prohibits discrimination on the basis of sex;

(o) Recipient will comply with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (42 U.S.C. 4521-45-94) relating to nondiscrimination on the basis of alcohol abuse or alcoholism;

(p) Recipient will comply with 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;

(q) Recipient will comply with Lead-Based Paint Poison Prevention Act (42 U.S.C.: 4821 et seq.) which prohibits the use of lead based paint in construction of rehabilitation or residential structures;

(r) Recipient will comply with the Energy Policy and Conservation Act (P.L. 94-163; 42 U.S.C. 6201-6422), and the provisions of the state Energy Conservation Plan adopted pursuant thereto;

(s) Recipient will comply with the Laboratory Animal Welfare Act of 1966, 7 U.S.C. 2131-2159, pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by an award of assistance under this agreement;

(t) Recipient will comply with Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 2000c and 42 3601-3619, as amended, relating to non-discrimination in the sale, rental, or financing of housing, and Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or nation origin;

(u) Recipient will comply with the Clean Air Act of 1955, as amended, 42 U.S.C. 7401-7642;

(v) Recipient will comply with the Clean Water Act of 1977, as amended, 42 U.S.C. 7419-7626;

(w) Recipient will comply with the Endangered Species Act of 1973, 16 U.S.C. 1531-1544;

(x) Recipient will comply with the Intergovernmental Personnel Act of 1970, 42 U.S.C. 4728-4763;

(y) Recipient will assist the awarding agency in assuring compliance with the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 270;

(z) Recipient will comply with environmental standards which may be prescribed pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347;

(aa) Recipient will assist the awarding agency in assuring compliance with the Preservation of Archeological and Historical Preservation Act of 1966, 16 U.S.C. 469a, et seq;

(bb) Recipient will comply with the Rehabilitation Act of 1973, Section 504, 29 U.S.C. 794, regarding non-discrimination;

(cc) Recipient will comply with the environmental standards that may be prescribed pursuant to the Safe Drinking Water Act of 1974, 42 U.S.C. 300f-300j, regarding the protection of underground water sources;

(dd) Recipient will comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Property Acquisition Policies Act of 1970, 42 U.S.C. 4621-

4638, which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs;

(ee) Recipient will comply with the Wild and Scenic Rivers Act of 1968, 16 U.S.C. 1271-1287, related to protecting components or potential components of the national wild and scenic rivers system;

(ff) Recipient will comply with the following Executive Orders: EO 11514 (NEPA); EO 11738 (violating facilities); EO 11988 (Floodplain Management); EO 11990 (Wetlands); and EO 12898 (Environmental Justice);

(gg) Recipient will comply with the Coastal Barrier Resources Act of 1977, 16 U.S.C. 3510;

(hh) Recipient will assure project consistency with the approved state program developed under the Coastal Zone Management Act of 1972, 16 U.S.C. 1451-1464; and

(ii) Recipient will comply with the Fish and Wildlife Coordination Act of 1958; 16 U.S.C. 661-666.

(jj) With respect to demolition activities, recipient will:

1. Create and make available documentation sufficient to demonstrate that the recipient and its demolition contractor have sufficient manpower and equipment to comply with the obligations as outlined in a grant agreement.

2. Return the property to its natural state as though no improvements had ever been contained thereon.

3. Furnish documentation of all qualified personnel, licenses and all equipment necessary to inspect buildings located in recipient's jurisdiction to detect the presence of asbestos and lead in accordance with requirements of the U.S. Environmental Protection Agency, the Florida Department of Environmental Protection and the County Health Department.

4. Provide documentation of the inspection results for each structure to indicate:

- a. Safety Hazards Present
- b. Health Hazards Present
- c. Hazardous Materials Present

5. Provide supervision over contractors or employees employed by recipient to remove asbestos and lead from demolished or otherwise applicable structures.

6. Leave the demolished site clean, level and free of debris.

7. Notify the department promptly of any unusual existing condition which hampers the contractors work.
8. Obtain all required permits.
9. Provide addresses and marked maps for each site where water wells and septic tanks are to be closed along with the number of wells and septic tanks located on each site. Provide documentation of closures.
10. Comply with mandatory standards and policies relating to energy efficiency that are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).
11. Comply with all applicable standards, orders, or requirements issued under Section 112 and 306 of the Clean Air Act (42 U.S.C. 1857 (h)), Section 508 of the Clean Water Act (33 U.S. 1368), Executive Order 11738, and the U.S. Environmental Protection Agency regulations (40 CFR Part 15 and 61). This clause shall be added to any subcontracts.
12. Provide documentation of public notices for demolition activities.