



FLORIDA DIVISION OF EMERGENCY MANAGEMENT

Office of Floodplain Management

GUIDANCE FOR LETTERS OF FINAL DETERMINATION (LFD) and Revised Flood Insurance Studies and Flood Insurance Rate Maps

Office of Floodplain Management

Florida Division of Emergency Management

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OBJECTIVE: This guidance explains Letters of Final Determination (LFD) issued by the Federal Emergency Management Agency (FEMA) at the end of the process to revise Flood Insurance Studies (FIS) and Flood Insurance Rate Maps (FIRMs). It also explains how the Florida Division of Emergency Management’s (FDEM) Office of Floodplain Management (OFM), helps communities respond when LFDs are issued.

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

BACKGROUND: 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 OFM 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. This is necessary when 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 OFM if you know the revised FIRM for your community will have a new type of flood hazard.**

FDEM OFFICE OF FLOODPLAIN MANAGEMENT ROLE HELPING COMMUNITIES RESPOND TO LFDs. The FEMA Region IV office relies on the OFM to work with communities and recommend approval of adopted floodplain management regulations.

The OFM is committed to working with all Florida communities that receive LFDs to ensure all requirements are satisfied before the LFD deadline. OFM receives a 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 OFM confirms which communities are required to act and whether any community is required to modify its floodplain management regulations. Sometimes, communities must modify their regulations for reasons unrelated to the LFD. This is often required if a community has amended its regulations without review and assistance from the OFM.

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

IMPORTANT NOTE!

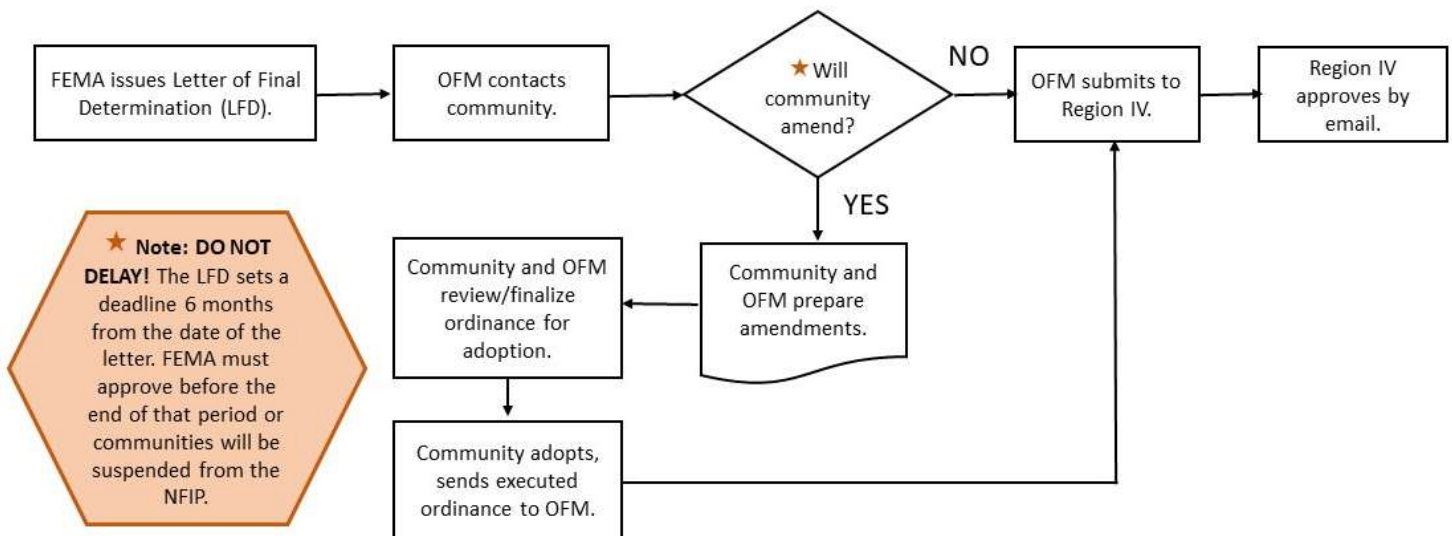
All communities that amend their local floodplain regulations or the FBC must submit draft ordinances to the OFM at least 30 days before presenting proposals to planning boards or elected officials.

Please put the community name in the subject line and send to floods@em.myflorida.com.

Or send a request for the OFM to work with you to prepare a draft.

- Most 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 OFM offers a model ordinance to accomplish that. The OFM submits local regulations and the ordinance amending the date to FEMA for approval.
- Some 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 OFM will ask communities that chose this option to confirm their choice. Then, the OFM 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 OFM will work with these communities to draft the necessary ordinance, which will also update the FIS effective date. Then, the OFM submits local regulations and the ordinance amending the regulations to FEMA for approval.

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 OFM 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. 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 use 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 effective date of the revised FIS and FIRM established in the LFD. However, when higher BFEs and wider SFHAs are shown in the pending revised study and map, communities should advise applicants of the higher risk, and encourage them to use the higher BFEs and wider SFHAs. 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: At different points during the study revision process, FEMA produces different products with different names, described here¹:

- **Preliminary Products:** Preliminary flood hazard data (including preliminary FIRMs) provide the public with 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 (when FEMA issues a Letter of Final Determination or LFD) at the conclusion of a regulatory flood mapping project. Pending products 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



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

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.

- **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. The effective date is established in the LFD.

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