



FLORIDA DIVISION OF EMERGENCY MANAGEMENT Office of Floodplain Management

GUIDANCE FOR THE USE OF PRELIMINARY FLOOD INSURANCE STUDIES AND FLOOD INSURANCE RATE MAPS

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Florida Division of Emergency Management
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OBJECTIVE: 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 enacted in 2021 that prohibits the use of “preliminary maps” (Chapter 2021-201).

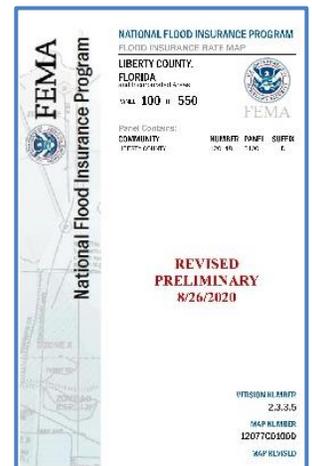
The Officer of Floodplain Management (OFM) prepared separate guidance for Letters of Final Determination and Revised Flood Insurance Studies and Flood Insurance Rate Maps located at www.floridadisaster.org/dem/mitigation/floodplain/community-resources (look under Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms).

BACKGROUND: Sec. 553.73(4), Florida Statutes, authorizes local governments to adopt administrative and technical amendments to the Florida Building Code. 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.” This is codified in Chapter 2021-201.

TERMINOLOGY: At issue is the term “preliminary map.” 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 (LFD) at the conclusion of a regulatory flood mapping project. Pending products have an effective date on which they will become official (effective) for the



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

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 effective 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.

CONCLUSION: FIS and FIRMs stamped “Preliminary” by FEMA become “Pending” upon issuance of LFDs, and then those products become “Effective Products” on the effective date established in the LFD. **Therefore, the 2021 statute does not constrain the use of Pending Products after FEMA issues the LFD.**

Use of Preliminary Products: Until FEMA issues the LFD, the OFM advises that:

- Communities **should encourage applicants to use** the information in **Preliminary Products** where the restudy indicates increased risk, including where BFEs are higher, where SFHAs are larger, and where flood zone designations change to a more restrictive flood zone.
- Communities **must not use or allow applicants to use** the information in Preliminary Products where the restudy indicates decreased risk, including lower BFEs, smaller SFHAs, or changes to a less restrictive flood zone.

Use of Pending Products: After FEMA issues the LFD, the Preliminary Products become **Pending Products**. OFM advises that:

- Communities **should use, and encourage applicants to use,** the information in Pending Products that shows increased risk as the best available information, including where BFEs are higher, where SFHAs are larger, and where flood zone designations change to a more restrictive flood zone.
- Communities **must not use or allow applicants to use** the information in the Pending Products that shows a decreased risk, including lower BFEs, smaller SFHAs, or changes to a less restrictive flood zone. In this case, communities and applicants must use the current effective products until the effective date of the revised FIS and FIRMs.
- Communities must be consistent in how they use the Pending Products until the effective date, at which time the Effective FIS and FIRMs must be used.

Also see FEMA Policy #104-008-2 (2016): [Guidance on the Use of Available Flood Hazard Information](#).

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 OFM considers that communities that accept those grant conditions are not using the preliminary maps in a manner that is contrary to the restriction enacted in 2021. 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.”

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