

CHAPTER 9G-22 HAZARD MITIGATION GRANT PROGRAM

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9G-22.001 Purpose.

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

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History--New 2-24-02.

9G-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.

(4) "FEMA" means the Federal Emergency Management Agency.

(5) "Florida Hazard Mitigation Strategy" means Florida's version of the Hazard Mitigation Plan referred to in 44 C.F.R., Part 206, Subpart M. The Florida Hazard Mitigation Strategy (Rev. September 11, 1997) is hereby incorporated into this rule by reference. A copy may be obtained by contacting the Division of Emergency Management, Department of Community Affairs.

(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.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History--New 2-24-02.

9G-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 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.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History--New 2-24-02.

9G-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.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History--New 2-24-02.

9G-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.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History--New 2-24-02.

9G-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.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History--New 2-24-02.

9G-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:

Florida Department of Community Affairs

Division of Emergency Management

Bureau of Mitigation

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399

ATTENTION: Hazard Mitigation Grant Program

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History--New 2-24-02.