

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to local floodplain management;
3 amending s. 553.73, F.S.; prohibiting local
4 governments adopting technical amendments to the
5 Florida Building Code to implement the National Flood
6 Insurance Program or incentives from denying requests
7 for specified variances or exceptions to certain local
8 floodplain management requirements; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (5) of section 553.73, Florida
14 Statutes, is amended to read:

15 553.73 Florida Building Code.—

16 (5) Notwithstanding subsection (4), counties and
17 municipalities may adopt by ordinance an administrative or
18 technical amendment to the Florida Building Code relating to
19 flood resistance in order to implement the National Flood
20 Insurance Program or incentives. Specifically, an administrative
21 amendment may assign the duty to enforce all or portions of
22 flood-related code provisions to the appropriate agencies of the
23 local government and adopt procedures for variances and
24 exceptions from flood-related code provisions other than
25 provisions for structures seaward of the coastal construction
26 control line consistent with the requirements in 44 C.F.R. s.
27 60.6. A technical amendment is authorized to the extent it is
28 more stringent than the code. However, if a local floodplain
29 management requirement exceeds minimum standards for the

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30 National Flood Insurance Program, a county or municipality may
31 not deny a request for a variance or an exception to such
32 requirement, provided that the requested variance or exception
33 meets such minimum standards. A technical amendment is not
34 subject to the requirements of subsection (4) and may not be
35 rendered void when the code is updated if the amendment is
36 adopted for the purpose of participating in the Community Rating
37 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
38 had already been adopted by local ordinance prior to July 1,
39 2010, or the amendment requires a design flood elevation above
40 the base flood elevation. Any amendment adopted under this
41 subsection must ~~shall~~ be transmitted to the commission within 30
42 days after being adopted. A municipality, county, or special
43 district may not use preliminary maps issued by the Federal
44 Emergency Management Agency for any law, ordinance, rule, or
45 other measure that has the effect of imposing land use changes
46 or permits.

47 Section 2. This act shall take effect July 1, 2023.