



STATE OF FLORIDA

# DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT  
Governor

WESLEY MAUL  
Director

## MEMORANDUM

**To:** Local Governments, State and Regional Agencies, Indian Tribal Governments, Local Mitigation Strategy Working Groups, and Private Non-Profit Organizations Submitting Hazard Mitigation Grant Program Applications for Hurricane Irma (DR-4337)

**From:** Wesley Maul, State Coordinating Officer Miles E. Anderson, for  


**Subject:** Hazard Mitigation Grant Program Notice of Funding Availability

**Date:** February 5, 2018

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### Program Summary

The Florida Division of Emergency Management (the Division) is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declaration for Hurricane Irma (**FEMA 4337-DR-FL**).

HMGP funding is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act. This funding helps communities implement measures to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division encourages all potential applicants to submit applications for projects that address eligible mitigation activities. The amount of HMGP funding available to the state is based on the total federal disaster assistance for the Presidential Disaster Declaration.

### Application Timeline

Applications are currently being accepted. The application period will close **August 6, 2018**. **Applications mailed to the Division must be postmarked on or before August 6, 2018. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. EDT on August 6, 2018.** The Division encourages potential applicants to submit complete applications before the close of the application period.

Applications will only be accepted from eligible applicants as defined in the *Minimum Program Eligibility* section of this notice.

**Please provide one original and two copies** of the State of Florida Hazard Mitigation Grant Program Application and all appropriate attachments. **In addition, include a full**

copy of the submittal and all documentation on CD. The application and all other pertinent forms may be obtained at the Division's website located at <https://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program/> in the section HMGP Application and Resources.

**Completed applications must be sent to the following address:**

ATTN: Kathleen Marshall, Hazard Mitigation Grant Program  
Florida Division of Emergency Management  
Mitigation Bureau  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

### **Minimum Program Eligibility**

*Eligible Applicants:* According to the Code of Federal Regulations (CFR) 44 §206.434(a), the following parties are eligible to apply for Hazard Mitigation Grant Program funds:

- State and local governments who have an approved Local Mitigation Strategy (LMS) in accordance with 44 CFR 201.6, prior to receipt of HMGP subgrant funding for projects;
- Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in §206.221(e); and
- Indian tribes or authorized tribal organizations.

However, be advised that pursuant to 27P-22 of the Florida Administrative Code, all project applications must go through the Local Mitigation Strategy Working Group (LMSWG) of the county where the project will take place. Any application sent to the Division without a signed endorsement letter, from either the Chair or Vice-Chair of an LMSWG, will be denied.

*Eligible Activities:* Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed are not eligible for funding. Eligible projects include, but are not limited to, the following:

- Acquisition or relocation of hazard-prone structures;
- Retrofitting of existing buildings and facilities that will result in increased protection from hazards;
- Elevation of flood-prone structures;
- Infrastructure protection measures;
- Stormwater management improvements;
- Minor structure flood control;

- Flood diversion and storage;
- Aquifer storage and recovery;
- Floodplain and stream restoration;
- Residential and community safe room construction;
- Generators for a critical facility, provided they are cost-effective, contribute to a long-term solution to the problem that they are intended to address, and meet other project eligibility criteria as required by 44 CFR §206.434(c); or generators that are an integral part of a larger eligible project.

*Ineligible Activities:* The state will **not** consider funding requests for the following:

- Construction of new facilities (Nevertheless, the cost associated with above-code upgrades to new facilities may be considered);
- Equipment such as emergency pumps, vehicles, and communication devices;
- Stand-alone studies, design, and planning-related activities;
- Tree removal, debris removal, and other forms of maintenance; or
- **Projects already in progress** (*Construction may not begin until the contract between the State and subrecipient is executed and the project has met requirements of the National Environmental Policy Act*).

*Eligibility Criteria:* All projects submitted must meet *minimum criteria* to be considered for funding. An eligible project must:

- Conform to the requirements stated in this Notice of Funding Availability;
- Conform to the Florida State Hazard Mitigation Plan and the respective community's LMS;
- Conform to the funding priorities for the disaster, as established in the appropriate LMS;
- Demonstrate cost-effectiveness;
- Be technically feasible;
- Benefit the designated disaster area;
- Conform to all applicable environmental laws and regulations, as well as Executive Orders;
- Solve a problem independently or constitute a functional part of a solution;
- Benefit a National Flood Insurance Program (NFIP) participating community that is not on probation or suspended from the NFIP; and
- Meet all applicable State and local codes and standards.

### **Cost-Share Requirements**

Under the HMGP, FEMA will contribute up to 75 percent of the total amount approved under the grant award to implement eligible, cost-effective mitigation measures. The applicant must provide the remaining 25-percent non-federal share. Contributions,

cash, and in-kind services are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 2 CFR §200.306. In-kind contributions must be directly related to the eligible project cost and are those personnel, materials, equipment and supplies owned, controlled, and operated by the applicant or a third party contributor.

Applicants may use the Global Match concept as part of the 25-percent non-federal share. Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to a similar type of project(s). These similar, **non-federally** funded projects must meet all of the HMGP eligibility requirements. This means that if Global Match is approved, the applicant may receive up to 100 percent federal share.

### **Pre-Award Costs**

Prior to receiving a grant award, pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting, and other "soft" costs associated with a construction project. *Construction activities are not considered pre-award costs.* Pre-award costs must be requested in writing. Guidelines for pre-award costs are included in *Attachment A*.

### **Project Management**

Administrative costs are eligible and available upon request. The amount requested must be included as a line item in the project budget of the project application and labeled as "administrative." Be advised that the inclusion of administrative costs will affect your overall benefit-costs score.

### **County Funding Allocation**

To ensure funds are distributed equitably, designated counties have been assigned a portion of the total HMGP grant. The amount is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) programs as of January 2018. Commitment of project funds by the Division is contingent upon receipt of appropriate Legislative Budget Authority.

These figures are shown in *Attachment B* and represent the estimated amount of HMGP funds currently available. HMGP funding is available only to those counties that have a current FEMA-approved LMS. Project applications will be considered only if:

- (1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and,

- (2) If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in *Attachment C*.

The Division will attempt to fund each submitted project in priority order until the county's allocation has been exhausted. In accordance with Florida Administrative Code (F.A.C.) 27P-22.006, the Division uses the following tiered allocation system up until the State application deadline with FEMA:

*Tier 1* The available HMGP funds are allocated to counties included in the relevant Presidential Disaster Declaration in proportion to each county's share of federal disaster funding from the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) Disaster Loan Program as of 90 days after a Disaster Declaration as reported by FEMA. Eligible projects submitted by 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.

*Tier 2* Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant Presidential Disaster Declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in *Attachment D*.

*Tier 3* In the event funds remain after the Tier 1 and Tier 2 processes, any remaining funds will be offered on a statewide basis as described in *Attachment D*.

Please see *Attachment D* for a detailed explanation of funding tiers.

### **Funding Availability and Notification**

FEMA notifies the State of HMGP funding availability at the following milestones:

1. Initial 90-Day Estimate

This is an early estimate only and not an actual commitment of funding by FEMA. Funding may increase or decrease based on actual disaster claims during the declaration period. These estimates are provided for planning purposes and to jump-start the HMGP application process.

2. Obligation prior to 12 Months

Prior to the 12-month lock-in, FEMA will only obligate funds up to 75% of any current estimate. This is to eliminate the risk over obligating funds for any given disaster in the event the 12-month lock-in is lower than initially estimated.

3. 12 Months from the Date of Declaration

This represents the State's Lock-in Amount. It is the maximum amount available the state can expect to receive from FEMA. In rare occurrences, FEMA may conduct a

subsequent review 18 months after the declaration, but only at the request of the State. The estimate from that review may cause the final lock-in to fluctuate up or down depending on the findings.

It is important for potential applicants to recognize that HMGP funds are contingent upon FEMA's reexamination of the disaster figures at the given time intervals. A county's funding allocation can increase or decrease after it has submitted an application.

### **Technical Assistance**

Due to the large impact of Hurricane Irma across the state, the Division is in the process of scheduling HMGP application development workshops webinars, as opposed to the standard in-person workshops. The webinars will focus on a handful of counties at a time so that project-specific concerns can still be addressed by state staff. The Division is in the process of scheduling these webinars and will be in touch with each county in the next few weeks to finalize dates and times. Please check the Division's website [www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program](http://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program) for additional technical guidance. The Division will provide technical assistance throughout the application process. This includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

Program Eligibility: (850) 815-4503 or (850) 815-4537

Environmental: (850) 815-4575

Engineering and Technical Feasibility: (850) 815-4573

For additional information and technical assistance, please refer to FEMA's *Hazard Mitigation Assistance Guidance* document available at <https://www.fema.gov/media-library/assets/documents/103279>.

To assist you in submitting qualified project applications, the *Hazard Mitigation Grant Program Application* and the following attachments are located on the Division website <https://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program>:

<i>Attachment A:</i>	<i>Pre-award Cost Guidance and Form</i>
<i>Attachment B:</i>	<i>Initial Estimate of Available HMGP Funding</i>
<i>Attachment C:</i>	<i>Sample LMS Project Submission Letter</i>
<i>Attachment D:</i>	<i>Florida Administrative Code 27P-22</i>
<i>Attachment E:</i>	<i>Data Collection Worksheet Notice</i>

WM/km  
Attachments

Attachment A

## Guidance on Pre-Award Cost Associated with HMGP Projects

Pre-award costs are costs incurred by a sub-recipient before the grant was awarded. Any and all pre-award costs associated with an HMGP project must be incurred after the date of declaration of a disaster under which the project is proposed for funding (GAO 10-129).

All **construction** associated with an HMGP project must be incurred after approval by FEMA and after the State of Florida and the sub-recipient have executed a project contract. According to Webster's II New Riverside Dictionary Revised Edition, the word construction means "the act, process, or work of building." Breaking ground, installing a shutter, taking out a window to replace with impact glass, are all examples of "construction."

FEMA may approve pre-award costs. These costs include study or research required to plan a construction project. Such activities may include engineering, modeling, permitting, environmental study, benefit-cost analysis, etc. These are soft costs and not to be confused with hard construction costs. Construction costs may not be included as pre-award costs. Pre-award costs must be factored into total project costs and included in the benefit-cost analysis calculations.

The applicant may request pre-award costs any time after the disaster declaration. The request must be in writing and include the type of activity or activities proposed and estimated cost. All pre-award activity must clearly be associated with the applicant's proposed project. The State and FEMA will do a preliminary review of the request and may concur that the activities are necessary for the type of project envisioned or may consult with the applicant on an identified activity that the State or FEMA does not feel is necessary for a proposed project. Conversely, the State or FEMA may suggest additional study or research the applicant has not identified for a particular project. Review by the State and FEMA of pre-award activities may save money and time for the State, FEMA, and the applicant. Letters and documentation of all pre-award activities will need to be submitted to the State with the project application. ***Preliminary review by the State or FEMA of pre-award activities is no guarantee of eligibility or approval of the activities or the proposed project.*** FEMA will provide a written final determination on the pre-award request.

An alternative is for the applicant to request approval of pre-award cost by letter attached to the project application. The request must include the type of activity or activities and costs incurred by the applicant. There is greater risk to the applicant with this alternative that incurred costs may not be considered eligible.

If the proposed project meets all eligibility criteria and is approved by FEMA, then pre-award costs identified by the applicant prior to project submittal, or identified by the applicant in documentation attached to the application, will be considered project costs eligible for 75/25 reimbursement (same as other project costs).



All pre-award costs are subject to an approved grant award and available funding. If funding is not available, even if pre-award costs are approved in writing, they will not be reimbursed and will be solely the responsibility of the applicant.

## **REFERENCES**

**General Accounting Office**, Principles of Federal Appropriations Law, Volume II, January 2004

### **Excerpts from OMB Cost Principle Circulars:**

**2 CFR §200.458** – Pre-award costs are those incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency.

**2 CFR §200.309** – A non-Federal entity may charge to the Federal award only allowable costs incurred during the period of performance (except as described in §200.461 Publication and printing costs) and any costs incurred before the Federal awarding agency or pass-through entity made the Federal award that were authorized by the Federal awarding agency or pass-through entity.

**44 CFR §206.439(c)** further explains the pre-award cost regulations as allowable costs under HMGP.

**2 CFR §200 Subpart E** lists the applicable cost principles for HMGP applicants including: governments, private non-profits, and educational institutions.



STATE OF FLORIDA

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Director

## HAZARD MITIGATION ASSISTANCE PROGRAM PRE-AWARD COST REQUEST FORM

To request Pre-Award Costs, please complete this form and submit with your project application. All ELIGIBLE pre-award costs are subject to an approved grant award and availability of funding. If funding is not available or the project is not approved, pre-award costs will NOT be reimbursed and will be the sole responsibility of the applicant. If your project is approved and pre-award costs are eligible, the cost share for the reimbursement of these activities is up to a 75/25 split.

**Disaster:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

**Project Title:** \_\_\_\_\_

**Start Date for Pre-Award Activities:**

*Pre-award costs associated with this request incurred prior to the date of declaration are NOT eligible. These costs include: study or research to plan project, engineering, modeling, permitting or environmental study. **These costs must be reflected as a line item in the project budget.** Construction costs should NOT be included. Construction activities may NOT begin until after a contract has been fully executed with the State for this project.*

Activity	Estimated Cost	Estimated Start Date

**Point of Contact Information:**

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Authorizing Agent:**

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Attachment B

**FEMA-4337-DR-FL****6-Month Estimate as of 3/09/18**

<b>County</b>	<b>Regular Projects HMGP Funding</b>	<b>25% Match Required</b>
<b>Alachua</b>	<b>\$ 2,044,645.00</b>	<b>\$ 681,548.33</b>
<b>Baker</b>	<b>\$ 370,044.60</b>	<b>\$ 123,348.20</b>
<b>Bay</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Bradford</b>	<b>\$ 1,065,760.89</b>	<b>\$ 355,253.63</b>
<b>Brevard</b>	<b>\$ 13,545,540.50</b>	<b>\$ 4,515,180.17</b>
<b>Broward</b>	<b>\$ 30,837,260.07</b>	<b>\$ 10,279,086.69</b>
<b>Calhoun</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Charlotte</b>	<b>\$ 2,160,701.98</b>	<b>\$ 720,233.99</b>
<b>Citrus</b>	<b>\$ 1,265,948.80</b>	<b>\$ 421,982.93</b>
<b>Clay</b>	<b>\$ 5,348,803.39</b>	<b>\$ 1,782,934.46</b>
<b>Collier</b>	<b>\$ 18,621,561.75</b>	<b>\$ 6,207,187.25</b>
<b>Columbia</b>	<b>\$ 782,434.22</b>	<b>\$ 260,811.41</b>
<b>DeSoto</b>	<b>\$ 1,043,589.77</b>	<b>\$ 347,863.26</b>
<b>Dixie</b>	<b>\$ 228,829.81</b>	<b>\$ 76,276.60</b>
<b>Duval</b>	<b>\$ 13,589,724.76</b>	<b>\$ 4,529,908.25</b>
<b>Escambia</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Flagler</b>	<b>\$ 2,948,777.45</b>	<b>\$ 982,925.82</b>
<b>Franklin</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Gadsden</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Gilchrist</b>	<b>\$ 227,204.73</b>	<b>\$ 75,734.91</b>
<b>Glades</b>	<b>\$ 487,771.28</b>	<b>\$ 162,590.43</b>
<b>Gulf</b>	<b>\$ 2,516.62</b>	<b>\$ 838.87</b>
<b>Hamilton</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Hardee</b>	<b>\$ 822,484.00</b>	<b>\$ 274,161.33</b>
<b>Hendry</b>	<b>\$ 1,461,925.00</b>	<b>\$ 487,308.33</b>
<b>Hernando</b>	<b>\$ 1,818,711.40</b>	<b>\$ 606,237.13</b>
<b>Highlands</b>	<b>\$ 5,430,166.19</b>	<b>\$ 1,810,055.40</b>
<b>Hillsborough</b>	<b>\$ 10,304,104.28</b>	<b>\$ 3,434,701.43</b>
<b>Holmes</b>	<b>\$ 1,079.10</b>	<b>\$ 359.70</b>
<b>Indian River</b>	<b>\$ 1,514,990.79</b>	<b>\$ 504,996.93</b>
<b>Jackson</b>	<b>\$ 1,590.36</b>	<b>\$ 530.12</b>
<b>Jefferson</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Lafayette</b>	<b>\$ 82,701.41</b>	<b>\$ 27,567.14</b>

<b>County</b>	<b>Regular Projects HMGP Funding</b>	<b>25% Match Required</b>
Lake	\$ 5,283,147.12	\$ 1,761,049.04
Lee	\$ 24,309,224.45	\$ 8,103,074.82
Leon	\$ -	\$ -
Levy	\$ 309,642.61	\$ 103,214.20
Liberty	\$ -	\$ -
Madison	\$ -	\$ -
Manatee	\$ 3,164,019.96	\$ 1,054,673.32
Marion	\$ 5,442,900.19	\$ 1,814,300.06
Martin	\$ 1,114,393.54	\$ 371,464.51
Miami-Dade	\$ 64,341,780.10	\$ 21,447,260.03
Monroe	\$ 34,138,176.86	\$ 11,379,392.29
Nassau	\$ 1,053,257.24	\$ 351,085.75
Okaloosa	\$ -	\$ -
Okeechobee	\$ 920,069.24	\$ 306,689.75
Orange	\$ 16,729,093.55	\$ 5,576,364.52
Osceola	\$ 5,017,367.10	\$ 1,672,455.70
Palm Beach	\$ 15,064,933.09	\$ 5,021,644.36
Pasco	\$ 4,495,022.63	\$ 1,498,340.88
Pinellas	\$ 12,536,000.63	\$ 4,178,666.88
Polk	\$ 14,320,735.29	\$ 4,773,578.43
Putnam	\$ 2,295,358.63	\$ 765,119.54
Santa Rosa	\$ 681.64	\$ 227.21
Sarasota	\$ 3,395,521.81	\$ 1,131,840.60
Seminole	\$ 7,846,025.83	\$ 2,615,341.94
St. Johns	\$ 2,825,593.54	\$ 941,864.51
St. Lucie	\$ 4,472,457.01	\$ 1,490,819.00
Sumter	\$ 844,516.97	\$ 281,505.66
Suwannee	\$ 431,316.61	\$ 143,772.20
Taylor	\$ -	\$ -
Union	\$ 159,470.58	\$ 53,156.86
Volusia	\$ 7,546,506.60	\$ 2,515,502.20
Wakulla	\$ -	\$ -
Walton	\$ -	\$ -
Washington	\$ -	\$ -
	<b>\$ 354,066,081.00</b>	<b>\$ 118,022,027.00</b>

Based on NEMIS as of 3/9/18

Attachment C

(On agency letterhead)

Date

Mr. Miles Anderson, State Hazard Mitigation Officer  
Florida Division of Emergency Management  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Hazard Mitigation Grant Program (HMGP) applications for FEMA 4337-DR-FL,  
Hurricane Irma

Dear Mr. Anderson:

The \_\_\_\_\_ County Local Mitigation Strategy (LMS) working group has approved by vote and prioritized the following projects for HMGP funding from this disaster. These projects align with our LMS goals and objectives as noted, and with the State's mitigation goals and objectives (in accordance with the Code of Federal Regulations 44 §201.6).

The \_\_\_\_\_ County LMS group therefore presents the projects below (or in the attachment) in the order that they are to be considered for funding.

**FEMA 4337-DR-FL Hurricane Irma**

Funding Priority	Project Name or Description	Applicant	Goal/Objective Implemented	Estimated Total Project Cost	Estimated Federal Share
1.	Project name	Applicant	3. B. (2)	\$000,000	\$000,000
2.	Project name	Applicant	1. A. (4)	\$000,000	\$000,000
3.	Project name	Applicant	2. B. (4)	\$000,000	\$000,000
<i>Etcetera</i>					

For further information or inquiry, please contact me at **insert phone number and email**.

Sincerely,

\_\_\_\_\_, LMS Chair  
\_\_\_\_\_  
County LMS

cc:

Attachment D



**CHAPTER 27P-22**  
**HAZARD MITIGATION GRANT PROGRAM**

27P-22.001	Purpose
27P-22.002	Definitions
27P-22.003	Eligibility
27P-22.004	LMS Working Groups
27P-22.005	Local Mitigation Strategy
27P-22.006	County Allocations and Project Funding
27P-22.007	Application

**27P-22.001 Purpose.**

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

*Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.001.*

**27P-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 of Emergency Management 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 and approved by FEMA. The Florida Hazard Mitigation Strategy (Rev. February 26, 2013) is hereby incorporated into this rule by reference. A copy may be obtained by contacting the Division of Emergency Management.

(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 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.

*Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.002, Amended 7-18-13.*

**27P-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 to 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.

*Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.003.*

#### **27P-22.004 LMS Working Groups.**

Each county electing to participate in the HMGP must have a formal LMS Working Group and a current FEMA approved 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.

*Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.004, Amended 7-18-13.*

#### **27P-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.

(10) Maps, in Geographical Information System (GIS) format, depicting hazard areas, project locations, critical facilities and repetitive loss structures.

*Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.005.*

#### **27P-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.

*Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.006.*

#### **27P-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 Register.

(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. Applications mailed to the Division must be postmarked on or before the final due date. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. (Eastern Time) 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, State of Florida Hazard Mitigation Grant Program Application (Effective Date: June, 2012), which is incorporated into this rule by reference, a copy of which may be obtained by contacting the Division or visiting [www.floridadisaster.org](http://www.floridadisaster.org).

(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:

Division of Emergency Management

Bureau of Mitigation

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399

ATTENTION: Hazard Mitigation Grant Program

*Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.007, Amended 7-18-13.*

Attachment E

## Data Collection Worksheet Notice

If you are submitting project applications for the project types listed below, please follow the link for the appropriate data collection worksheets for your projects. These worksheets will help ensure that the appropriate information is given to the state for each project, and will reduce the time it takes to complete the review of your application.

- Flood Control – Drainage Improvement
- Generator
- Tornado Safe Room
- Hurricane Safe Room
- Wind Retrofit
- Wildfire
- Drought

Worksheets are at the following link in the section HMGP Application and Resources:  
<https://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program/>