



Environmental Protection and Growth Management Department  
**ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION**  
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**TO:** Broward County Board of County Commissioners

**THRU:** Cynthia Chambers, Director, Environmental Protection and Growth Management Department

**FROM:** Leonard Vialpando, Director, Environmental Licensing and Building Permitting Division

**DATE:** April 3, 2014

**SUBJECT: Proposed Amendment to the Floodplain Management Ordinance**

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At the request of the Florida Division of Emergency Management (FDEM), as of March 15, 2012 the Florida Building Commission expanded the Florida Building Code (FBC) to include floodplain provisions for the first time. As a result, many local floodplain management regulations were superseded by the FBC in accordance with Section 553.73(1)(a) of Florida Statutes.

As of January 17, 2013, FDEM received Federal Emergency Management Agency (FEMA) approval of a new State Model Floodplain Management Ordinance (model ordinance) that repeals all existing local floodplain management regulations and replaces them with references to the FBC. However, the original model ordinance could not be used in Broward County because our Charter limits authority to modify the FBC to the Broward County Board of Rules and Appeals (BORA). To provide municipalities with an efficient mechanism to comply with the new state requirements, County staff worked with BORA to draft a local amendment to the FBC that was approved on May 9, 2013. The BORA amendment permitted local governments in Broward County to maintain authority over floodplain regulation by allowing the integration of local flood hazard ordinances with the FBC. County staff then worked with FDEM to create a Broward edition of the model ordinance for use throughout the County that is compatible with the County Charter; removes references to FBC amendments; coordinates with the 2010 FBC; and maintains compliance with the National Flood Insurance Program.

On September 10, 2013, the Board directed staff to draft an Ordinance repealing the existing floodplain management ordinance, Chapter 13 1/2 of the Broward County Code of Ordinances, and adopting an Unincorporated Area version of the Broward edition of the updated model ordinance to comply with Florida Statutes and maintain compliance with the National Flood Insurance Program.

Article V of Chapter 5 of the Broward County Code of Ordinances was subsequently written to replace Chapter 13 1/2 with a version of the FEMA-approved state model ordinance that is compatible with the flood-resistant construction requirements of the 2010 Florida Building Code, ASCE 24 and National Flood Insurance Program requirements per 44 CFR Parts 59 and 60. The ordinance also addresses FEMA's requirement to adopt new Flood Insurance Rate Maps by adopting the February 18, 2014 versions that FEMA has determined will take effect on August 18, 2014.

The draft ordinance has been reviewed and approved by the Florida Division of Emergency Management on behalf of FEMA.