STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

October 12, 2026

Chairman Michael Bourre
Florida Building Commission
Department of Business & Professional Regulation
Tallahassee, FL

RE: Commission Action on October 13, 2026, to Modify Draft Private Provider Forms

Chairman Bourre:

The Florida Division of Emergency Management (FDEM) is designated the State Coordinating Agency for the National Flood Insurance Program (NFIP). In that capacity, we work with local jurisdictions and others on matters related to compliance with the minimum standards of the National Flood Insurance Program. The Federal Emergency Management Agency (FEMA) deems the flood provisions of the Florida Building Code (FBC) meet or exceed those minimum standards. All local jurisdictions in Florida rely on the flood provisions of the FBC to fulfil their commitment to the NFIP.

FDEM was a member of the 2009 workgroup that recommended inclusion of the flood provisions in the 2010 FBC and we have engaged in the code development process for subsequent editions.

The attached 2020 memorandum cosigned by this office and FEMA Region 4 clarified the exceptions in FBC Secs. 105.14 and 107.6.1. In the 8th Edition, those provisions are renumbered to Secs. 105.14.1, 107.6.1, and 107.6.2. They flow from the NFIP regulations that make it the responsibility of local jurisdictions that participate in the NFIP to act.

Unlike any other provisions of the FBC, noncompliance with the flood provisions can lead to serious consequences for both individual property owners and local jurisdictions. When FEMA or FDEM identify noncompliance associated with a local jurisdiction's misapplication or misinterpretation of the flood provisions, the local jurisdictions are responsible for resolution. Ultimately, FEMA can impose sanctions that affect the local jurisdiction as a whole. Those sanctions may include removal of local jurisdictions from the Community Rating System (loss of discounts on the cost of federal flood insurance policies), probation (policyholders incur a surcharge), and suspension (federal flood insurance and some forms of federal disaster assistance would not be available).

We submitted comments to Dr. Jennifer Bridge in advance of the development of the draft private provider inspection form and the draft private provider certificate of compliance form. The request was for each of the private provider forms to contain a single line: **Flood ☐ Yes / ☐ No.** The Draft Final Report indicates only that there was "consensus to omit."

At the Code Administration Technical Advisory Committee meeting on October 2, 2026, we asked that the TAC modify the forms to add that line. We have recent examples where noncompliance occurred, at least in part because private providers did not inspect for flood provisions.

It is not the intent of the FBC Secs. 105.14.1, 107.6.1, and 107.6.2 to exclude or prevent private providers from examining plans or performing inspection of compliance with the flood provisions of the FBC. The intent of those sections is most clearly stated in 107.6.1: "the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*"

Regarding the private provider certificate of compliance, we question how a private provider—a licensed professional—can make such an assertion if they do not also review or inspect those aspects of buildings in flood hazard areas. We assert that including the requested line on the forms alerts both the private provider and the building official.

We ask that the Commission modify the private provider forms to include a line: **Flood □ Yes / □ No.**

Please contact me at (850) 296-4100 if you have questions.

Sincerely,

Digitally signed by Jillian Kraynak
Date: 2026.10.12 10:36:41 -04'00'

Jillian Kraynak, CFM, FCCM
State NFIP Coordinator | State Floodplain Manager
Office of Floodplain Management | Bureau of Mitigation

Attachment: FDEM_FEMA R4_Memo_on_Affidavits_11-02-20 signed.pdf

CC: Florida Building Commission Members and Staff
FEMA R4
Dr. Jennifer Bridge, ESSI, University of Florida
FDEM Office of Floodplain Management Staff