

BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA
PLANNING DEPARTMENT
DAVID RICHARDSON, PLANNER

1000 CECIL G. COSTIN, SR. BLVD. • ROOM 312 FORT ST. JOE, FLORIDA 32456 • PHONE (850) 227-9562 • FAX (850) 227-9563

Memorandum

To: BOCC
From: David Richardson, Planner/Co-Floodplain Administrator
Date: 8/17/2011
Subject: CRS

In order to maintain our current CRS rating, we have to update our current Flood Management Plan and adopt it. The proposed updated plan is present for your review and consideration for approval. Failure to adopt the plan will result in losing our 8 rating and falling back to a 10, the worst. Please contact me if you have any questions.

2011 AUG 17 PM 1:53

**RESOLUTION
NO. 2011-**

WHEREAS, Gulf County, Florida has a repetitive flooding problem along the riverine and coastal floodplain areas resulting in hazards to public health and safety and serious property damage;

WHEREAS, a *Floodplain Management Plan* (FMP) was adopted by the County to address the flooding hazards identified in the floodplains;

WHEREAS, the *Floodplain Management Plan* and *Local Mitigation Strategy* (LMS) provides recommendations for activities that will keep the repetitive flooding problem from getting worse and will help property owners in the County's floodplains protect their property; and

WHEREAS, the *Floodplain Management Plan* must be updated and readopted every five (5) years and *Local Mitigation Strategy* reviewed yearly; and

WHEREAS, the updated FMP was presented for adoption to the Board of County Commissioners and the public at a public meeting on August 23, 2011;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Gulf County, Florida, that;

1. The Gulf County, Florida *Floodplain Management Plan* is hereby adopted as an official plan of Gulf County.
2. The respective county officials identified in Section 9 of the *Floodplain Management Plan* are hereby directed to implement the recommended activities as resources are available.
3. The County Planner will submit the annual *Progress Report* required by CRS program.

ADOPTED THIS 23rd DAY OF AUGUST, 2011

ATTESTED: GULF COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca L. Norris, Clerk

Warren J. Yeager, Jr., Chairman

GULF COUNTY, FLORIDA FLOODPLAIN MANAGEMENT PLAN (REPETITIVE LOSS PLAN)

1.) INTRODUCTION

Gulf County ~~has been~~ was identified by the Federal Emergency Management Agency (FEMA) as having a repetitive flooding problem. The county ~~has had~~ fourteen (14) repetitive loss properties (RLP) that are located along the Gulf Coast, Indian Lagoon and riverine areas. A repetitive loss property is one for which two (2) or more claims of one thousand dollars (\$1,000.00) or more have been paid by the National Flood Insurance Program (NFIP) within any given 10 year period since 1978.

In December of 1992, the Gulf County Board of County Commissioners decided to submit an application to the Community Rating System (CRS). A condition of participation for the County is that a Repetitive Loss Plan be prepared that addresses the identified repetitive loss areas. The Gulf County Planning/Building Director was given charge of the County's Flood plain Management by the Board of County Commissioners and was placed as the County's Community Rating System Coordinator. The Director gathered information on the fourteen (14) repetitive loss structures and developed critical information for each of the repetitive losses. Since the initial CRS application, the County has experience several flood events that have impact additional properties beyond the initial fourteen (14) RLP's.

2.) BACKGROUND

Gulf County, Florida is a predominately rural county with an initial population of 14,000 that has officially increased to 16,500 (plus or minus). The population increase is attributed to the approximately 3,300 inmates housed in the two State Correction facilities located in the County. Port St. Joe is *the* county seat and has the largest population of the two cities in Gulf County. Wewahitchka is the other city with a population of approximately ~~2,000~~ 1,700, (about 50% the size of Port St. Joe).

The largest employer in Gulf County is the ~~Paper Industry~~ State Corrections System. ~~Eighty~~ Seventy-five percent (80 75%) of the county is classified as agriculture by the County's Comprehensive Growth Management Plan.

Three (3) major roadway arteries (State 22, State 71, and State 30/US 98) carries all traffic into and out of the county.

3.) HAZARD ASSESSMENT

Gulf County has approximately ~~four hundred (400)~~ 3,064 structures in the floodplains of its rivers and coastal shorelines. Losses have been recorded as recently as the 1990, 1994, ~~and~~ 1998 and 2005 Riverine Flooding and 1995, 2001, 2004 and 2005 Hurricane Coastal Flooding.

A. Source of Problem:

For the riverine portion of Gulf County, large amounts of rainfall to the north of Gulf

County, in the northern Florida counties and the state of Georgia is collected in the watershed that feeds the Apalachicola River. Within a matter of several days, local river levels can elevate from readings of 3 - 4 feet to elevations of nearly 30 feet. Structures in the riverine areas were placed for the proximity to the river for recreational purposes. Many are located very near the water's edge, but more importantly, many were built to low elevations, more than likely due to long periods of shallow flooding with disastrous flooding occurring many years apart. For the coastal area, houses are constructed near the water's edge and many were built to low elevations.

B. Flood Data:

FEMA has studied the riverine and coastal areas of Gulf County to a large degree, however some vulnerable areas are still classified as "Unnumbered A Zones" even though there have been several flood map (FIRM) revisions with the latest being 2009. These unstudied areas were identified as (100 year) Floodplains but no other data is available.

C. Recent Flood History:

Records indicate that major riverine flooding occurs on about 10 year intervals, however major flooding has occurred at four (4) year intervals starting in 1990. Approximately the same areas and structures were impacted during the '90, '94, ~~and~~ '98 and 2006 flood events. The 2006 flooding was caused by TS Alberto that stall over the river system in Georgia and caused extreme flooding along the entire system. Also, records show that hurricane activity has occurred on the ten (10) year intervals. Hurricane Eloise caused minor damage in 1975 to coastal structures because of the lack of great numbers of structures. 1985 brought two (2) hurricanes and structural damage due to flooding was higher due to increased coastal building. Hurricane Opal was the greatest of the two (2) 1995 storms and widespread coastal flooding occurred. The County also received damage from Ivan (04), Dennis (05), and Gustav (08), which caused serious impacts to the just completed beach restoration project on Cape San Blas.

4.) PROBLEM ASSESSMENT

A. Buildings:

By the time that the County began participation in the National Flood Insurance Program (NFIP), hundreds of structures had been built in the riverine flood plains and many had been built in the coastal floodplain. Homeowners sought these areas as scenic and secluded, and elevated the structures high enough to accommodate typical flooding, but unfortunately did not elevate high enough to manage the recent high flooding. Although the county has 14 repetitive loss structures, the 1994 and 1998 river flooding each damaged 200+ structures.

B. Critical Facilities:

The majority of the repetitive loss areas do not have critical facilities as in water and wastewater treatment, but the losses along the coastal areas did lose the main waterline

during the 1995 Hurricane event. Since 1995, other tropical events have impacted the water main and the road bed of SR 30E at the Stump Hole which led to concerted effort to protect this area with a hardened berm at considerable expense.

C. Development Trends:

Many houses have been built along the coastline of Gulf County since 1980. If the past ten (10) years is evidence of what to expect in the future, Gulf County can expect to see the coastline ~~highly developed~~ continue to infill vacant land and lots. Trends along the riverine areas is developing at a slower pace, but is still popular.

The single most important tool in avoiding large future losses is the county's Floodplain Management Ordinance. Also, another restriction that is somewhat helpful is the Comprehensive Plan which does limit density to a degree but does not restrict development in the floodplain.

5.) PUBLIC INVOLVEMENT

A. Committee on Hazard Mitigation:

Gulf County Board of County Commissioners appointed a committee in 1994 that would meet jointly with Committee members from the city of Wewahitchka to try to determine how (if possible) that residents of the floodplain could be placed in a safer environment. This committee met on more than one occasion after the County publically notified those with flood damage that possible assistance could be obtained. The committee discussed the floodplain problem and listened to several persons that received damage (both to residences and businesses).

B. Committee Decisions:

The appointed committee recommended to the Board of County Commissioners that if grant funds could be acquired that residents k allowed to apply for assistance to have their structures elevated, relocated or removed from the flood plain. The Commission agreed and did receive a grant from the State, but only for removal. Currently, the county is moving through the acquisition process and is slated to remove thirteen (13) houses from the floodplain and returning the home sites to open space. Since the initial decisions of this committee, their duties have been assumed by the Local Mitigation Strategy (LMS) program.

6.) COORDINATION

After the 1994 severe flooding, the County put in place a Mapping Committee that included county staff and engineers to look at overall County needs in mapping. The committee determined a need to study the West Ann Creek area since the area had not been previously studied by FEMA and since a structure was totaled by flooding, although it was located in an unnumbered "A" zone on the Firm Panel. Also, the committee decided to study the Wetappo Creek Basin since it was common knowledge that the Wetappo Creek would flood the banks with water depths that exceeded the flood level requirements (Height) that is mandated in unnumbered "A" zones. The "A" zones are allowed to have structures placed with the floor a

minimum of 24" above natural grade, and the Wetappo was known to flood to depths of four (4) feet and more over land that was typically dry. The County is still actively pursuing ways to finalize the flood zoning of these and several other areas.

7.) GOALS

The following goals were developed to guide the Flood Plain Management Plan. The goals were reached by the Gulf County Planning/Building Department after Planning/Building Director conferred with the Emergency Management Department and Road Department along with the County Building Official. Current staffing has continued to pursue these goals through the LMS.

- 1.) Properly enforce safeguards for future development in the repetitive loss areas
- 2.) Maintain the current warning methods as necessary to alert residents. (On short notice, this may be Public Announcement systems and with anything more than a limited amount of time Public Service Announcements will be issued).

8.) REVIEW OF POSSIBLE ACTIVITIES

The County Planning/Building Director reviewed a number of floodplain management activities and determined primary categories.

A. Preventive:

Land use planning, open space floodplain regulations, drainage system maintenance and stormwater management.

The more feasible preventive measures are:

- i. Properly regulate future development in the floodplains to lessen damage of flooding.
- ii. Seek avenues of funding to facilitate the elevation of existing, pre-firm houses.

B. Property Protection:

These are activities that are undertaken on a building by building basis. (Activities previewed as follows)

- i. Relocation and Acquisition:

This activity has been utilized and works to a degree. Experience is that a lot of homeowners determine not to participate since the process is not a quick one and since most are located in the flood plain by choice.

- ii. Building Elevation:

This activity is favored by many and is less expensive than relocation or acquisition thereby allowing a program to touch more persons since funding is always an object to contend with.

iii. Insurance:

In spite of being a repetitive loss area, many residents may not know that they can participate in the NFIP. Notice can be made to all residents that program participation is a good way to protect oneself.

C. Natural Resource Protection:

Activities that preserve and protect natural functions of the floodplains were organized.

i. Wetlands:

Wetlands are identified in areas of repetitive losses. Current regulations should be enforced to guarantee the protection of those wetlands.

ii. Water Quality:

The County has contributed nothing to degrade the water quality of the repetitive loss areas.

D. Emergency Management:

Measures taken prior to and during a flood to minimize its impact were discussed during a Hazard Mitigation Strategy meeting. A better river gauge system was discussed and subsequently, additional gauges are sought by the County. Continued advancement in technology has greatly enhance the ability of Emergency Management to manage both warning and recovery phases of a flood event.

E. Structural Projects:

Consultation with the County engineers have resulted in ideas on coastal repetitive loss area protection measures. Any protection measure taken is subject to approval of State and/or Federal agencies.

i. Berm Construction:

Experience is that the berms can help to a degree. Such activity would be accomplished along the line of dune building.

ii. Wave Breaks:

Historically, various types of wave refractories and breaks have worked and have also worked in a negative sense. This would require a degree of engineering.

F. Public Information:

The county ~~implements~~ maintains an information outreach project yearly either through the Emergency Management, ~~Department of~~ Planning, and Building Departments. The ~~projects mention~~ subjects departments use printed materials and the web to reach the public concerning such as flood insurance, flood hazards, property protection and etc. When it comes to hazard warning, the departments will us all available means to reach and advise the public on what protective actions to take.

i. The County ~~Planning~~ Building Department continually provides advice on how to retrofit homes and to otherwise protect them from flooding problems.

9.) ACTION PLAN:

Based on the review of the six (6) categories, it is recommended that the County implement the following flood plain management activities.

A. Base Flood Elevation:

The county should amend its Floodplain Regulations Ordinance by placing a base flood elevation in all unnumbered "A" flood zone areas. This should be done after those areas are reviewed and a recommended Base Flood Elevation is determined. The county is continuing to pursue eliminating unnumbered A Zones with established elevations.

B. Flood Mapping:

The County Flood Mapping Project should be completed. The 1998 flooding produced losses in an area that previously had not been flooded. The Stonemill Creek Basin needs to be studied and Base Flood Elevations need to be determined also, for a long range plan, the County should request FEMA to "Detail Study" additional areas of the county. The County still has concerns on certain areas that failed to be address in recent map revisions.

C. Flood Protection Assistance:

The County ~~Planning and Building office~~ Departments should develop a library of technical advice and information on various retrofitting techniques and other flood protection information. Coordinated meetings have been and should continue to exist to discuss individual flood problems. If possible, the County Building ~~Official~~ staff should attend a Retrofitting course sponsored by FEMA ~~within the next twelve (12) months.~~

D. Flood Protection Materials:

In addition to the technical advice and retrofitting technique information acquired to set up a library, additional copies of FEMA's book "Repairing Your Flooded Home" should be acquired to handout to the repetitive loss persons. In the absence of printed materials, web links to the book will be listed on the Planning Departments web page.

E. Flood Warning and Preparedness:

Installation of the necessary number of river gauges to render a true reading at our riverine communities should be sought. With the acquisition of a "reverse 911 system", flood warning notifications can be targeted to the public as prudent and necessary.

10.) FLOODPLAIN MANAGEMENT MAINTENANCE:

This Floodplain Management Plan will be maintained by the county Planning/~~Building~~ Director or his or her designee. Responsibility will be for overall implementation of the plan and for presenting ~~an the annual update~~ Progress Report to the Board of County Commissioners every September. The update will provide an overview of the ~~past year plan~~ and the progress made over the previous twelve (12) months toward implementing the action items listed in Section 9.

~~Failure to achieve any of the action items by the target date will require t~~The County ~~Planner~~ staff will ~~to report to~~ advise the Board of County Commissioners on ~~why the item was not completed or propose an alternative for achieving it~~ suggested mitigation efforts and changes/updates to NFIP regulations.

ADOPTED THIS 13th DAY OF SEPTEMBER, 2011.

ATTESTED:

GULF COUNTY BOARD OF COUNTY COMISSIONERS

Rebecca L. Norris, Clerk

Warren J. Yeager, Jr., Chairman

NOTICE TO RECEIVE SEALED BIDS
BID NO. 1011-30

10

The Gulf County Board of County Commissioners will receive sealed bids from any person, company or corporation interested in providing the following service:

Construction of Phase IV of the Cape Bike Path Project at Cape San Blas in Gulf County

Response Deadline: September 9, 2011 at 4:30 P.M., E.T.
Bid Opening Date: September 12, 2011 at 10:00 A.M., E.T.

Plans and specifications can be obtained at Preble-Rish, Inc., 324 Marina Drive, Port St. Joe, Florida 32456, (850) 227-7200. The bid must conform to Section 287.133(3) Florida Statutes, on public entity crimes. Cost for Plans and Specifications will be \$50.00 per set and is non-refundable. Checks should be made payable to PREBLE-RISH, INC.

FEDERAL DEBARMENT: This project is federally funded with assistance from the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA). By submitting a bid, the company certifies that no principal (which includes officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any Federal Department or Agency.

RESPONSE PROCEDURE: Qualified bidders must submit the original and three (3) copies of the bid to the Office of the Clerk of Circuit Court, Gulf County Courthouse, 1000 Cecil G. Costin, Sr., Blvd., Room 147, Port St. Joe, FL 32456 by the Response Deadline (September 9, 2011 at 4:30 P.M., E.T.).

FDOT Financial Management Number(s):
412681-3-58-01

Prequalification Requirements:

Contractor must be qualified under Rule, 14-22 Fla. Administrative Code- Work Class(s):

The contractor must be FDOT pre-qualified in the following work classes to submit a bid as a prime contractor: Drainage; Flexible Paving; Grading; Hot Plant-Mix Bituminous.

Technical Questions Should Be Addressed To:

All technical questions must be addressed in writing and emailed to tkopinsky@gulfcounty-fl.gov

Bonding Requirements:

A 5% bid bond will be required from any firm submitting a proposal in excess of \$150,000. For contracts of \$250,000 or more, a performance and payment bond for 100% of the contract amount will be required to be maintained and in effect throughout the life of the contract.

Special Notes:

Advertisement Date: August 18 & 25, 2011

Bids Due Date: September 9, 2011 Time: 4:30 P.M., E.T. (Clerk's Office)

Bid Opening Date: September 12, 2011 Time: 10:00 A.M., E.T.

The original and three (3) copies of the bid must be submitted to the Office of the Clerk of Circuit Court, Gulf County Courthouse, 1000 Cecil G. Costin, Sr. Blvd., Room 147, Port St. Joe, FL 32456 by 4:30 p.m., E.T. on Friday, September 9, 2011. The outside of the envelope should be marked "Sealed Bid #1011-30."

The Gulf County Board of County Commissioners reserves the right to reject any and all bids deemed in the best interest of the County.

**BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA
/s/ Warren J. Yeager, Jr., Chairman**

Advertise: August 18 & 25, 2011 - The News Herald
Ad #2011-64
Invoice: Gulf County BOCC
Ad Size: Legals

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**NOTICE TO RECEIVE SEALED PROPOSALS
PROPOSAL #1011-31**

The Gulf County Board of County Commissioners is seeking professional consultant services for Construction Engineering Inspection on Phase IV of the Cape Bike Path Project.

Response Deadline: September 2, 2011 at 4:30 p.m., E.T.
Bid Opening Date: September 6, 2011 at 10:00 a.m., E.T.

CONSULTANT ELIGIBILITY: It is a basic tenet of the County's contracting program that contracts are procured in a fair, open, and competitive manner. By submitting a Letter of Response, the Consultant certifies that they and any proposed sub-consultants are in compliance with FDOT Procedure No. 375-030-006, "Restriction on Consultants Eligibility to Compete for Department Contracts". This procedure is available on FDOT's Web Site. This project is located on the State Highway System and the consultant shall be FDOT prequalified in Work Type 10.1 – Roadway Construction Engineering Inspection.

FEDERAL DEBARMENT: By submitting a Letter of Response, the consultant certifies that no principal (which includes officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any Federal Department or Agency.

RESPONSE PROCEDURE: Qualified consultants are encouraged to **submit the original and three (3) copies of the letter of response to the Office of the Clerk of Circuit Court, Gulf County Courthouse, 1000 Cecil G. Costin, Sr., Blvd., Room 147, Port St. Joe, FL 32456 by the Response Deadline (September 2, 2011 at 4:30 P.M., E.T.).** Letters of Response are limited to five pages for this project.

Letters of Response should, at a minimum, include the following information:

- a. Project Name/DOT Financial Management Number: **412681-3-58-01 (Phase IV)**
- b. Consultant's name and address
- c. Proposed responsible office for consultant
- d. Contact person, phone number and Internet Email Address
- e. Statement regarding previous experience of consultant or sub-consultants in advertised type of work
- f. Proposed key personnel (including sub-consultants) and their proposed roles (do not include resumes)
- g. Project awareness and approach
- h. Indication as to whether the prime firm and/or sub-consultants are disadvantaged business enterprises (DBE)
- i. The outside of the envelope should be marked with "Sealed Proposal #1011-31."

SELECTION PROCEDURE: Selection will be made directly from Letters of Response for this project. After ranking of the consultants, the contract fee will be negotiated in accordance with Section 287.055, Florida Statutes.

Note: The final selection date and time is provided in this advertisement. Any other meetings will be noticed on the Gulf County Web Site. All public meetings will be held in the Gulf County Commissioners Chambers in the Robert M. Moore Administration Building, 1000 Cecil G. Costin, Sr. Blvd., Port St. Joe, FL 32456. Changes to meeting dates and times will be updated on the Gulf County Web Site. In order to ensure a fair, competitive, and open process, once a project is advertised for Letters of Response or Letters of Qualification, all communications between interested firms and the County must be directed to Towan Kopinsky, Grant Administrator at (850) 229-6144.

The Gulf County Board of County Commissioners hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprise will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, gender, religion, age, disability, marital status or national origin in consideration for an award.

This project is federally funded with assistance from the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA).

The Gulf County Board of County Commissioners reserves the right to reject any and all proposals deemed in the best interest of the County.

**BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA
/s/ Warren J. Yeager, Jr. - Chairman**

Advertise: The News Herald – August 18 & 25, 2011
Ad #2011-65
Invoice: Gulf County BOCC
Ad Size: Legals

BOARD OF COUNTY COMMISSIONERS,
GULF COUNTY, FLORIDA
REQUEST FOR QUALIFICATIONS
For FEDERAL LOBBYIST
RFP NO: 1011-32

13

The Gulf County Board of County Commissioners is requesting statements of qualifications from any qualified person or firm interested in contracting with Gulf County who has experience in federal lobbying services regarding CBRA and FEMA issues.

Qualifications must be submitted to the Gulf County Clerk of Court, Gulf County Courthouse, Room 148, 1000 Cecil G. Costin Sr., Blvd., Port St. Joe, Florida, 32456 no later than Monday, August 22, 2011, at 4:00 p.m., E.T. Submissions should be in a sealed envelope marked "Lobbyist" and "Name of Person or Firm". Bids will be opened at the same location at 10:00 a.m., E.T., on Tuesday, August 23, 2011.

At a minimum, qualifications required by the GCBOCC for provider(s) are as follows:

- One (1) original and seven(7) copies of the response to the RFQ must be submitted
- Submittal must be signed by the person or authorized person (if a firm submits).
- Submittal must include at a minimum:
 - Name, address, telephone number of the person or firm submitting qualifications.
 - Qualifications, certifications and educational professional resume(s) of all persons that would provide services under this contract.
 - A straight-forward, concise description of capabilities.
 - References:

INQUIRIES AND INTERPRETATIONS:

Responses to inquiries which affect an interpretation or change to the RFQ will be posted on the Gulf County Website (www.gulfcounty-fl.gov) under the Forms and Documents tab/Bid Specifications) as an addendum/additional information letter. Respondents will not be notified of additional information/addenda posting.

The Gulf County Board of County Commissioners reserves the right to reject any or all bids deemed in the best interest of the County.

GULF COUNTY
BOARD OF COUNTY COMMISSIONERS

Attest: /s/ Rebecca L. Norris, Clerk

By: /s/ Warren J. Yeager, Jr., Chairman

Ad Date: August 17, 2011
Ad #2011-66
Publish in Legals in the News Herald
Invoice: Gulf County BOCC

13



FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Rick Scott, Governor

Wansley Walters, Secretary

July 28, 2011

Don Butler, County Administrator
Gulf County
1000 Cecil G. Gostin Sr. Boulevard
Room 302
Port St. Joe, Florida 32546

2011/08/17 11:09 AM

Dear Mr. Butler:

Beginning in the State's fiscal year 2005-06, counties were tasked by the Legislature to contribute financially to the operation of state detention centers. The Legislature determined the funding for the state and the counties at an approximate 20/80 percent split, respectively, based on the utilization of detention at that time. The counties were to pay for pre-dispositional days for youth from their county while the State was responsible for the post-disposition days, fiscally constrained counties, and out-of-state youth.

Much has changed in the juvenile justice world since 2005-06. Juvenile crime has decreased significantly. Referrals to the Department and overall detention utilization are down, and most counties have experienced a reduction in detention utilization. Progressive counties like Miami-Dade have been proactive with measures to keep youth out of the system unless absolutely necessary. In addition, research now tells us that youth who enter the juvenile justice system have a greater likelihood to return in the future.

The Department is working to reduce detention stays. Just this year legislation was passed that requires all counties to have a civil citation process in place that provides first-time misdemeanants an opportunity to avoid a criminal history record upon successful completion. In addition, the agency received \$250,000 for electronic monitoring bracelets that will allow a youth to return home to await an initial court hearing instead of being placed into a detention center. To further divert youth from secure detention, the Annie E. Casey Foundation is working with the Department to pilot the Juvenile Detention Alternative Initiative in four Florida circuits. The Department is also beginning to provide phone call reminders to reduce the number of youth who fail to appear for court and, as a result, are ordered into secure detention.

It is critical that the counties join with the department to develop community based diversion and intervention programs. These programs will reduce the need for secure detention beds, allow the Department to downsize or close detention centers, and realize a savings to the counties due to a reduction in secure detention utilization. This fiscal year the counties collectively realized a 20% reduction in secure detention costs. Most counties will pay less this year for detention than they

INFORMATION
DATE: 8-4-11 DB

2737 Centerview Drive • Tallahassee, Florida 32399-3100 • (850) 488-1850
<http://www.djj.state.fl.us>

have in any prior year. As we continue to divert youth from secure detention, the Department is committed to further reductions in costs.

Many youth are detained on violations of probation, failures to appear, and other miscellaneous court orders as a result of judicial action. These stays are considered pre-dispositional and are the fiscal responsibility of the counties. In some areas, court-ordered detention accounts for up to 70 percent of a county's share of secure detention costs. A huge number of these stays may be avoided by using alternative sanctions and services.

As the Department moves to reform the juvenile justice system, it is important to include our partners in the process to develop solutions and services that will not only reduce costs but improve the lives of our children while keeping Floridians safe. If you have any questions about detention costs for your county please contact Beth Davis at beth.davis@dji.state.fl.us or 850-414-8818.

Sincerely,



Wansley Walters, Secretary

cc: Beth Davis, Director, Office of Program Accountability
Julia Strange, Assistant Secretary, Detention Services
Michael McCaffrey, Assistant Secretary, Probation and Community Intervention
Sarrah Carroll, Florida Association of Counties
County Attorney

**Detention Cost Share Reductions to Counties
Fiscal Year 2011-12**

County	Circuit	Paid in 10-11	10-11 % Paid	Billed in 11-12	11-12 % Billed	Reduction 10-11 to 11-12
Escambia	1	\$1,926,753	2.1%	\$1,992,123	2.7%	3.4%
Okaloosa	1	\$1,033,763	1.1%	\$1,257,575	1.7%	21.7%
Santa Rosa	1	\$731,044	0.8%	\$382,615	0.5%	-47.7%
Walton	1	\$156,223	0.2%	\$205,385	0.3%	31.5%
Circuit 1		\$3,847,783	4.2%	\$3,837,698	5.3%	-0.3%
Leon	2	\$1,307,582	1.4%	\$1,070,599	1.5%	-18.1%
Clay	4	\$819,170	0.9%	\$647,918	0.9%	-20.9%
Duval	4	\$6,078,971	6.7%	\$3,943,459	5.4%	-35.1%
Nassau	4	\$212,876	0.2%	\$199,970	0.3%	-6.1%
Circuit 4		\$7,111,017	7.8%	\$4,791,347	6.6%	-32.6%
Citrus	5	\$288,984	0.3%	\$279,020	0.4%	-3.4%
Hernando	5	\$395,708	0.4%	\$596,662	0.8%	50.8%
Lake	5	\$798,569	0.9%	\$722,637	1.0%	-9.5%
Marion	5	\$416,381	0.5%	\$0	0.0%	-100.0%
Sumter	5	\$172,532	0.2%	\$102,512	0.1%	-40.6%
Circuit 5		\$2,072,174	2.3%	\$1,700,831	2.3%	-17.9%
Pasco	6	\$1,743,920	1.9%	\$1,712,381	2.4%	-1.8%
Pinellas	6	\$5,498,713	6.0%	\$4,170,140	5.7%	-24.2%
Circuit 6		\$7,242,633	7.9%	\$5,882,521	8.1%	-18.8%
Flagler	7	\$447,783	0.5%	\$323,779	0.4%	-27.7%
St Johns	7	\$606,867	0.7%	\$343,270	0.5%	-43.4%
Volusia	7	\$3,698,427	4.0%	\$4,273,374	5.9%	15.5%
Circuit 7		\$4,753,077	5.2%	\$4,940,423	6.8%	3.9%
Alachua	8	\$1,576,824	1.7%	\$814,320	1.1%	-48.4%
Orange	9	\$7,234,908	7.9%	\$5,370,684	7.4%	-25.8%
Osceola	9	\$1,395,994	1.5%	\$887,233	1.2%	-36.4%

County	Circuit	Paid in 10-11	10-11 % Paid	Billed in 11-12	11-12 % Billed	Reduction 10-11 to 11-12
Circuit 9		\$8,630,902	9.4%	\$6,257,917	8.6%	-27.5%
Polk	10	\$3,160,515	3.5%	\$3,284,711	4.5%	3.9%
Dade*	11	\$11,137,340	12.2%	\$7,277,621	10.0%	-34.7%
Manatee	12	\$2,159,085	2.4%	\$1,880,227	2.6%	-12.9%
Sarasota	12	\$907,010	1.0%	\$710,003	1.0%	-21.7%
Circuit 12		\$3,066,095	3.4%	\$2,590,230	3.6%	-15.5%
Hillsborough	13	\$7,759,657	8.5%	\$6,011,383	8.3%	-22.5%
Bay*	14	\$1,094,135	1.2%	\$802,769	1.1%	-26.6%
Palm Beach	15	\$5,227,182	5.7%	\$4,046,331	5.6%	-22.6%
Monroe	16	\$400,858	0.4%	\$288,766	0.4%	-28.0%
Broward*	17	\$8,966,811	9.8%	\$6,404,465	8.8%	-28.6%
Brevard*	18	\$3,032,332	3.3%	\$2,289,913	3.2%	-24.5%
Seminole	18	\$2,559,085	2.8%	\$2,420,941	3.3%	-5.4%
Circuit 18		\$5,591,417	6.1%	\$4,710,854	6.5%	-15.7%
Indian River	19	\$509,871	0.6%	\$536,022	0.7%	5.1%
Martin	19	\$543,062	0.6%	\$404,994	0.6%	-25.4%
St Lucie	19	\$2,121,316	2.3%	\$1,263,712	1.7%	-40.4%
Circuit 19		\$3,174,249	3.5%	\$2,204,728	3.0%	-30.5%
Charlotte	20	\$476,967	0.5%	\$558,401	0.8%	17.1%
Collier	20	\$1,732,475	1.9%	\$2,089,221	2.9%	20.6%
Lee	20	\$3,037,482	3.3%	\$3,115,062	4.3%	2.6%
Circuit 20		\$5,246,924	5.7%	\$5,762,684	7.9%	9.8%
Total		\$91,367,175	100.0%	\$72,680,198	100.0%	-20.5%

Kari Summers

From: Marilynblackwel@wmconnect.com
Sent: Tuesday, August 16, 2011 12:17 PM
To: ksummers@gulfclerk.com
Subject: Information Packet

Sorry Karri, below is what I failed to attach to email.

For Immediate Release, August 15, 2011

Contacts: Kevin Bundy, Center for Biological Diversity, (415) 436-9682 x 313

Jonathan Lewis, Clean Air Task Force, (617) 894-3788 Cat McCue, Southern Environmental Law Center, (434) 977-4090 Karen Wood, Conservation Law Foundation, (617) 850-1722 Lawsuit Challenges Clean Air Act Exemption for Biomass Burners WASHINGTON— Conservation groups filed a lawsuit today challenging an Environmental Protection Agency rule that exempts large-scale biomass-burning facilities from carbon dioxide limits under the Clean Air Act for the next three years. The Center for Biological Diversity, Conservation Law Foundation, Georgia ForestWatch, Natural Resources Council of Maine and Wild Virginia are asking the federal Court of Appeals for the District of Columbia Circuit to overturn the carbon dioxide exemption for wood-fired power plants and other “biomass” incinerators.

The EPA’s unlawful rule will cause immediate harm, as it will encourage a rush to build biomass power plants and other facilities without accounting for, or controlling, carbon pollution that contributes to global warming.

“The EPA’s action will in the near term increase carbon dioxide emissions that will persist in the earth’s atmosphere and cause climate damage for more than a century,” said Ann Weeks, an attorney at the Clean Air Task Force who represents Conservation Law Foundation and Natural Resources Council of Maine. “The EPA knows this will occur and is offering up a complete exemption from regulation despite that knowledge.”

“The EPA has no authority to just waive the Clean Air Act for the benefit of politically favored industries, as it has for the forest products and bioenergy industries here,” said Kevin Bundy, senior attorney for the Center for Biological Diversity. “The science is clear: Burning our forests for energy makes no sense as a strategy for dealing with climate change. Widespread biomass development, which the EPA’s illegal exemption aims to facilitate, will undermine our ability to meet critical near-term greenhouse gas reduction goals and further degrade our nation’s forest ecosystems.”

“The South is already seeing a huge uptick in the number of new and retrofitted facilities that will burn woody biomass, which will create increasing pressure to cut native, standing forests for fuel,” said Frank Rambo, head of the Clean Energy and Air Program for the Southern Environmental Law Center, which represents Georgia ForestWatch and Wild Virginia. “While certain types of biomass must be part of our nation’s move to clean, sustainable energy sources, science shows that cutting whole trees often adds to the carbon output.” Recent scientific information indicates that burning biomass – trees, for example – can actually increase global warming pollution, even compared to fossil fuels. According to scientists, nearly all biomass fuels cause at least temporary near-term increases in atmospheric CO2 concentrations, significant amounts of which will persist in the atmosphere and cause climate damage for a century or more. This near-term increase directly undermines efforts to reduce carbon dioxide emissions over the next several years, an effort that is essential to avoid the very worst damage due to climate change. The EPA’s rule, however, grants all facilities burning any biogenic materials a three-year hiatus from having to obtain permits and control their CO2 emissions.

“The EPA is abdicating its regulatory responsibility and writing a blank check to energy companies by allowing massive increases in carbon dioxide from biomass incinerators on the drawing board in Virginia,” said Ernie Reed of Wild Virginia.

"The EPA's duty is to protect American citizens and natural resources from significant risks. We are seeing the growing risks of a changing climate, including increased droughts and floods, tornadoes and record summer temperatures. This rule only delays the EPA from doing its job," said Wayne Jenkins of Georgia ForestWatch.

"Biomass burning is not carbon neutral, and the EPA's action will result not only in excessive greenhouse gas emissions but also unacceptable decreases in forest stocks," said Jonathan Peress of the Conservation Law Foundation. "By ignoring science, the exemption will cause a far greater share of the earth's carbon to be emitted into the atmosphere rather than stored in the forest."

"Biomass energy is and should continue to be an important part of Maine's energy mix," said Dylan Voorhees of the Natural Resources Council of Maine.

"However, it is essential that we use tools like the Clean Air Act to ensure that we use biomass efficiently to minimize pollution, and that ensure our forests are managed sustainably. If we don't, our air, waters and forests will suffer."

Legal Background

The EPA's rule marks a striking about-face for the agency. The agency's "tailoring rule" – the June 2010 regulation in which it spelled out how greenhouse gases would be regulated under Clean Air Act permit programs – treated biogenic and nonbiogenic greenhouse gas emissions similarly. When industry groups challenged this aspect of the tailoring rule, the organizations filing today's lawsuit intervened to defend the EPA's decision. That case, National Alliance of Forest Owners v. EPA (D.C. Cir. Case No. 10-1209), is still pending. The EPA, however, has since reversed course. Earlier this year, the agency improperly granted an industry petition for reconsideration of the tailoring rule, a decision that the organizations filing today's lawsuit challenged in Center for Biological Diversity, et al. v. EPA (D.C. Cir.

Case No. 11-1101). The biomass exemption rule challenged in today's lawsuit is the final outcome of the EPA's reconsideration process.

</HTML>

Information from ESET NOD32 Antivirus, version of virus signature database 6382 (20110816)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Lynn Lanier

From: Commission Clerk [CommissionClerk@psc.state.fl.us]
Sent: Tuesday, August 16, 2011 5:26 PM
Subject: Order or Notice issued by the Public Service Commission (Email ID = 702210)
Attachments: 05807-11.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

2011 AUG 17 10:59 AM

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of demand-side
management plan of Progress Energy Florida,
Inc.

DOCKET NO. 100160-EG
ORDER NO. PSC-11-0347-PAA-EG
ISSUED: August 16, 2011

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION
ORDER MODIFYING AND APPROVING DEMAND-SIDE MANAGEMENT PLAN

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Case Background

As required by the Florida Energy Efficiency and Conservation Act (FEECA), Sections 366.80 through 366.85 and 403.519, Florida Statutes (F.S.), we have adopted annual goals for seasonal peak demand and annual energy consumption for the FEECA Utilities. These include Florida Power & Light Company (FPL), Progress Energy Florida, Inc. (PEF), Tampa Electric Company (TECO), Gulf Power Company (Gulf), Florida Public Utilities Company (FPUC), JEA, and Orlando Utilities Commission (OUC).

Pursuant to Rule 25-17.008, Florida Administrative Code (F.A.C.), in any conservation goal setting proceeding, we require each FEECA utility to submit cost-effectiveness information based on, at a minimum, three tests: (1) the Participants test; (2) the Rate Impact Measure (RIM) test, and (3) the Total Resource Cost (TRC) test. The Participants test measures program cost-effectiveness to the participating customer. The RIM test measures program cost-effectiveness to the utility's overall rate payers, taking into consideration the cost of incentives paid to participating customers and lost revenues due to reduced energy sales that may result in the need for a future rate case. The TRC test measures total net savings on a utility system-wide basis. In past goal setting proceedings, we established conservation goals based primarily on measures that pass both the Participants test and the RIM test.

DOCUMENT NUMBER-DATE

05807 AUG 16 =

FPSC-COMMISSION CLERK

The 2008 Legislative Session resulted in several changes to the FEECA Statutes, and our 2008 goal-setting proceeding was the first implementation of these modifications. By Order No. PSC-09-0855-FOF-EG, issued December 30, 2009, in Docket Number 080408-EG, we established annual numeric goals for summer peak demand, winter peak demand, and annual energy conservation for the period 2010 through 2019, based upon an unconstrained Enhanced-Total Resource test (E-TRC) for the investor-owned utilities (IOUs). The E-TRC test differs from the conventional TRC test by taking into consideration an estimate of additional costs imposed by the potential regulation of greenhouse gas emissions. In addition, the numeric impacts of certain measures with a payback period of two years or less were also included in the goals. Further, the IOUs subject to FEECA were authorized to spend up to 10 percent of their historic expenditures through the Energy Conservation Cost Recovery (ECCR) clause as an annual cap for pilot programs to promote solar water heating (Thermal) and solar photovoltaic (PV) installations.

On January 12, 2010, PEF filed a Motion for Reconsideration of our goal setting decision in Docket No. 080408-EG. Order No. PSC-10-0198-FOF-EG, issued March 31, 2010, granted, in part, PEF's reconsideration which revised PEF's numeric goals to correct a discovery response that caused a double-counting error. On March 30, 2010, PEF filed a petition requesting approval of its Demand-Side Management (DSM) Plan pursuant to Rule 25-17.0021, Florida Administrative Code (F.A.C.) (Docket No. 100160-EG). The Florida Industrial Users Group (FIPUG), White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate), the Southern Alliance for Clean Energy (SACE), the Florida Solar Energy Industry Association (FlaSEIA), and Wal-Mart Stores East, LP, and Sam's East, Inc. (Walmart) were all granted leave to intervene in the proceeding.

On July 14, 2010, SACE filed comments on the FEECA Utilities' DSM Plans. These comments were amended on August 3, 2010, to include comments regarding FPUC. No other intervenors filed comments. On July 28, and August 12, 2010, PEF and Gulf, respectively, filed responses to SACE's comments.

On September 1, 2010, our staff filed a recommendation, noting that the DSM Plan filed by PEF on March 30, 2010, did not meet all annual goals we set for PEF in Order No. PSC-10-0198-FOF-EG. On October 4, 2010, we issued Order No. PSC-10-0605-PAA-EG approving six solar pilot programs but denying the remainder of PEF's petition and directing the Company to modify its DSM Plan to meet the annual goals we originally set. During the discussion at the September 14, 2010, Commission Conference, we also encouraged PEF to provide an alternative DSM Plan to reduce the customer rate impact in addition to the DSM Plan to meet our original goals. Therefore, on November 29, 2010, the Company filed two DSM Plans: an Original Goal Scenario DSM Plan and a Revised Goal DSM Plan. For clarity and ease of reference, the Original Goal Scenario DSM Plan, which features programs designed to meet the full demand and energy savings goals, will be referred to throughout the remainder of this Order as the "Compliance Plan" and the Revised Goal DSM Plan, which has a lower rate impact, but reduced projected savings, will be referred to as the "Rate Mitigation Plan."

On December 22, 2010, SACE filed a letter offering comments on the DSM plans submitted by PEF and several of the other IOUs. The letter references the August 3, 2010, filing by SACE relating to the PEF's initial DSM filing, and updates several issues relating to the Company's new DSM Plans. On April 25, 2011, SACE filed another letter offering similar comments and recommendations with regard to PEF's new DSM Plans filed on November 29, 2010, and FPL's modified and alternate DSM Plans filed March 25, 2011. On May 9, 2011, SACE filed a letter providing its comparison of PEF's proposed DSM plans filed on November 29, 2010, with Progress Energy Carolina's DSM/energy efficiency cost recovery rider application filed on May 2, 2011, with the South Carolina Public Service Commission. We have jurisdiction over this matter pursuant to Sections 366.80 through 366.85, F.S.

PEF's Compliance Plan

As noted above, PEF's initial filing submitted March 30, 2010, was insufficient to meet several of the annual goals in multiple categories. We directed PEF, in Order No. PSC-10-0605-PAA-EG, to file a modified DSM Plan which would comply with the goal-setting Order. However, the Compliance Plan PEF filed on November 29, 2010, still failed to fully meet the goals we established. Specifically, PEF's filing failed to achieve the annual and cumulative summer and winter demand (MW) goals for the commercial sector. Consequently, our staff sent a data request¹ to PEF requesting an explanation for PEF's failure to comply with our Order. PEF responded that it had inadvertently developed the portfolio of commercial programs in the Compliance Plan based upon an estimate of the commercial summer and winter demand (MW) goals "at-the-meter" rather than targeting the actual Commission-established demand goals which are "at-the-generator." This resulted in the assumed commercial demand savings being less than the established demand goals. PEF modified anticipated participation levels for measures within its Better Business program which were sufficient to eliminate the deficiency. With the provision of these modifications, PEF's Compliance Plan satisfies our Order and features programs designed to fully meet the established demand and energy savings goals.

Compliance Plan Programs

PEF's Compliance Plan includes seven residential programs and ten commercial/industrial programs. One of the residential programs, Technical Potential, is new. Three of the commercial/industrial programs are new: Commercial Green Building, Business Energy Saver, and Business Energy Response. Modifications, such as adding new measures, have been made to most of the programs. The status of each program relative to PEF programs currently in effect is indicated in Table 1, below.

¹ Staff's 10th Data Request to PEF, Question Number 1 (a - d), issued December 9, 2010.

Table 1 – Compliance Plan Programs

Program Name	Program Status
Residential Portfolio	
1. Technical Potential	New
2. Home Energy Improvement	Modified
3. Residential New Construction	Modified
4. Neighborhood Energy Saver	Modified
5. Low Income Weatherization Assistance	Modified
6. Home Energy Check	Modified
7. Residential Energy Management	Existing
Commercial/Industrial Portfolio	
1. Business Energy Check	Modified
2. Commercial Green Building	New
3. Business Energy Saver	New
4. Commercial/Industrial New Construction	Modified
5. Better Business	Modified
6. Innovation Incentive	Modified
7. Business Energy Response	New
8. Interruptible Service	Modified
9. Curtailable Service	Modified
10. Standby Generation	Modified
Renewable Portfolio	
1. Qualifying Facilities	Existing
2. Technology Development	Modified

Rate Impact of Compliance Plan

The costs to implement a DSM program consist of administrative expenses, equipment costs, and incentive payments to the participants, all of which are recovered by the Company through its ECCR clause. This clause represents a monthly bill impact to customers as part of the non-fuel cost of energy on their bills. Utility incentive payments, not included in the E-TRC, are recovered through the utility’s ECCR factor and have an immediate impact on customer rates.

ORDER NO. PSC-11-0347-PAA-EG
 DOCKET NO. 100160-EG
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Much like investments in generation, transmission, and distribution, investments in energy efficiency have an immediate rate impact but produce savings over time. Table 2 shows the ECCR Expenditures and Rate Impact on a typical residential customer's bill under the Compliance Plan over ten years. The monthly bill impact of PEF's ECCR factor would range from \$11.28 in 2011 to \$16.52 in 2014, when we are due to revisit the conservation goals as required by Section 366.82(6), F.S.

Table 2 - Estimated Rate Impact of PEF's Compliance Plan Associated with Goals
 (1,200 kWh Residential Bill)

Year	ECCR Component (\$/mo)	Estimated Residential Bill (\$/mo)	Percent of Bill (% Bill)
2010	\$3.24	\$154.58	2.10%
2011	\$11.17	\$162.51	6.88%
2012	\$12.59	\$163.93	7.68%
2013	\$13.31	\$164.65	8.08%
2014	\$14.28	\$165.62	8.62%
2015	\$16.34	\$167.68	9.74%
2016	\$16.20	\$167.54	9.67%
2017	\$16.94	\$168.28	10.06%
2018	\$16.46	\$167.80	9.81%
2019	\$16.20	\$167.54	9.67%

We believe the increase to an average residential customer's monthly bill that would result from implementing PEF's Compliance Plan is disproportionately high and clearly constitutes an undue rate impact on PEF's customers. As will be discussed below, Florida Statutes provide a remedy for addressing such cases of conservation plans having an undue impact on customer rates.

PEF's Rate Mitigation Plan

As mentioned in the case background, due to the significant rate impact associated with the initial filing, we also encouraged PEF to submit an alternative DSM Plan to lessen the rate impact over the planning period. The Company's Rate Mitigation Plan does not project achievement of our approved goals for residential customers. Residential goal achievement is forecast at less than 70 percent for each category, including 64.4 percent for summer peak demand, 69.8 percent for winter peak demand, and 48.8 percent for annual energy. However, goals for commercial/industrial customers are projected to be achieved or exceeded in each category under the Rate Mitigation Plan. Even so, combining the savings from the residential and commercial/industrial categories fails to result in the Rate Mitigation Plan meeting the goals we set.

Mitigation Plan Programs

PEF's Rate Mitigation Plan contains the same programs as the Compliance Plan, except that the Technical Potential program in the residential portfolio has been replaced with three

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PAGE 6

programs. Two of these programs, Residential Lighting and Appliance Recycling, were formerly measures within the Technical Potential program and have simply been converted to stand-alone programs. The third program, Residential Behavior Modification, is a newly designed program which will provide reports to customers that allow them to compare their energy use and consumption patterns with that of neighbors in similar homes.

Rate Impact of Mitigation Plan

As discussed above, the costs to implement a DSM program consist of administrative expenses, equipment costs, and incentive payments to the participants, which are recovered by the Company through its ECCR clause. This clause represents a monthly bill impact to customers as part of the non-fuel cost of energy on their bills. Table 4 shows the ECCR Expenditures and Rate Impact on a typical residential customer's bill under the Rate Mitigation Plan over ten years. Under the Rate Mitigation Plan, the monthly bill impact would range from \$4.73 in 2011 to \$6.13 in 2014, when we are due to revisit the conservation goals as required by Section 366.82(6), F.S.

Table 4 - Estimated Rate Impact of PEF's Rate Mitigation Plan Associated with Goals
(1,200 kWh Residential Bill)

Year	ECCR Component (\$/mo)	Estimated Residential Bill (\$/mo)	Percent of Bill (% Bill)
2010	\$3.24	\$154.58	2.10%
2011	\$4.73	\$156.07	3.03%
2012	\$5.20	\$156.54	3.32%
2013	\$5.67	\$157.01	3.61%
2014	\$6.13	\$157.47	3.89%
2015	\$5.98	\$157.32	3.80%
2016	\$5.66	\$157.00	3.60%
2017	\$5.25	\$156.59	3.35%
2018	\$5.05	\$156.39	3.23%
2019	\$4.92	\$156.26	3.15%

As with our finding regarding PEF's Compliance Plan, discussed above, we believe the increase to an average residential customer's monthly bill that would result from implementing PEF's Rate Mitigation Plan is also high and constitutes an undue rate impact on customers. As will be discussed below, Florida Statutes provide a remedy for addressing such cases of conservation plans having an undue impact on customer rates.

Modification and Approval of Demand-Side Management Plan

Section 366.82(7), Florida Statutes, states as follows:

Following adoption of goals pursuant to subsections (2) and (3), the commission shall require each utility to develop plans and programs to meet the overall goals within its service area. The commission may require modifications or additions to

a utility's plans and programs at any time it is in the public interest consistent with this act. In approving plans and programs for cost recovery, the commission shall have the flexibility to modify or deny plans or programs that would have an undue impact on the costs passed on to customers. . . .

As we noted above, the Compliance Plan filed by PEF is projected to meet the goals we previously established, but at a significant increase in the rates paid by PEF customers. We further noted that PEF's Rate Mitigation Plan is not estimated to meet the goals we established, yet also has a substantial rate increase. After deliberation, we find that both Plans filed by PEF will have an undue impact on the costs passed on to consumers, and that the public interest will be served by requiring modifications to PEF's DSM Plan. Therefore, we hereby determine to exercise the flexibility specifically granted us by statute to modify the Plans and Programs set forth by PEF.

Currently, PEF has an approved Plan as a result of our 2004 goal setting process, and the programs contained in that Plan have yielded significant increases in conservation and decreases in the growth of energy and peak demand. As noted above, both the Compliance Plan and Rate Mitigation Plan substantially rely on these existing Programs, with some modifications, and only a few new programs. We therefore conclude that the Programs currently in effect, even without modification, are likely to continue to increase energy conservation and decrease seasonal peak demand. As further discussed above, the rate impacts of the existing Plan are relatively minor. We find that the Programs currently in effect, contained in PEF's existing Plan, are cost effective and accomplish the intent of the statute. Therefore, exercising the specific authority granted us by Section 366.82(7), F.S., we hereby modify PEF's 2010 Demand-Side Management Plan, such that the DSM Plan shall consist of those programs that are currently in effect today.

We do wish to specifically note that Order No. PSC-10-0605-PAA-EG, while denying the Petition to approve the DSM Plan, did specifically approve six solar pilot programs. Those programs have been implemented to date. Given that they are pilot programs, we believe they should be continued, and reaffirm that provision of Order No. PSC-10-0605-PAA-EG.

Financial Reward or Penalty under Section 366.82(8), Florida Statutes

Section 366.82(8), F.S., gives us the authority to financially reward or penalize a company based on whether its conservation goals are achieved, at our discretion. In Order No. PSC-09-0855-FOF-EG, we concluded that, "[w]e may establish, through a limited proceeding, a financial reward or penalty for a rate-regulated utility based upon the utility's performance in accordance with Section 366.82(8) and (9), F.S."

As a result of our decision to modify PEF's 2010 Plan, we wish to clarify that PEF shall not be eligible for any financial reward pursuant to these statutory sections unless it exceeds the goals set forth in Order No. PSC-09-0855-FOF-EG. Conversely, PEF shall not be subject to any financial penalty unless it fails to achieve the savings projections contained in the existing DSM plan, which is approved and extended today.

Closure of Docket

By our vote today, we have taken action to approve a DSM Plan and continue existing Programs for PEF. If no person whose substantial interests are affected by this proposed agency action files a protest within 21 days of the issuance of this Order, we will issue a Consummating Order, and the docket shall be closed. If a protest is filed within 21 days of the issuance of this Order, however, the docket shall remain open to resolve the protest.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Progress Energy Florida, Inc.'s November 29, 2010, Original Goal Scenario DSM Plan and Revised Goal DSM Plan are not approved as filed. It is further

ORDERED that a Modified DSM Plan, consisting of existing Programs currently in effect, as detailed in the body of this Order, is Approved. It is further

ORDERED that Progress Energy Florida, Inc. shall only be eligible for a financial reward or penalty pursuant to Section 366.82(8) and (9), Florida Statutes as set forth in the body of this Order. It is further

ORDERED that the Solar Pilot Programs approved in Order No. PSC-10-0605-FOF-EG are continued. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that upon the issuance of a Consummating Order, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 16th day of August, 2011.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

LDH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 6, 2011.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.



HELPING HANDS
HAPPY HEARTS!

GULF COUNTY
2011 AUG 16 AM 11:15
GULF COUNTY
COMMISSIONERS

30
St. Joseph Bay Humane Society
1007 Tenth St.
Port St. Joe, FL 32456
850-227-1103 phone
850-227-1191 fax
www.SJBHumaneSociety.org

August 12, 2011

Melody B. Townsend

Shelter Director

Townsend.hsdirector@gmail.com

850-247-9476 mobile

Gulf County Board of County Commissioners
1000 Cecil G. Costin Sr., Blvd.
Port St. Joe, FL 32456-1646

Dear Commissioners:

Thank you for your recent check of \$3,610 and for your ongoing support of the St. Joseph Bay Humane Society.

For your information, our staff and volunteers participated in the Scallop Festival and several dogs and cats were adopted as a result - a very successful day for us!

Thank you again for being a wonderful partner in rescuing the many neglected and homeless animals in our area.

Sincerely,

Melody Townsend
Shelter Director

2011 AUG 17 AM 9:41

INFORMATION
8/23/11 LL

FSC 509 (a) (1)

Section 501 (c) (3)

EIN 59-3487791

Registration# CH14164

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30