



244354

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2022	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 377.814, Florida Statutes, is created to
read:

377.814 Municipal Solid Waste-to-Energy Program.—

(1) CREATION AND PURPOSE OF THE PROGRAM.—The Municipal
Solid Waste-to-Energy Program is created within the department.
The purpose of the program is to provide financial assistance



244354

11 grants and incentive grants to municipal solid waste-to-energy
12 facilities to incentivize the production and sale of energy from
13 municipal solid waste-to-energy facilities while also reducing
14 the amount of waste that would otherwise be disposed of in a
15 landfill.

16 (2) DEFINITIONS.—For purposes of this section, the term:

17 (a) "Department" means the Department of Agriculture and
18 Consumer Services.

19 (b) "Municipal solid waste-to-energy facility" means a
20 publicly owned or government affiliate-owned facility that uses
21 an enclosed device using controlled combustion to thermally
22 break down solid waste to an ash residue that contains little or
23 no combustible material and that produces electricity, steam, or
24 other energy as a result. The term does not include facilities
25 that primarily burn fuels other than solid waste even if such
26 facilities also burn some solid waste as a fuel supplement. The
27 term does not include facilities that primarily burn vegetative,
28 agricultural, or silvicultural wastes, bagasse, clean dry wood,
29 methane or other landfill gas, wood fuel derived from
30 construction or demolition debris, or waste tires, alone or in
31 combination with fossil fuels.

32 (3) FINANCIAL ASSISTANCE GRANT PROGRAM.—The department,
33 subject to appropriation, shall provide annual financial
34 assistance grants to municipal solid waste-to-energy facilities
35 that entered into a power purchase agreement with an electric
36 utility before January 1, 2022, which included capacity and
37 energy payments, and the owner of the municipal solid waste-to-
38 energy facility has entered into a new or amended power purchase
39 agreement that either no longer includes capacity payments or



244354

40 includes capacity and energy payments in an amount less than the
41 total of the capacity and energy payments the municipal solid
42 waste-to-energy facility received under the power purchase
43 agreement entered into before January 1, 2022.

44 (a) To apply for an annual financial assistance grant, the
45 owner of a municipal solid waste-to-energy facility must submit
46 an application to the department. The application must include
47 the name of the applicant's municipal solid waste-to-energy
48 facility, the name of the utility purchasing the electric power
49 from the municipal solid waste-to-energy facility, the total
50 capacity and energy payment the municipal solid waste-to-energy
51 facility received during the last year of the power purchase
52 agreement entered into before January 1, 2022, and the amount of
53 energy delivered to and the total amount paid for such power by
54 an electric utility pursuant to a new or amended power purchase
55 agreement during the preceding state fiscal year.

56 (b) The department shall distribute funds, subject to
57 appropriation, to each qualifying applicant at a rate of 2 cents
58 per kilowatt-hour of electric power purchased by an electric
59 utility during the preceding state fiscal year, not to exceed
60 the difference between the total capacity and energy payment the
61 municipal solid waste-to-energy facility received during the
62 last year of the power purchase agreement entered into before
63 January 1, 2022, and the total of the capacity and energy
64 payment the municipal solid waste-to-energy facility received
65 under a new or amended power purchase agreement during the
66 preceding state fiscal year. To the extent that funds are not
67 available to provide financial assistance to each qualifying
68 applicant for every qualifying kilowatt-hour purchased, the



244354

69 department shall prorate the funds on an equitable basis.

70 (c) The department shall establish a process to verify the
71 amount of electric power purchased from a municipal solid waste-
72 to-energy facility by an electric utility during each preceding
73 state fiscal year. The Public Service Commission shall provide
74 assistance to the department to help verify the information
75 provided pursuant to paragraph (a).

76 (4) INCENTIVE GRANT PROGRAM.—The department, subject to
77 appropriation, shall provide incentive grants to municipal solid
78 waste-to-energy facilities to assist with the planning and
79 designing for constructing, upgrading, or expanding a municipal
80 solid waste-to-energy facility, including necessary legal or
81 administrative expenses.

82 (a) To qualify for an incentive grant, the owner of a
83 municipal solid waste-to-energy facility must apply to the
84 department for funding; provide matching funds on a dollar-for-
85 dollar basis; and demonstrate that the project is cost-
86 effective, permittable, and implementable and complies with s.
87 403.7061.

88 (b) The Department of Environmental Protection shall
89 provide assistance to the department in determining the
90 eligibility of grant applications and establishing requirements
91 to ensure the long-term and efficient operation and maintenance
92 of facilities constructed or expanded under an incentive grant.

93 (c) The department shall perform adequate overview of each
94 grant application and grant award, including technical review,
95 regular inspections, disbursement approvals, and auditing, to
96 implement this section.

97 (d) The department shall require the termination or



244354

98 repayment of incentive grant funds if the department determines
99 that program requirements are not being met.

100 (5) FUNDING.—Funds appropriated for the Municipal Solid
101 Waste-to-Energy Program must first be used for financial
102 assistance grants. Any funds remaining in a state fiscal year
103 after disbursement to all qualifying applicants may be used to
104 fund the incentive grant program.

105 (6) RULES.—The department shall adopt rules to implement
106 and administer this section, including establishing grant
107 application processes for financial assistance grants and
108 incentive grants. The rules shall include application deadlines
109 and establish the supporting documentation necessary to be
110 provided to the department. In adopting rules relating to the
111 financial assistance grant program, the department shall consult
112 the Public Service Commission. In adopting rules for the
113 incentive grant program, the department shall consult the
114 Department of Environmental Protection.

115 Section 2. (1) For the 2022-2023 fiscal year, the sum of
116 \$100 million in recurring funds is appropriated from the General
117 Revenue Fund to the Department of Agriculture and Consumer
118 Services for the Municipal Solid Waste-to-Energy Program, as
119 provided in s. 377.814, Florida Statutes.

120 (2) Notwithstanding s. 216.301, Florida Statutes, and
121 pursuant to s. 216.351, Florida Statutes, funds allocated for
122 the purpose of this section which are not disbursed by June 30
123 of the fiscal year in which the funds are allocated may be
124 carried forward for up to 5 years after the effective date of
125 the original appropriation.

126 Section 3. For the 2022-2023 fiscal year, the sums of



244354

127 \$149,832 in recurring funds and \$9,984 in nonrecurring funds are
128 appropriated from the General Revenue Fund to the Department of
129 Agriculture and Consumer Services, and two full-time equivalent
130 positions with associated salary rate of 80,540 are authorized,
131 for the purpose of implementing this act.

132 Section 4. This act shall take effect July 1, 2022.

133

134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause
137 and insert:

138 A bill to be entitled
139 An act relating to the Municipal Solid Waste-to-Energy
140 Program; creating s. 377.814, F.S.; creating the
141 Municipal Solid Waste-to-Energy Program within the
142 Department of Agriculture and Consumer Services for a
143 specified purpose; defining terms; requiring the
144 department, subject to appropriation, to provide
145 annual financial assistance grants to municipal solid
146 waste-to-energy facilities that meet certain
147 requirements; requiring the department to distribute
148 funds to qualifying applicants based on certain
149 criteria; requiring the department to establish a
150 process to verify the amount of certain electric power
151 purchases; directing the Public Service Commission to
152 provide assistance in verifying grant eligibility;
153 requiring the department, subject to appropriation, to
154 provide incentive grants to municipal solid waste-to-
155 energy facilities to assist with certain costs;



244354

156 specifying requirements for applying for the funding;
157 requiring the Department of Environmental Protection
158 to provide assistance in determining grant eligibility
159 and establishing requirements; requiring the
160 department to perform grant overview; establishing
161 priority for funding for the grants; requiring the
162 Department of Agriculture and Consumer Services to
163 adopt rules; providing appropriations; authorizing the
164 balance of certain unexpended funds to be carried
165 forward for a specified number of years; authorizing
166 positions; providing an effective date.

167
168 WHEREAS, as provided in s. 366.91(1), Florida Statutes, the
169 Legislature has determined that it is in the public interest to
170 promote the development of renewable energy resources in this
171 state, and

172 WHEREAS, under s. 366.91, Florida Statutes, municipal solid
173 waste-to-energy facilities that use biomass as a fuel or energy
174 source are deemed to be producing renewable energy, and

175 WHEREAS, municipal solid waste-to-energy facilities provide
176 a practical and sustainable solution to reducing landfill waste,
177 reducing volume by about 87 percent, and

178 WHEREAS, the Legislature recognizes the benefits that
179 municipal solid waste-to-energy facilities contribute to the
180 state and its local communities, and

181 WHEREAS, the Legislature intends to incentivize the
182 production and sale of energy from municipal solid waste-to-
183 energy facilities through grant programs, NOW, THEREFORE,