



576990

576-03102-22

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

1 A bill to be entitled
2 An act relating to the Municipal Solid Waste-to-Energy
3 Program; creating s. 377.814, F.S.; creating the
4 Municipal Solid Waste-to-Energy Program within the
5 Department of Agriculture and Consumer Services for a
6 specified purpose; defining terms; requiring the
7 department, subject to appropriation, to provide
8 annual financial assistance grants to municipal solid
9 waste-to-energy facilities that meet certain
10 requirements; requiring the department to distribute
11 funds to qualifying applicants based on certain
12 criteria; requiring the department to establish a
13 process to verify the amount of certain electric power
14 purchases; directing the Public Service Commission to
15 provide assistance in verifying grant eligibility;
16 requiring the department, subject to appropriation, to
17 provide incentive grants to municipal solid waste-to-
18 energy facilities to assist with certain costs;
19 specifying requirements for applying for the funding;
20 requiring the Department of Environmental Protection
21 to provide assistance in determining grant eligibility
22 and establishing requirements; requiring the
23 department to perform grant overview; establishing
24 priority for funding for the grants; requiring the
25 Department of Agriculture and Consumer Services to
26 adopt rules; providing appropriations; authorizing the



576990

576-03102-22

27 balance of certain unexpended funds to be carried
28 forward for a specified number of years; authorizing
29 positions; providing an effective date.
30

31 WHEREAS, as provided in s. 366.91(1), Florida Statutes, the
32 Legislature has determined that it is in the public interest to
33 promote the development of renewable energy resources in this
34 state, and

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

38 WHEREAS, municipal solid waste-to-energy facilities provide
39 a practical and sustainable solution to reducing landfill waste,
40 reducing volume by about 87 percent, and

41 WHEREAS, the Legislature recognizes the benefits that
42 municipal solid waste-to-energy facilities contribute to the
43 state and its local communities, and

44 WHEREAS, the Legislature intends to incentivize the
45 production and sale of energy from municipal solid waste-to-
46 energy facilities through grant programs, NOW, THEREFORE,

47
48 Be It Enacted by the Legislature of the State of Florida:
49

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

52 377.814 Municipal Solid Waste-to-Energy Program.—

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



576990

576-03102-22

56 grants and incentive grants to municipal solid waste-to-energy
57 facilities to incentivize the production and sale of energy from
58 municipal solid waste-to-energy facilities while also reducing
59 the amount of waste that would otherwise be disposed of in a
60 landfill.

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

62 (a) "Department" means the Department of Agriculture and
63 Consumer Services.

64 (b) "Municipal solid waste-to-energy facility" means a
65 publicly owned or government affiliate-owned facility that uses
66 an enclosed device using controlled combustion to thermally
67 break down solid waste to an ash residue that contains little or
68 no combustible material and that produces electricity, steam, or
69 other energy as a result. The term does not include facilities
70 that primarily burn fuels other than solid waste even if such
71 facilities also burn some solid waste as a fuel supplement. The
72 term does not include facilities that primarily burn vegetative,
73 agricultural, or silvicultural wastes, bagasse, clean dry wood,
74 methane or other landfill gas, wood fuel derived from
75 construction or demolition debris, or waste tires, alone or in
76 combination with fossil fuels.

77 (3) FINANCIAL ASSISTANCE GRANT PROGRAM.—The department,
78 subject to appropriation, shall provide annual financial
79 assistance grants to municipal solid waste-to-energy facilities
80 that entered into a power purchase agreement with an electric
81 utility before January 1, 2022, which included capacity and
82 energy payments, and the owner of the municipal solid waste-to-
83 energy facility has entered into a new or amended power purchase
84 agreement that either no longer includes capacity payments or



576990

576-03102-22

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

89 (a) To apply for an annual financial assistance grant, the
90 owner of a municipal solid waste-to-energy facility must submit
91 an application to the department. The application must include
92 the name of the applicant's municipal solid waste-to-energy
93 facility, the name of the utility purchasing the electric power
94 from the municipal solid waste-to-energy facility, the total
95 capacity and energy payment the municipal solid waste-to-energy
96 facility received during the last year of the power purchase
97 agreement entered into before January 1, 2022, and the amount of
98 energy delivered to and the total amount paid for such power by
99 an electric utility pursuant to a new or amended power purchase
100 agreement during the preceding state fiscal year.

101 (b) The department shall distribute funds, subject to
102 appropriation, to each qualifying applicant at a rate of 2 cents
103 per kilowatt-hour of electric power purchased by an electric
104 utility during the preceding state fiscal year, not to exceed
105 the difference between the total capacity and energy payment the
106 municipal solid waste-to-energy facility received during the
107 last year of the power purchase agreement entered into before
108 January 1, 2022, and the total of the capacity and energy
109 payment the municipal solid waste-to-energy facility received
110 under a new or amended power purchase agreement during the
111 preceding state fiscal year. To the extent that funds are not
112 available to provide financial assistance to each qualifying
113 applicant for every qualifying kilowatt-hour purchased, the



576990

576-03102-22

114 department shall prorate the funds on an equitable basis.

115 (c) The department shall establish a process to verify the
116 amount of electric power purchased from a municipal solid waste-
117 to-energy facility by an electric utility during each preceding
118 state fiscal year. The Public Service Commission shall provide
119 assistance to the department to help verify the information
120 provided pursuant to paragraph (a).

121 (4) INCENTIVE GRANT PROGRAM.—The department, subject to
122 appropriation, shall provide incentive grants to municipal solid
123 waste-to-energy facilities to assist with the planning and
124 designing for constructing, upgrading, or expanding a municipal
125 solid waste-to-energy facility, including necessary legal or
126 administrative expenses.

127 (a) To qualify for an incentive grant, the owner of a
128 municipal solid waste-to-energy facility must apply to the
129 department for funding; provide matching funds on a dollar-for-
130 dollar basis; and demonstrate that the project is cost-
131 effective, permittable, and implementable and complies with s.
132 403.7061.

133 (b) The Department of Environmental Protection shall
134 provide assistance to the department in determining the
135 eligibility of grant applications and establishing requirements
136 to ensure the long-term and efficient operation and maintenance
137 of facilities constructed or expanded under an incentive grant.

138 (c) The department shall perform adequate overview of each
139 grant application and grant award, including technical review,
140 regular inspections, disbursement approvals, and auditing, to
141 implement this section.

142 (d) The department shall require the termination or



576990

576-03102-22

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

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

150 (6) RULES.—The department shall adopt rules to implement
151 and administer this section, including establishing grant
152 application processes for financial assistance grants and
153 incentive grants. The rules shall include application deadlines
154 and establish the supporting documentation necessary to be
155 provided to the department. In adopting rules relating to the
156 financial assistance grant program, the department shall consult
157 the Public Service Commission. In adopting rules for the
158 incentive grant program, the department shall consult the
159 Department of Environmental Protection.

160 Section 2. (1) For the 2022-2023 fiscal year, the sum of
161 \$100 million in recurring funds is appropriated from the General
162 Revenue Fund to the Department of Agriculture and Consumer
163 Services for the Municipal Solid Waste-to-Energy Program, as
164 provided in s. 377.814, Florida Statutes.

165 (2) Notwithstanding s. 216.301, Florida Statutes, and
166 pursuant to s. 216.351, Florida Statutes, funds allocated for
167 the purpose of this section which are not disbursed by June 30
168 of the fiscal year in which the funds are allocated may be
169 carried forward for up to 5 years after the effective date of
170 the original appropriation.

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



576990

576-03102-22

172 \$149,832 in recurring funds and \$9,984 in nonrecurring funds are
173 appropriated from the General Revenue Fund to the Department of
174 Agriculture and Consumer Services, and two full-time equivalent
175 positions with associated salary rate of 80,540 are authorized,
176 for the purpose of implementing this act.

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