

By the Committee on Appropriations; and Senator Albritton

576-03238-22

20221764c1

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; prohibiting  
24      funds from being used for specified purposes;  
25      establishing priority for funding for the grants;  
26      requiring the Department of Agriculture and Consumer  
27      Services to adopt rules; providing appropriations;  
28      authorizing the balance of certain unexpended funds to  
29      be carried forward for a specified number of years;

576-03238-22

20221764c1

30 authorizing positions; providing an effective date.

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

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

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

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

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

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

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

53 377.814 Municipal Solid Waste-to-Energy Program.—

54 (1) CREATION AND PURPOSE OF THE PROGRAM.—The Municipal  
55 Solid Waste-to-Energy Program is created within the department.  
56 The purpose of the program is to provide financial assistance  
57 grants and incentive grants to municipal solid waste-to-energy  
58 facilities to incentivize the production and sale of energy from

576-03238-22

20221764c1

59 municipal solid waste-to-energy facilities while also reducing  
60 the amount of waste that would otherwise be disposed of in a  
61 landfill.

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

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

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

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

576-03238-22

20221764c1

88 waste-to-energy facility received under the power purchase  
89 agreement entered into before January 1, 2022.

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

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

116 (c) The department shall establish a process to verify the

576-03238-22

20221764c1

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

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

128 (a) To qualify for an incentive grant, the owner of a  
129 municipal solid waste-to-energy facility must apply to the  
130 department for funding; provide matching funds on a dollar-for-  
131 dollar basis; and demonstrate that the project is cost-  
132 effective, permittable, and implementable and complies with s.  
133 403.7061.

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

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

143 (d) Funds awarded under the incentive grant program may not  
144 be used to promote, establish, or convert a residential  
145 collection system that does not provide for the separate

576-03238-22

20221764c1

146 collection of residential solid waste from recovered materials  
147 as defined in s. 403.703.

148 (e) The department shall require the termination or  
149 repayment of incentive grant funds if the department determines  
150 that program requirements are not being met.

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

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

166 Section 2. (1) For the 2022-2023 fiscal year, the sum of  
167 \$100 million in recurring funds is appropriated from the General  
168 Revenue Fund to the Department of Agriculture and Consumer  
169 Services for the Municipal Solid Waste-to-Energy Program, as  
170 provided in s. 377.814, Florida Statutes.

171 (2) Notwithstanding s. 216.301, Florida Statutes, and  
172 pursuant to s. 216.351, Florida Statutes, funds allocated for  
173 the purpose of this section which are not disbursed by June 30  
174 of the fiscal year in which the funds are allocated may be

576-03238-22

20221764c1

175 carried forward for up to 5 years after the effective date of  
176 the original appropriation.

177 Section 3. For the 2022-2023 fiscal year, the sums of  
178 \$149,832 in recurring funds and \$9,984 in nonrecurring funds are  
179 appropriated from the General Revenue Fund to the Department of  
180 Agriculture and Consumer Services, and two full-time equivalent  
181 positions with associated salary rate of 80,540 are authorized,  
182 for the purpose of implementing this act.

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