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1
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 authorizing the balance of certain unexpended funds to
27 be carried forward for a specified number of years;
28 requiring the Department of Agriculture and Consumer
29 Services to adopt rules; providing an effective date.

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

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

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

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

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

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

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 grants and incentive grants to municipal solid waste-to-energy facilities to incentivize the production and sale of energy from municipal solid waste-to-energy facilities while also reducing

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

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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
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-

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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) Funds awarded under the incentive grant program may not
143 be used to promote, establish, or convert a residential
144 collection system that does not provide for the separate
145 collection of residential solid waste from recovered materials

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146 as defined in s. 403.703.

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

150 (5) FUNDING.—

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

156 (b) Funds awarded under the grant programs set forth in
157 this section may not be used to support, subsidize, or enable
158 the sale of electric power generated by a municipal solid waste-
159 to-energy facility to any small electric utility eligible to
160 petition the commission under s. 366.06(4).

161 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
162 funds allocated for the purpose of this section which are not
163 disbursed by June 30 of the fiscal year in which the funds are
164 allocated may be carried forward for up to 5 years after the
165 effective date of the original appropriation.

166 (6) RULES.—The department shall adopt rules to implement
167 and administer this section, including establishing grant
168 application processes for financial assistance grants and
169 incentive grants. The rules shall include application deadlines
170 and establish the supporting documentation necessary to be
171 provided to the department. In adopting rules relating to the
172 financial assistance grant program, the department shall consult
173 the Public Service Commission. In adopting rules for the
174 incentive grant program, the department shall consult the

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175 Department of Environmental Protection.

176 Section 2. This act shall take effect July 1, 2022.