

By Senator Torres

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1 A bill to be entitled
2 An act relating to the Municipal Solid Waste-to-Energy
3 Program; amending s. 377.814, F.S.; revising the state
4 agency responsible for administering the Municipal
5 Solid Waste-to-Energy Program; revising the
6 requirements necessary for municipal solid waste-to-
7 energy facilities to be eligible to receive financial
8 assistance and incentive grant funding; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 377.814, Florida Statutes, is amended to
14 read:

15 377.814 Municipal Solid Waste-to-Energy Program.—

16 (1) CREATION AND PURPOSE OF THE PROGRAM.—The Municipal
17 Solid Waste-to-Energy Program is created within the department.
18 The purpose of the program is to provide financial assistance
19 grants and incentive grants to municipal solid waste-to-energy
20 facilities to incentivize the production and sale of energy from
21 municipal solid waste-to-energy facilities while also reducing
22 the amount of waste that would otherwise be disposed of in a
23 landfill.

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

25 (a) "Department" means the Department of Environmental
26 Protection ~~Agriculture and Consumer Services~~.

27 (b) "Municipal solid waste-to-energy facility" means a
28 publicly owned facility that uses an enclosed device using
29 controlled combustion to thermally break down solid waste to an

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30 ash residue that contains little or no combustible material and
31 that produces electricity, steam, or other energy as a result.
32 The term does not include facilities that primarily burn fuels
33 other than solid waste even if such facilities also burn some
34 solid waste as a fuel supplement. The term also does not include
35 facilities that primarily burn vegetative, agricultural, or
36 silvicultural wastes, bagasse, clean dry wood, methane or other
37 landfill gas, wood fuel derived from construction or demolition
38 debris, or waste tires, alone or in combination with fossil
39 fuels.

40 (3) FINANCIAL ASSISTANCE GRANT PROGRAM.—The department,
41 subject to appropriation, shall provide annual financial
42 assistance grants to municipal solid waste-to-energy facilities
43 that entered into a power purchase agreement with an electric
44 utility before January 1, 2022, which included capacity and
45 energy payments, and the owner of the municipal solid waste-to-
46 energy facility has entered into a new or amended power purchase
47 agreement that either no longer includes capacity payments or
48 includes capacity and energy payments in an amount less than the
49 total of the capacity and energy payments the municipal solid
50 waste-to-energy facility received under the power purchase
51 agreement entered into before January 1, 2022.

52 (a) To apply for an annual financial assistance grant, the
53 owner of a municipal solid waste-to-energy facility must submit
54 an application to the department. The application must include
55 the name of the applicant's municipal solid waste-to-energy
56 facility, the name of the utility purchasing the electric power
57 from the municipal solid waste-to-energy facility, the total
58 capacity and energy payment the municipal solid waste-to-energy

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59 facility received during the last year of the power purchase
60 agreement entered into before January 1, 2022, and the amount of
61 energy delivered to and the total amount paid for such power by
62 an electric utility pursuant to a new or amended power purchase
63 agreement during the preceding state fiscal year.

64 (b) Beginning July 1, 2024, before a municipal solid waste-
65 to-energy facility may receive financial assistance grant
66 funding, the Office of Air Monitoring must measure the air
67 quality and particulate matter in all environmental justice
68 zones located within 25 miles of the facility. An applicant is
69 not eligible for grant funding under this program if the results
70 of the measurements do not meet the minimum standards for air
71 quality and particulate matter set by the United States
72 Environmental Protection Agency. After the department has
73 determined the applicants whose facilities meet the minimum air
74 quality and particulate matter standards, it ~~the department~~
75 shall distribute funds, subject to appropriation, to each
76 qualifying applicant at a rate of 2 cents per kilowatt-hour of
77 electric power purchased by an electric utility during the
78 preceding state fiscal year, not to exceed the difference
79 between the total capacity and energy payment the municipal
80 solid waste-to-energy facility received during the last year of
81 the power purchase agreement entered into before January 1,
82 2022, and the total of the capacity and energy payment the
83 municipal solid waste-to-energy facility received under a new or
84 amended power purchase agreement during the preceding state
85 fiscal year. To the extent that funds are not available to
86 provide financial assistance to each qualifying applicant for
87 every qualifying kilowatt-hour purchased, the department shall

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88 prorate the funds on an equitable basis.

89 (c) The department shall establish a process to verify the
90 amount of electric power purchased from a municipal solid waste-
91 to-energy facility by an electric utility during each preceding
92 state fiscal year. The Public Service Commission shall provide
93 assistance to the department to help verify the information
94 provided pursuant to paragraph (a).

95 (4) INCENTIVE GRANT PROGRAM.—The department, subject to
96 appropriation, shall provide incentive grants to municipal solid
97 waste-to-energy facilities to assist with the planning and
98 designing for constructing, upgrading, or expanding a municipal
99 solid waste-to-energy facility, including necessary legal or
100 administrative expenses. Beginning July 1, 2024, the department
101 may not provide grant funding for a solid waste-to-energy
102 facility until an environmental justice evaluation of impacted
103 low-income and historically marginalized residential areas has
104 determined that the new facility will have a negligible impact
105 on these communities and will not decrease the air quality or
106 increase the particulate matter to a point that exceeds the
107 minimum standards set by the United States Environmental
108 Protection Agency.

109 (a) To qualify for an incentive grant, the owner of a
110 municipal solid waste-to-energy facility must apply to the
111 department for funding; provide matching funds on a dollar-for-
112 dollar basis; and demonstrate that the project is cost-
113 effective, permittable, and implementable and complies with s.
114 403.7061.

115 (b) The Department of Agriculture and Consumer Services
116 ~~Department of Environmental Protection~~ shall provide assistance

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117 to the department in determining the eligibility of grant
118 applications and establishing requirements to ensure the long-
119 term and efficient operation and maintenance of facilities
120 constructed or expanded under an incentive grant.

121 (c) The department shall perform adequate overview of each
122 grant application and grant award, including technical review,
123 regular inspections, disbursement approvals, and auditing, to
124 implement this section.

125 (d) Funds awarded under the incentive grant program may not
126 be used to promote, establish, or convert a residential
127 collection system that does not provide for the separate
128 collection of residential solid waste from recovered materials
129 as defined in s. 403.703.

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

133 (5) FUNDING.—

134 (a) Funds appropriated for the Municipal Solid Waste-to-
135 Energy Program must first be used for financial assistance
136 grants. Any funds remaining in a state fiscal year after
137 disbursement to all qualifying applicants may be used to fund
138 the incentive grant program.

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

144 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
145 funds allocated for the purpose of this section which are not

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146 disbursed by June 30 of the fiscal year in which the funds are
147 allocated may be carried forward for up to 5 years after the
148 effective date of the original appropriation.

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

160 Section 2. This act shall take effect July 1, 2024.