



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

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

29 (b) "Municipal solid waste-to-energy facility" means a  
 30 publicly owned facility that uses an enclosed device using  
 31 controlled combustion to thermally break down solid waste to an  
 32 ash residue that contains little or no combustible material and  
 33 that produces electricity, steam, or other energy as a result.  
 34 The term does not include facilities that primarily burn fuels  
 35 other than solid waste even if such facilities also burn some  
 36 solid waste as a fuel supplement. The term also does not include  
 37 facilities that primarily burn vegetative, agricultural, or  
 38 silvicultural wastes, bagasse, clean dry wood, methane or other  
 39 landfill gas, wood fuel derived from construction or demolition  
 40 debris, or waste tires, alone or in combination with fossil  
 41 fuels.

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

51 total of the capacity and energy payments the municipal solid  
52 waste-to-energy facility received under the power purchase  
53 agreement entered into before January 1, 2022.

54 (a) To apply for an annual financial assistance grant, the  
55 owner of a municipal solid waste-to-energy facility must submit  
56 an application to the department. The application must include  
57 the name of the applicant's municipal solid waste-to-energy  
58 facility, the name of the utility purchasing the electric power  
59 from the municipal solid waste-to-energy facility, the total  
60 capacity and energy payment the municipal solid waste-to-energy  
61 facility received during the last year of the power purchase  
62 agreement entered into before January 1, 2022, and the amount of  
63 energy delivered to and the total amount paid for such power by  
64 an electric utility pursuant to a new or amended power purchase  
65 agreement during the preceding state fiscal year.

66 (b) Beginning July 1, 2024, before a municipal solid  
67 waste-to-energy facility may receive financial assistance grant  
68 funding, the Office of Air Monitoring must measure the air  
69 quality and particulate matter in all environmental justice  
70 zones located within 25 miles of the facility. An applicant is  
71 not eligible for grant funding under this program if the results  
72 of the measurements do not meet the minimum standards for air  
73 quality and particulate matter set by the United States  
74 Environmental Protection Agency. After the department has  
75 determined the applicants whose facilities meet the minimum air

76 quality and particulate matter standards, it ~~the department~~  
77 shall distribute funds, subject to appropriation, to each  
78 qualifying applicant at a rate of 2 cents per kilowatt-hour of  
79 electric power purchased by an electric utility during the  
80 preceding state fiscal year, not to exceed the difference  
81 between the total capacity and energy payment the municipal  
82 solid waste-to-energy facility received during the last year of  
83 the power purchase agreement entered into before January 1,  
84 2022, and the total of the capacity and energy payment the  
85 municipal solid waste-to-energy facility received under a new or  
86 amended power purchase agreement during the preceding state  
87 fiscal year. To the extent that funds are not available to  
88 provide financial assistance to each qualifying applicant for  
89 every qualifying kilowatt-hour purchased, the department shall  
90 prorate the funds on an equitable basis.

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

97 (4) INCENTIVE GRANT PROGRAM.—The department, subject to  
98 appropriation, shall provide incentive grants to municipal solid  
99 waste-to-energy facilities to assist with the planning and  
100 designing for constructing, upgrading, or expanding a municipal

101 solid waste-to-energy facility, including necessary legal or  
102 administrative expenses. Beginning July 1, 2024, the department  
103 may not provide grant funding for a solid waste-to-energy  
104 facility until an environmental justice evaluation of impacted  
105 low-income and historically marginalized residential areas has  
106 determined that the new facility will have a negligible impact  
107 on these communities and will not decrease the air quality or  
108 increase the particulate matter to a point that exceeds the  
109 minimum standards set by the United States Environmental  
110 Protection Agency.

111 (a) To qualify for an incentive grant, the owner of a  
112 municipal solid waste-to-energy facility must apply to the  
113 department for funding; provide matching funds on a dollar-for-  
114 dollar basis; and demonstrate that the project is cost-  
115 effective, permittable, and implementable and complies with s.  
116 403.7061.

117 (b) The Department of Agriculture and Consumer Services  
118 ~~Department of Environmental Protection~~ shall provide assistance  
119 to the department in determining the eligibility of grant  
120 applications and establishing requirements to ensure the long-  
121 term and efficient operation and maintenance of facilities  
122 constructed or expanded under an incentive grant.

123 (c) The department shall perform adequate overview of each  
124 grant application and grant award, including technical review,  
125 regular inspections, disbursement approvals, and auditing, to

126 | implement this section.

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

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

135 |       (5) FUNDING.—

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

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

146 |       (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
147 | funds allocated for the purpose of this section which are not  
148 | disbursed by June 30 of the fiscal year in which the funds are  
149 | allocated may be carried forward for up to 5 years after the  
150 | effective date of the original appropriation.

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

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