

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Tourism, Infrastructure &
2 Energy Subcommittee
3 Representative Mariano offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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
the amount of waste that would otherwise be disposed of in a

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17 landfill.

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

19 (a) "Department" means the Department of Agriculture and
20 Consumer Services.

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

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

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

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

58 (b) The department shall distribute funds, subject to
59 appropriation, to each qualifying applicant at a rate of 2 cents
60 per kilowatt-hour of electric power purchased by an electric
61 utility during the preceding state fiscal year, not to exceed
62 the difference between the total capacity and energy payment the
63 municipal solid waste-to-energy facility received during the
64 last year of the power purchase agreement entered into before
65 January 1, 2022, and the total of the capacity and energy
66 payment the municipal solid waste-to-energy facility received
67 under a new or amended power purchase agreement during the
68 preceding state fiscal year. To the extent that funds are not

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69 available to provide financial assistance to each qualifying
70 applicant for every qualifying kilowatt-hour purchased, the
71 department shall prorate the funds on an equitable basis.

72 (c) The department shall establish a process to verify the
73 amount of electric power purchased from a municipal solid waste-
74 to-energy facility by an electric utility during each preceding
75 state fiscal year. The Public Service Commission shall provide
76 assistance to the department to help verify the information
77 provided pursuant to paragraph (a).

78 (4) INCENTIVE GRANT PROGRAM.—The department, subject to
79 appropriation, shall provide incentive grants to municipal solid
80 waste-to-energy facilities to assist with the planning and
81 designing for constructing, upgrading, or expanding a municipal
82 solid waste-to-energy facility, including necessary legal or
83 administrative expenses.

84 (a) To qualify for an incentive grant, the owner of a
85 municipal solid waste-to-energy facility must apply to the
86 department for funding; provide matching funds on a dollar-for-
87 dollar basis; and demonstrate that the project is cost-
88 effective, permittable, and implementable and complies with s.
89 403.7061.

90 (b) The Department of Environmental Protection shall
91 provide assistance to the department in determining the
92 eligibility of grant applications and establishing requirements
93 to ensure the long-term and efficient operation and maintenance
94 of facilities constructed or expanded under an incentive grant.

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95 (c) The department shall perform adequate overview of each
96 grant application and grant award, including technical review,
97 regular inspections, disbursement approvals, and auditing, to
98 implement this section.

99 (d) The department shall require the termination or
100 repayment of incentive grant funds if the department determines
101 that program requirements are not being met.

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

107 (6) RULES.—The department shall adopt rules to implement
108 and administer this section, including establishing grant
109 application processes for financial assistance grants and
110 incentive grants. The rules shall include application deadlines
111 and establish the supporting documentation necessary to be
112 provided to the department. In adopting rules relating to the
113 financial assistance grant program, the department shall consult
114 the Public Service Commission. In adopting rules for the
115 incentive grant program, the department shall consult the
116 Department of Environmental Protection.

117 Section 2. (1) For the 2022-2023 fiscal year, the sum of
118 \$100 million in recurring funds is appropriated from the General
119 Revenue Fund to the Department of Agriculture and Consumer
120 Services for the Municipal Solid Waste-to-Energy Program, as

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121 provided in s. 377.814, Florida Statutes.

122 (2) Notwithstanding s. 216.301, Florida Statutes, and
123 pursuant to s. 216.351, Florida Statutes, funds allocated for
124 the purpose of this section which are not disbursed by June 30
125 of the fiscal year in which the funds are allocated may be
126 carried forward for up to 5 years after the effective date of
127 the original appropriation.

128 Section 3. For the 2022-2023 fiscal year, the sums of
129 \$149,832 in recurring funds and \$9,984 in nonrecurring funds are
130 appropriated from the General Revenue Fund to the Department of
131 Agriculture and Consumer Services, and two full-time equivalent
132 positions with associated salary rate of 80,540 are authorized,
133 for the purpose of implementing this act.

134 Section 4. This act shall take effect July 1, 2022.
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137 **T I T L E A M E N D M E N T**

138 Remove everything before the enacting clause and insert:

139 An act relating to financial assistance for municipal
140 solid waste-to-energy facilities; creating s. 377.814,
141 F.S.; creating the Municipal Solid Waste-to-Energy
142 Program within the Department of Agriculture and
143 Consumer Services for a specified purpose; defining
144 terms; requiring the department, subject to
145 appropriation, to provide annual financial assistance
146 grants to municipal solid waste-to-energy facilities

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147 that meet certain requirements; requiring the
148 department to distribute funds to qualifying
149 applicants based on certain criteria; requiring the
150 department to establish a process to verify the amount
151 of certain electric power purchases; directing the
152 Public Service Commission to provide assistance in
153 verifying grant eligibility; requiring the department,
154 subject to appropriation, to provide incentive grants
155 to municipal solid waste-to-energy facilities to
156 assist with certain costs; specifying requirements for
157 applying for the funding; requiring the Department of
158 Environmental Protection to provide assistance in
159 determining grant eligibility and establishing
160 requirements; requiring the department to perform
161 grant overview; establishing priority for funding for
162 the grants; authorizing the balance of certain
163 unexpended funds to be carried forward for a specified
164 number of years; requiring the Department of
165 Agriculture and Consumer Services to adopt rules;
166 providing appropriations; authorizing positions;
167 providing an effective date.

168
169 WHEREAS, as provided in s. 366.91(1), Florida Statutes, the
170 Legislature has determined that it is in the public interest to
171 promote the development of renewable energy resources in this
172 state, and

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

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

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

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

185 NOW, THEREFORE,