



26 unexpended funds to be carried forward for a specified  
 27 number of years; requiring the Department of  
 28 Agriculture and Consumer Services to adopt rules;  
 29 providing appropriations and authorizing positions;  
 30 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  
52 to 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  
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, if the owner of the municipal solid waste-to-  
84 energy facility has entered into a new or amended power purchase  
85 agreement that no longer includes capacity payments or that  
86 includes capacity and energy payments in an amount less than the  
87 total of the capacity and energy payments the municipal solid  
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 a power purchase  
98 agreement entered into before January 1, 2022, and the amount of  
99 electric power delivered to the utility and the total amount  
100 paid by the utility for such electric power pursuant to a new or

101 amended power purchase agreement during the preceding state  
102 fiscal year.

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

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

124 (4) INCENTIVE GRANT PROGRAM.—The department, subject to  
125 appropriation, shall provide incentive grants to municipal solid

126 waste-to-energy facilities to assist with the planning and  
127 designing for constructing, upgrading, or expanding a municipal  
128 solid waste-to-energy facility, including necessary legal or  
129 administrative expenses.

130 (a) To qualify for an incentive grant, the owner of a  
131 municipal solid waste-to-energy facility must apply to the  
132 department for funding; provide matching funds on a dollar-for-  
133 dollar basis; and demonstrate that the project is cost-  
134 effective, permittable, and implementable and complies with s.  
135 403.7061.

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

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

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

148 (5) FUNDING.—Funds appropriated for the Municipal Solid  
149 Waste-to-Energy Program must first be used for financial  
150 assistance grants. Any funds remaining in a state fiscal year

151 after disbursement to all qualifying applicants may be used to  
152 fund the incentive grant program.

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

163 Section 2. (1) For the 2022-2023 fiscal year, the sum of  
164 \$100 million in recurring funds is appropriated from the General  
165 Revenue Fund to the Department of Agriculture and Consumer  
166 Services for the Municipal Solid Waste-to-Energy Program, as  
167 provided in s. 377.814, Florida Statutes.

168 (2) Notwithstanding s. 216.301, Florida Statutes, and  
169 pursuant to s. 216.351, Florida Statutes, funds allocated for  
170 the purpose of this section which are not disbursed by June 30  
171 of the fiscal year in which the funds are allocated may be  
172 carried forward for up to 5 years after the effective date of  
173 the original appropriation.

174 Section 3. For the 2022-2023 fiscal year, the sums of  
175 \$149,832 in recurring funds and \$9,984 in nonrecurring funds are

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176 | appropriated from the General Revenue Fund to the Department of  
177 | Agriculture and Consumer Services, and two full-time equivalent  
178 | positions with associated salary rate of 80,540 are authorized,  
179 | for the purpose of implementing this act.

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