



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

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

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

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

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

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

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

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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 landfill.

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

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

(b) "Municipal solid waste-to-energy facility" means a publicly owned or government affiliate-owned facility that uses an enclosed device using controlled combustion to thermally break down solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term does not include facilities that primarily burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood,

76 methane or other landfill gas, wood fuel derived from  
77 construction or demolition debris, or waste tires, alone or in  
78 combination with fossil fuels.

79 (3) FINANCIAL ASSISTANCE GRANT PROGRAM.—The department,  
80 subject to appropriation, shall provide annual financial  
81 assistance grants to municipal solid waste-to-energy facilities  
82 that entered into a power purchase agreement with an electric  
83 utility before January 1, 2022, which included capacity and  
84 energy payments, if the owner of the municipal solid waste-to-  
85 energy facility has entered into a new or amended power purchase  
86 agreement that no longer includes capacity payments or that  
87 includes capacity and energy payments in an amount less than the  
88 total of the capacity and energy payments the municipal solid  
89 waste-to-energy facility received under the power purchase  
90 agreement entered into before January 1, 2022.

91 (a) To apply for an annual financial assistance grant, the  
92 owner of a municipal solid waste-to-energy facility must submit  
93 an application to the department. The application must include  
94 the name of the applicant's municipal solid waste-to-energy  
95 facility, the name of the utility purchasing the electric power  
96 from the municipal solid waste-to-energy facility, the total  
97 capacity and energy payment the municipal solid waste-to-energy  
98 facility received during the last year of a power purchase  
99 agreement entered into before January 1, 2022, and the amount of  
100 electric power delivered to the utility and the total amount

101 paid by the utility for such electric power pursuant to a new or  
102 amended power purchase agreement during the preceding state  
103 fiscal year.

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

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

125 (4) INCENTIVE GRANT PROGRAM.—The department, subject to

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

131 (a) To qualify for an incentive grant, the owner of a  
132 municipal solid waste-to-energy facility must apply to the  
133 department for funding; provide matching funds on a dollar-for-  
134 dollar basis; and demonstrate that the project is cost-  
135 effective, permittable, and implementable and complies with s.  
136 403.7061.

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

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

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

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

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

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

169 Section 2. (1) For the 2022-2023 fiscal year, the sum of  
170 \$100 million in recurring funds is appropriated from the General  
171 Revenue Fund to the Department of Agriculture and Consumer  
172 Services for the Municipal Solid Waste-to-Energy Program, as  
173 provided in s. 377.814, Florida Statutes.

174 (2) Notwithstanding s. 216.301, Florida Statutes, and  
175 pursuant to s. 216.351, Florida Statutes, funds allocated for

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176 | the purpose of this section which are not disbursed by June 30  
177 | of the fiscal year in which the funds are allocated may be  
178 | carried forward for up to 5 years after the effective date of  
179 | the original appropriation.

180 |       Section 3. For the 2022-2023 fiscal year, the sums of  
181 | \$149,832 in recurring funds and \$9,984 in nonrecurring funds are  
182 | appropriated from the General Revenue Fund to the Department of  
183 | Agriculture and Consumer Services, and two full-time equivalent  
184 | positions with associated salary rate of 80,540 are authorized,  
185 | for the purpose of implementing this act.

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