

Solid Waste-to-Energy: Florida Legislation Enacted Incentivizing Municipal Utilization



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

06/24/2022

The Florida Legislature enacted legislation establishing a Municipal Solid Waste-to-Energy Program.

Florida's Governor signed into law Senate Bill No. 1764 on June 20th whose stated purpose is to:

. . . incentivize the production and sale of energy from municipal solid waste-to-energy facilities . . .

A municipal solid waste-to-energy facility is defined in the legislation as a:

. . . publicly owned or government affiliate-owned facility using an enclosed device with controlled combustion to thermally break down solid waste to an ash residue containing little or no combustible material, producing electricity, steam, or other energy.

The program will be operated by the Florida Department of Agriculture and Consumer Services.

The State of Florida has the largest municipal solid waste burn capacities in the United States. Eight counties in Florida utilize waste-to-energy facilities.

The legislation's sponsor cited two goals:

1. Reduce the amount of solid waste disposed of in landfills
2. Utilize the solid waste to create energy

To qualify for certain financial incentives a facility must have entered into a Power Purchase Agreement with an electric utility that includes capacity payments.

The Department of Agriculture and Consumer Services is required to establish a process in coordination with the Florida Public Service Commission to verify eligibility and the amount of energy purchased from a facility.

A copy of Senate Bill 1764 can be downloaded [here](#).