

By Senator Geller

31-918-04

1 A bill to be entitled
2 An act relating to energy efficiency standards;
3 providing legislative findings; providing
4 definitions; providing that the act applies to
5 specified types of new products sold, offered
6 for sale, or installed in this state; requiring
7 the Department of Environmental Protection, in
8 consultation with the Public Service
9 Commission, to adopt rules establishing minimum
10 efficiency standards; specifying minimum
11 efficiency standards; specifying implementation
12 deadlines; authorizing the Department of
13 Environmental Protection to amend efficiency
14 standards and establish efficiency standards
15 for nonspecified products for the purpose of
16 promoting energy conservation and cost
17 efficiency if such standards do not become
18 effective within a certain time period;
19 requiring the department to adopt procedures
20 for testing the energy efficiency of new
21 products if the procedures are not provided for
22 in the state building code; requiring the
23 department to use nationally recognized testing
24 methods; requiring manufacturers of certain new
25 products to certify compliance with the act;
26 requiring the department to adopt rules
27 governing the identification and certification
28 of new products; authorizing the department to
29 use an accredited testing facility; requiring
30 the department to charge the manufacturer for
31 noncompliant products and to provide

1 information to the public about noncompliant
2 products; permitting the department to conduct
3 periodic inspections of distributors or
4 retailers; requiring the department to
5 investigate complaints and report the results
6 to the Attorney General; permitting the
7 Attorney General to initiate civil proceedings
8 to enforce the act; providing for penalties
9 against a manufacturer, distributor, or
10 retailer in violation of the act; requiring the
11 department to adopt additional rules; providing
12 an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Legislative findings.--The Legislature
17 finds that:

18 (1) Efficiency standards for certain products sold or
19 installed in the state assure consumers and businesses that
20 such products meet minimum efficiency performance levels, thus
21 saving money on utility bills.

22 (2) Such efficiency standards save energy and thus
23 reduce pollution and other environmental impacts associated
24 with the production, distribution, and use of electricity and
25 natural gas.

26 (3) Such efficiency standards can make electricity
27 systems more reliable by reducing the strain on the electric
28 power grid during peak demand periods. Furthermore, improved
29 energy efficiency can reduce or delay the need for new power
30 plants, new power transmission lines, and upgrades to the
31 power distribution system.

1 (4) Energy efficiency standards contribute to the
2 economy of this state by enabling consumers and business
3 owners to spend less on energy, leaving more capital available
4 for the purchase of local goods and services.

5 Section 2. Definitions.--As used in this act, the
6 term:

7 (1) "Commercial clothes washer" means a soft mount
8 front-loading or soft mount top-loading clothes washer that is
9 designed for use in applications where the occupants of more
10 than one household will be using it, such as in multifamily
11 housing common areas and coin laundries, or other commercial
12 applications, if the clothes container compartment is no
13 greater than 3.5 cubic feet for horizontal-axis clothes
14 washers or no greater than 4 cubic feet for vertical-axis
15 clothes washers.

16 (2) "Commercial refrigerator and freezer" means a
17 reach-in cabinet, pass-through cabinet, roll-in cabinet, or
18 roll-through cabinet that has less than 85 cubic feet of
19 capacity and that is not a walk-in model or a consumer product
20 regulated under the National Appliance Energy Conservation Act
21 of 1987, Pub. L. No. 100-12.

22 (3) "Department" means the Department of Environmental
23 Protection.

24 (4) "Illuminated exit sign" means an internally
25 illuminated sign that is designed to be permanently fixed in
26 place and used to identify an exit. A light source illuminates
27 the sign or letters from within and the background of the exit
28 sign is not transparent.

29 (5) "Large packaged air-conditioning equipment" means
30 packaged air-conditioning equipment having a cooling capacity
31 of 240,000 Btu per hour or more.

- 1 (6) "Low voltage dry-type distribution transformer"
2 means a distribution transformer that:
3 (a) Has an input voltage of 600 volts or less;
4 (b) Is between 14kVa and 2,501kVa in size;
5 (c) Is air-cooled; and
6 (d) Does not use oil as a coolant.
7 (7) "Packaged air-conditioning equipment" means
8 air-conditioning equipment that is built as a package and
9 shipped as a whole to an end-user site.
10 (8) "Pass-through cabinet" means a commercial
11 refrigerator or commercial freezer with hinged or sliding
12 doors on the front and rear of the refrigerator or freezer.
13 (9) "Reach-in cabinet" means a commercial
14 refrigerator, commercial refrigerator-freezer, or commercial
15 freezer with hinged or sliding doors or lids, but excluding a
16 roll-in or roll-through cabinet or pass-through cabinet.
17 (10) "Roll-in or roll-through cabinet" means a
18 commercial refrigerator or commercial freezer with hinged or
19 sliding doors that allows wheeled racks of product to be
20 rolled into or through the refrigerator or freezer.
21 (11) "Traffic signal module" means a standard 8-inch,
22 200 mm, or 12-inch, 300 mm, round traffic signal indication
23 that consists of a light source, lens, and all parts necessary
24 for operation and that communicates movement messages to
25 drivers through red, amber, and green colors. Arrow modules in
26 the same colors are used to indicate turning movements.
27 (12) "Transformer" means a device consisting of two or
28 more coils of insulated wire that transfers alternating
29 current by electromagnetic induction from one coil to another
30 in order to change the original voltage or current value.
31 Section 3. Scope.--

1 (1) This act applies to the testing, certification,
2 and enforcement of efficiency standards for the following
3 types of new products sold, offered for sale, or installed in
4 the state:

5 (a) Commercial clothes washers;

6 (b) Commercial refrigerators and freezers;

7 (c) Illuminated exit signs;

8 (d) Large packaged air-conditioning equipment;

9 (e) Low voltage dry-type distribution transformers;

10 (f) Traffic signal modules; and

11 (g) Such other products as may be designated by the
12 department in accordance with section 6.

13 (2) This act does not apply to:

14 (a) New products manufactured in the state and sold
15 outside the state;

16 (b) New products manufactured outside the state and
17 sold at wholesale inside the state for final retail sale and
18 installation outside the state;

19 (c) Products installed in mobile manufactured homes at
20 the time of construction; or

21 (d) Products designed expressly for installation and
22 use in recreational vehicles.

23 Section 4. Efficiency standards.--By January 1, 2005,
24 the department, in consultation with the Public Service
25 Commission, shall adopt rules, in accordance with chapter 120,
26 Florida Statutes, establishing minimum efficiency standards
27 for the types of new products set forth in section 3. The
28 rules shall provide for the following minimum efficiency
29 standards:

30 (1) Commercial clothes washers shall meet the
31 requirements shown in Table P-3 of section 1605.3 of the

1 California Code of Regulations, Title 20: Division 2, Chapter
2 4, Article 4: Appliance Efficiency Regulations which took
3 effect on November 27, 2002.

4 (2) Commercial refrigerators and freezers shall meet
5 the August 1, 2004, requirements shown in Table A-6 of section
6 1605.3 of the California Code of Regulations, Title 20:
7 Division 2, Chapter 4, Article 4: Appliance Efficiency
8 Regulations which took effect on November 27, 2002.

9 (3) Illuminated exit signs shall meet the product
10 specification (Version 2.0) of the "Energy Star Program
11 Requirements for Exit Signs" developed by the United States
12 Environmental Protection Agency.

13 (4) Large packaged air-conditioning equipment shall
14 meet the Tier 2 efficiency levels of the "Minimum Equipment
15 Efficiencies for Unitary Commercial Air Conditioners" and
16 "Minimum Equipment Efficiencies for Heat Pumps," developed by
17 the Consortium for Energy Efficiency, Boston, MA, which took
18 effect on July 1, 2002.

19 (5) Low voltage dry-type distribution transformers
20 shall meet or exceed the energy efficiency values shown in
21 Table 4-2 of National Electrical Manufacturers Association
22 Standard TP-1-2002.

23 (6) Traffic signal modules shall meet the product
24 specifications of the "Energy Star Program Requirements for
25 Traffic Signals," developed by the United States Environmental
26 Protection Agency which took effect in February 2001.

27 Section 5. Implementation.--On or after January 1,
28 2007, a new product of a type set forth in section 3 may not
29 be sold or offered for sale in the state unless the efficiency
30 of the new product meets or exceeds the efficiency standards
31 set forth in the rules adopted pursuant to section 4. On or

1 after January 1, 2008, a new product of a type set forth in
2 section 3 may not be installed in the state unless the
3 efficiency of the new product meets or exceeds the efficiency
4 standards set forth in the rules adopted pursuant to section
5 4.

6 Section 6. New and revised standards.--The department
7 may establish increased efficiency standards on the products
8 listed in section 3. The department may also establish
9 standards for products not specifically listed in section 3.
10 In considering such new or amended standards, the department,
11 in consultation with the Public Service Commission, shall set
12 efficiency standards upon a determination that increased
13 efficiency standards would serve to promote energy
14 conservation in the state and would be cost-effective for
15 consumers who purchase and use such new products if the new or
16 increased efficiency standards do not become effective within
17 1 year following the adoption of any amended rules providing
18 for such increased efficiency standards. The department may
19 apply for a waiver of federal preemption, in accordance with
20 42 U.S.C. s. 6297(d), for those products regulated by the
21 Federal Government.

22 Section 7. Testing, certification, labeling, and
23 enforcement.--

24 (1) The department shall adopt procedures for testing
25 the energy efficiency of the new products covered by section 3
26 if such procedures are not provided for in the Florida
27 Building Code. The department shall use test methods approved
28 by the United States Department of Energy or, in the absence
29 of such test methods, other appropriate nationally recognized
30 test methods. The manufacturers of such products shall cause
31 samples of such appliances to be tested in accordance with the

1 test procedures adopted pursuant to this act or those
2 specified in the Florida Building Code.

3 (2) Each manufacturer of new products covered by
4 section 3 of this act shall certify to the department that
5 such products are in compliance with this act. The department
6 shall adopt rules governing the certification of such products
7 and may work in coordination with the certification program of
8 other states with like standards.

9 (3) Each manufacturer of new products covered by
10 section 3 of this act shall identify each product offered for
11 sale or installed in the state as in compliance with this act
12 by means of a mark, label, or tag on the product and packaging
13 at the time of sale or installation. The department shall
14 adopt rules governing the identification of such products and
15 packaging and may work in coordination with the labeling
16 programs of other states with like standards.

17 (4) The department may test products covered by
18 section 3 using an accredited testing facility. If products
19 are found not to be in compliance with the minimum efficiency
20 standards established under section 4, the department shall:

21 (a) Charge the manufacturer of such product for the
22 cost of product purchase and testing; and

23 (b) Provide information to the public concerning
24 products found not to be in compliance with the standards.

25 (5) The department may conduct periodic inspections of
26 distributors or retailers of new products covered by section 3
27 in order to determine compliance with this act. The department
28 shall also work with the Department of Business and
29 Professional Regulation to coordinate inspections for new
30 products that are also covered by the Florida Building Code.

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1 (6) The department shall investigate complaints
2 received concerning violations of this act and shall report
3 the results of such investigations to the Attorney General.
4 The Attorney General may institute civil proceedings to
5 enforce the provisions of this act. Any manufacturer,
6 distributor, or retailer who violates any provision of this
7 act shall be issued a warning by the department for any first
8 violation. Repeat violations are subject to a civil penalty of
9 not more than \$250. Each violation constitutes a separate
10 offense, and each day that such violation continues
11 constitutes a separate offense. Penalties assessed under this
12 paragraph are in addition to costs assessed under subsection
13 (4).

14 (7) The department shall adopt rules as necessary to
15 ensure the proper administration and enforcement of this act.

16 Section 8. This act shall take effect upon becoming a
17 law.

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SENATE SUMMARY

Establishes minimum efficiency standards for certain new products sold or installed in the state. Provides legislative findings. Requires the Department of Environmental Protection and the Public Service Commission to adopt rules establishing minimum efficiency standards. Specifies minimum efficiency standards. Specifies implementation deadlines. Authorizes the department to amend efficiency standards and establish efficiency standards for nonspecified products for the purpose of promoting energy conservation and cost efficiency if such standards do not become effective for 1 year. Requires the department to adopt procedures for testing the energy efficiency of new products if the procedures are not provided for in the Florida Building Code. Requires the department to use nationally recognized testing methods. Requires manufacturers of certain new products to certify compliance with the act. Requires the department to adopt rules governing the identification and certification of new products. Permits the testing of products with the use of an accredited testing facility. Requires the department to charge the manufacturer for noncompliant products and to provide information to the public about noncompliant products. Permits the department to conduct periodic inspections. Requires the department to conduct investigations of complaints and to report the results to the Attorney General. Permits the Attorney General to initiate civil proceedings to enforce the provisions of the act. Provides penalties. (See bill for details.)

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