

By Senator Geller

31-127A-05

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 for specified products;
11 specifying minimum efficiency levels for those
12 standards; setting implementation deadlines;
13 authorizing the Department of Environmental
14 Protection to revise rules to increase
15 efficiency levels for specified products over
16 minimum standards when energy conservation is
17 promoted and cost-effective; providing for a
18 delayed effective date; requiring the
19 department to adopt nationally recognized
20 procedures for testing the efficiency of
21 specified products if the procedures are not
22 provided for in the state building code;
23 requiring manufacturers of specified products
24 to certify compliance with the act; requiring
25 the department to adopt rules governing the
26 identification and certification of specified
27 products; authorizing the department to use an
28 accredited testing facility; requiring the
29 department to charge the manufacturer for
30 noncompliant products and to provide
31 information to the public about noncompliant

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

13
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 business and residential
20 consumers that such products meet minimum efficiency
21 performance levels, thus 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. Improved energy
29 efficiency can reduce or delay the need for new power plants,
30 new power transmission lines, and upgrades to the power
31 distribution system.

1 (4) Energy efficiency standards contribute to the
2 economy of the state by enabling business and residential
3 consumers to spend less on energy, leaving more capital
4 available 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 by more than one household, such as in
10 multifamily housing common areas, coin laundries, or other
11 multifamily applications, and which has a clothes container
12 compartment no greater than 3.5 cubic feet for horizontal-axis
13 clothes washers or no greater than 4 cubic feet for
14 vertical-axis clothes washers.

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

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

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

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

31

- 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 the site of an end user.
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 cooling space.
21 (11) "Traffic signal module" means a standard 8-inch,
22 200 mm, or 12-inch, 300 mm, round traffic signal indication
23 that has a light source, lens, and all parts necessary to
24 communicate movement messages to drivers through red, amber,
25 and green colors, which may include arrow modules in the same
26 colors to indicate turning movements.
27 (12) "Transformer" means a device consisting of two or
28 more coils of insulated wire that transfers alternating
29 electric current by electromagnetic induction from one coil to
30 another in order to change the original voltage or current
31 value.

1 Section 3. Scope.--

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

6 (a) Commercial clothes washers;

7 (b) Commercial refrigerators and freezers;

8 (c) Illuminated exit signs;

9 (d) Large packaged air-conditioning equipment;

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

11 and

12 (f) Traffic signal modules.

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, 2006,
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 in Boston, Massachusetts,
18 which took 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 2008, 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 under section 4. On or after

1 January 1, 2009, a new product of a type set forth in section
2 3 may not be installed in the state unless the efficiency of
3 the new product meets or exceeds the efficiency standards set
4 forth in the rules adopted under section 4.

5 Section 6. Revised standards.--The department may
6 adopt rules that increase efficiency standards for products
7 listed in section 3 beyond the efficiency levels specified in
8 section 4. In considering such rules, the department shall
9 consult with the Public Service Commission. The rules must be
10 based on a determination that the increased efficiency levels
11 would promote energy conservation and be cost-effective for
12 consumers who purchase and use such products. A rule
13 establishing revised efficiency standards may not take effect
14 until 1 year after the rule is adopted. The department may
15 apply for a waiver of federal preemption, under 42 U.S.C. s.
16 6297(d), for those products regulated by the Federal
17 Government.

18 Section 7. Testing, certification, labeling, and
19 enforcement.--

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

30 (2) Each manufacturer of the new products listed in
31 section 3 shall certify to the department that such products

1 are in compliance with this act. The department shall adopt
2 rules governing the certification of such products and may
3 work in coordination with the certification program of other
4 states with like standards.

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

13 (4) The department may test the products listed in
14 section 3 using an accredited testing facility. If products
15 tested do not comply with the minimum efficiency standards
16 established under section 4, or as revised under section 6,
17 the department shall:

18 (a) Charge the manufacturer of such product for the
19 cost of product purchase and testing; and

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

22 (5) The department may conduct periodic inspections of
23 distributors or retailers of the products listed in section 3
24 in order to determine compliance with this act. The department
25 shall work with the Department of Business and Professional
26 Regulation to coordinate inspections when such products are
27 also covered by the Florida Building Code.

28 (6) The department shall investigate complaints
29 received concerning violations of this act and shall report
30 the results of such investigations to the Attorney General.
31 The Attorney General may institute civil proceedings to

1 enforce the provisions of this act. Any manufacturer,
2 distributor, or retailer who violates this act shall be issued
3 a warning by the department for a first violation. Repeat
4 violations are subject to a civil penalty of not more than
5 \$250. Each violation constitutes a separate offense, and each
6 day that such violation continues constitutes a separate
7 offense. Penalties assessed under this subsection are in
8 addition to costs assessed under subsection (4).

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

11 Section 8. This act shall take effect upon becoming a
12 law.

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15 SENATE SUMMARY

16 Provides for the establishment of energy efficiency
17 standards for specified new products sold or installed in
18 the state. Requires the Department of Environmental
19 Protection, in consultation with the Public Service
20 Commission, to adopt rules establishing minimum
21 efficiency standards for specified products. Specifies
22 minimum efficiency standards. Specifies implementation
23 deadlines. Authorizes the department to adopt revised
24 standards to increase efficiency levels beyond minimum
25 standards to promote cost-effective energy conservation.
26 Delays the effective date of such revised standards for 1
27 year. Requires the department to adopt nationally
28 recognized procedures for testing the energy efficiency
29 of specified products if the procedures are not provided
30 for in the Florida Building Code. Requires manufacturers
31 of specified products to certify compliance with the act.
Requires the department to adopt rules governing the
identification and certification of specified products.
Permits the testing of products with an accredited
testing facility. Requires the department to charge the
manufacturer for noncompliant products and to provide
information to the public about noncompliant products.
Authorizes the department to conduct periodic
inspections. Requires the department to investigate
complaints and report the results to the Attorney
General. Authorizes the Attorney General to initiate
civil proceedings to enforce the act. Provides for
warnings and penalties. Authorizes the department to
adopt additional rules. (See bill for details.)