A bill to be entitled

An act relating to energy efficiency; amending s. 366.041, F.S.; revising the provisions for public utility rate fixing relating to energy conservation and use of alternative energy; amending s. 366.05, F.S.; requiring public utilities to maintain separate accounts relating to energy conservation, energy efficiency, energy audit, and alternative energy programs; requiring the commission to consider certain information in cost determinations; amending s. 366.81, F.S.; directing the Public Service Commission to use the Total Resource Cost test to determine the effectiveness of certain energy efficiency and load management plans; amending s. 366.82, F.S.; providing definitions; requiring public utilities to file an integrated resource plan with the commission; requiring the commission to hold public hearings to determine the adequacy of such plans; providing criteria for certain plan determinations by the commission; requiring the commission to adopt goals for integrated resource plans; revising the provisions for the adoption, administration, and implementation of certain plans; requiring the commission to approve and adopt integrated resource plans by a certain date; revising the date for submission of an annual report by the commission to the Legislature and the Governor; amending s. 553.954, F.S.; authorizing the Department of Community Affairs to coordinate with the Florida Building Commission for the inspection of products covered in both the Florida Energy Conservation Standards

Act and the Florida Building Code; amending s. 553.955, F.S.; providing definitions; amending s. 553.957, F.S.; revising the list of products covered by the Florida Energy Conservation Standards Act; amending s. 553.961, F.S.; authorizing the department to test certain products for energy efficiency; requiring the department to charge manufacturers for costs related to the testing of products under certain circumstances; requiring the department to provide information to the public on certain products; requiring the department to coordinate with other state and federal agencies for certain product certification; amending s. 553.963, F.S.; providing energy conservation standards for certain products; requiring the department to apply for federal waivers under certain circumstances; authorizing the department to adopt rules; prohibiting the sale of certain products as of specified dates; requiring that certain products meet or exceed certain efficiency standards; requiring the Department of Revenue to establish and implement a program to refund the sales tax on specified items; providing for termination of the program; requiring the Department of Management Services to adopt minimum energy efficiency standards for general purpose lights; specifying a schedule for reduction in certain energy consumption; requiring the department to make recommendations to the Governor and the Legislature; providing an exception for specified lighting; providing a definition; amending s. 553.975, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsection (1) of section 366.041, Florida Statutes, is amended to read:

366.041 Rate fixing; adequacy of facilities as criterion.--

(1) In fixing the just, reasonable, and compensatory rates, charges, fares, tolls, or rentals to be observed and charged for service within the state by any and all public utilities under its jurisdiction, the commission is authorized to give consideration, among other things, to the efficiency, sufficiency, and adequacy of the facilities provided and the services rendered; the cost of providing such service and the value of such service to the public; the ability of the utility to improve such service and facilities; and energy conservation and the efficient use of alternative energy resources; provided that no public utility shall be denied a reasonable rate of return upon its rate base in any order entered pursuant to such proceedings. Actual and projected lost revenue from lower energy consumption as a result of any energy conservation measure or program or use of alternative energy resources shall not be considered a cost that denies a reasonable rate of return. In its consideration thereof, the commission shall have authority, and it shall be the commission's duty, to hear service complaints, if any, that may be presented by subscribers and the public during any proceedings involving such rates, charges, fares, tolls, or rentals; however, no service complaints shall

be taken up or considered by the commission at any proceedings involving rates, charges, fares, tolls, or rentals unless the utility has been given at least 30 days' written notice thereof, and any proceeding may be extended, prior to final determination, for such period; further, no order hereunder shall be made effective until a reasonable time has been given the utility involved to correct the cause of service complaints, considering the factor of growth in the community and availability of necessary equipment.

Section 2. Subsection (2) of section 366.05, Florida Statutes, is amended to read:

366.05 Powers.--

(2) Every public utility, as defined in s. 366.02, which in addition to the production, transmission, delivery, or furnishing of heat, light, or power also sells appliances or other merchandise as part of any energy conservation, energy efficiency, energy audit, or alternative energy program shall keep separate and individual accounts for the sale and profit deriving from such sales and such sales shall be considered by the commission when determining the cost of such programs. ~~No profit or loss shall be taken into consideration by the commission from the sale of such items in arriving at any rate to be charged for service by any public utility.~~

Section 3. Section 366.81, Florida Statutes, is amended to read:

366.81 Legislative findings and intent.--The Legislature finds and declares that it is critical to utilize the most efficient and cost-effective energy conservation systems in

order to protect the health, prosperity, and general welfare of the state and its citizens. Reduction in, and control of, the growth rates of electric consumption and of weather-sensitive peak demand are of particular importance. The Legislature further finds that the Florida Public Service Commission is the appropriate agency to adopt goals and approve plans related to the conservation of electric energy and natural gas usage. The Legislature directs the commission to develop and adopt overall goals and authorizes the commission to require each utility to develop plans and implement programs for increasing energy efficiency and conservation within its service area, subject to the approval of the commission. The Legislature further directs the commission to use the Total Resource Cost test as defined in s. 366.82(1)(f) to determine the cost-effectiveness of proposed energy efficiency and load management plans prior to the approval of such plans. Since solutions to our energy problems are complex, the Legislature intends that the use of solar energy, renewable energy sources, highly efficient systems, cogeneration, and load-control systems be encouraged. Accordingly, in exercising its jurisdiction, the commission shall not approve any rate or rate structure which discriminates against any class of customers on account of the use of such facilities, systems, or devices. This expression of legislative intent shall not be construed to preclude experimental rates, rate structures, or programs. The Legislature further finds and declares that ss. 366.80-366.85 and 403.519 are to be liberally construed in order to meet the complex problems of reducing and controlling the growth rates of electric consumption and

reducing the growth rates of weather-sensitive peak demand; increasing the overall efficiency and cost-effectiveness of electricity and natural gas production and use; encouraging further development of cogeneration facilities; and conserving expensive resources, particularly petroleum fuels.

Section 4. Section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.--

(1) For the purposes of ss. 366.80-366.85 and 403.519, the term:

(a) "Capacity resource" means an electric plant, a long-term power purchase agreement, or a demand-side capacity option.

(b) "Demand-side capacity option" or "demand-side management option" means a program proposed by a utility or the commission for the reduction of future electricity requirements the utility's retail customers would otherwise impose, including, but not limited to, conservation, load management, cogeneration, and renewable energy technologies.

(c) "Long-term power purchase agreement" means a purchase of electric capacity and energy for a period exceeding 5 years, the principal purpose of which is to supply the requirements of the state's retail customers of a utility.

(d) "Plan" means an integrated resource plan that contains the utility's electric demand and energy forecast for at least a 10-year period, contains the utility's program for meeting the requirements shown in its forecast in an economical and reliable manner, contains the utility's analysis of all capacity resource

options, including both demand-side and supply-side management options, and sets forth the utility's assumptions and conclusions with respect to the effect of each capacity resource option on the future cost and reliability of electric service. The plan shall also:

1. Contain the size and type of facilities that are expected to be owned or operated in whole or in part by such utility and the construction of which is expected to commence during the ensuing 10 years or such longer period as the commission deems necessary and shall identify all existing facilities intended to be removed from service during such period or upon completion of such construction.

2. Contain practical alternatives to the fuel type and method of generation of the proposed electric generating facilities and set forth in detail the reasons for selecting the fuel type and method of generation.

3. Contain a statement of the estimated impact of proposed and alternative generating plants on the environment and the means by which potential adverse impacts will be avoided or minimized.

4. Indicate in detail the projected demand for electric energy for a 20-year period and the basis for determining the projected demand.

5. Describe the utility's relationship to other utilities in regional associations, power pools, and networks.

6. Identify and describe all major research projects and programs that will continue or commence in the succeeding 3 years and set forth the reasons for selecting specific areas of

research.

7. Identify and describe existing and planned programs and policies to discourage inefficient and excessive power use.

8. Provide any other information as may be required by the commission.

(e) "Supply-side capacity option" means an electric plant, a long-term power purchase, or any other source of additional energy.

(f) "Total Resource Cost test" means a standard that is met if, for an investment in energy efficiency or demand-response measures, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures. A Total Resource Cost test compares the sum of avoided electric utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency measures, to the sum of all incremental costs of end-use measures that are implemented due to the program, including both utility and participant contributions, plus costs to administer, deliver, and evaluate each demand-side program, to quantify the net savings obtained by substituting the demand-side program for supply resources. In calculating avoided costs of power and energy that an electric utility would otherwise have had to acquire, reasonable estimates of financial costs likely to be imposed by future regulations and legislation on emissions of greenhouse gases shall be included.

(g) "Utility" means any person or entity of whatever form which provides electricity or natural gas at retail to the public, specifically including municipalities or instrumentalities thereof and cooperatives organized under the Rural Electric Cooperative Law and specifically excluding any municipality or instrumentality thereof, any cooperative organized under the Rural Electric Cooperative Law, or any other person or entity providing natural gas at retail to the public whose annual sales volume is less than 100 million therms or any municipality or instrumentality thereof and any cooperative organized under the Rural Electric Cooperative Law providing electricity at retail to the public whose annual sales as of July 1, 1993, to end-use customers is less than 2,000 gigawatt hours.

(2) On or before January 31, 2009, and at least every 3 years thereafter as may be determined by the commission, each utility shall file with the commission an integrated resource plan as described in this chapter.

(3) Not more than 60 days after a utility has filed its plan, the commission shall convene a public hearing on the adequacy of the plan. At the hearing, any interested person may make comments to the commission regarding the contents and adequacy of the plan. After the hearing, the commission shall determine whether:

(a) The utility's forecast requirements are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present

and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential, and energy-producing sectors of the state.

(c) The plan adequately demonstrates the economic, environmental, and other benefits to the state and to customers of the utility associated with improvements in energy efficiency, pooling of power and purchases of power from neighboring states, facilities that operate on alternative sources of energy, facilities that operate on the principle of cogeneration or hydrogeneration, and other generation facilities and demand-side options.

(4) Demand-side management options included in an integrated resource plan shall use a Total Resource Cost test to determine cost-effectiveness. The commission shall not approve any integrated resource plan that uses a Rate Impact Measure test.

(5) ~~(2)~~ The commission shall adopt appropriate goals for integrated resource plans for increasing the efficiency of energy consumption and increasing the development of cogeneration, specifically including goals designed to increase the conservation of expensive resources, such as petroleum fuels, to reduce and control the growth rates of electric consumption, and to reduce the growth rates of weather-sensitive peak demand. The Executive Office of the Governor shall be a party in the proceedings to adopt goals. The commission may change the goals for reasonable cause. The time period to review the goals, however, shall not exceed 5 years. After the programs

and plans to meet those goals are completed, the commission shall determine what further goals, programs, or plans are warranted and, if so, shall adopt them.

(6)~~(3) Following adoption of goals pursuant to subsection (2), the commission shall require each utility to develop plans and programs to meet the overall goals within its service area.~~ If any plan or program includes loans, collection of loans, or similar banking functions by a utility and the plan is approved by the commission, the utility shall perform such functions, notwithstanding any other provision of the law. The commission may pledge up to $5 million of the Florida Public Service Regulatory Trust Fund to guarantee such loans. ~~However, no utility shall be required to loan its funds for the purpose of purchasing or otherwise acquiring conservation measures or devices, but nothing herein shall prohibit or impair the administration or implementation of a utility plan as submitted by a utility and approved by the commission under this subsection.~~

(7) The commission shall approve and adopt an integrated resource plan no later than 120 days after the date an integrated resource plan is filed. If the commission disapproves a plan, it shall specify the reasons for disapproval, and the utility whose plan is disapproved shall resubmit its modified plan within 30 days. Prior approval by the commission shall be required to modify or discontinue a plan, or part thereof, which has been approved. If any utility has not implemented its programs and is not substantially in compliance with the provisions of its approved plan at any time, the commission

shall adopt programs required for that utility to achieve the overall goals. Utility programs may include variations in rate design, load control, cogeneration, residential energy conservation subsidy, or any other measure within the jurisdiction of the commission which the commission finds likely to be effective; this provision shall not be construed to preclude these measures in any plan or program.

(8) ~~(4)~~ The commission shall require periodic reports from each utility and shall provide the Legislature and the Governor with an annual report by March 1 beginning in 2009 and each year thereafter of the goals it has adopted and its progress toward meeting those goals. The commission shall also consider the performance of each utility pursuant to ss. 366.80-366.85 and 403.519 when establishing rates for those utilities over which the commission has ratesetting authority.

(9) ~~(5)~~ The commission shall require each utility to offer, or to contract to offer, energy audits to its residential customers. This requirement need not be uniform, but may be based on such factors as level of usage, geographic location, or any other reasonable criterion, so long as all eligible customers are notified. The commission may extend this requirement to some or all commercial customers. The commission shall set the charge for audits by rule, not to exceed the actual cost, and may describe by rule the general form and content of an audit. In the event one utility contracts with another utility to perform audits for it, the utility for which the audits are performed shall pay the contracting utility the reasonable cost of performing the audits. Each utility over

which the commission has ratesetting authority shall estimate its costs and revenues for audits, conservation programs, and implementation of its plan for the immediately following 6-month period. Other reasonable and prudent unreimbursed costs projected to be incurred, or any portion of such costs, may be added to the rates which would otherwise be charged by a utility upon approval by the commission, provided that the commission shall not allow the recovery of the cost of any company image-enhancing advertising or of any advertising not directly related to an approved conservation program. Following each 6-month period, each utility shall report the actual results for that period to the commission, and the difference, if any, between actual and projected results shall be taken into account in succeeding periods. The state plan as submitted for consideration under the National Energy Conservation Policy Act shall not be in conflict with any state law or regulation.

(10) ~~(6)~~ (a) Notwithstanding the provisions of s. 377.703, the commission shall be the responsible state agency for performing, coordinating, implementing, or administering the functions of the state plan submitted for consideration under the National Energy Conservation Policy Act and any acts amendatory thereof or supplemental thereto and for performing, coordinating, implementing, or administering the functions of any future federal program delegated to the state which relates to consumption, utilization, or conservation of electricity or natural gas; and the commission shall have exclusive responsibility for preparing all reports, information, analyses, recommendations, and materials related to consumption,

utilization, or conservation of electrical energy which are required or authorized by s. 377.703.

(b) The Executive Office of the Governor shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals including, but not limited to:

1. An evaluation of utility load forecasts, including an assessment of alternative supply and demand side resource options.

2. An analysis of various policy options which can be implemented to achieve a least-cost strategy.

(11) ~~(7)~~ The commission shall establish all minimum requirements for energy auditors used by each utility. The commission is authorized to contract with any public agency or other person to provide any training, testing, evaluation, or other step necessary to fulfill the provisions of this subsection.

Section 5. Section 553.954, Florida Statutes, is amended to read:

553.954 Adoption of standards.--The Department of Community Affairs shall adopt, modify, revise, update, and maintain the Florida Energy Conservation Standards to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120. The department may also work with the Florida Building Commission to coordinate inspections for new products that are covered by the Florida Building Code.

Section 6. Section 553.955, Florida Statutes, is amended to read:

553.955 Definitions.--For purposes of this part:

(1) "AV" means the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure.

(2) "Ballast" or "fluorescent lamp ballast" means a device to operate a fluorescent lamp by providing a starting voltage and current and limiting the current during normal operation. It must also be designed to:

(a) Operate at nominal input voltages of 120 or 227 volts.

(b) Operate with an input frequency of 60 hertz.

(3) "Ballast efficiency factor" means the ratio of relative light output, expressed as a percent, to the power input, expressed in watts under test conditions.

(4) "Boiler" means a commercial or residential space heater that is a self-contained appliance for supplying steam or hot water primarily intended for space heating. The definition does not include hot water supply boilers.

(5) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.

(6) ~~(4)~~ "Code" means the Florida Energy Efficiency Code for Building Construction.

(7) "Commercial hot food holding cabinet" means a heated, fully enclosed compartment, with one or more solid or partial glass doors, that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. The definition does not include heated glass merchandising cabinets, drawer warmers, or cook-and-hold appliances.

(8) "Cook-and-hold appliance" means a multiple-mode

appliance intended for cooking food that may also be used to hold the temperature of the cooked food in the same appliance.

(9) ~~(5)~~ "Date of sale" means the day when the product is physically delivered to the buyer.

(10) ~~(6)~~ "Department" means the Department of Community Affairs.

(11) ~~(7)~~ "Distributor" means any person or business entity which distributes a privately labeled product on a national basis for which the specifications for manufacture, testing, and certification are established and attested to by the distributor, rather than the manufacturer.

(12) "Drawer warmer" means an appliance that consists of one or more heated drawers designed to hold food that has been cooked in a separate appliance at a specified temperature.

(13) ~~(8)~~ "Energy conservation standard" means:

(a) A performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a covered product, determined in accordance with applicable test procedures;

(b) A design requirement for the products specified in s. 553.957; or

(c) A testing and rating requirement for the products specified in s. 553.957; and

includes any other requirements which the department may prescribe.

(14) ~~(9)~~ "F40T12 lamp" means a tubular fluorescent lamp which is a nominal 40 watts, with a 48-inch tube, 1.5 inches in

diameter. These lamps conform to American National Standards Institute standard C.78.1-1978.

(15) ~~(10)~~ "F96T12 lamp" means a tubular fluorescent lamp which is a nominal 75 watts, with a 96-inch tube, 1.5 inches in diameter. These lamps conform to American National Standards Institute standard C.78.3-1978.

(16) "Heated glass merchandising cabinet" means an appliance with a heated cabinet constructed of glass or clear plastic doors with 70 percent or more clear area that is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.

(17) "Liquid-immersed distribution transformer" means a distribution transformer that uses oil as a coolant to reduce electricity voltage from the high levels at which power is shipped over utility transmissions and distribution lines to lower levels required to power equipment and machinery.

(18) ~~(11)~~ "Luminaire" means a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply.

(19) ~~(12)~~ "Manufacturer" means any person or business entity engaged in the original production or assembly of a product.

(20) "Medium voltage dry-type distribution transformer" means a transformer that has an input voltage of more than 600 volts but less than or equal to 34,500 volts, is air-cooled, does not use oil as a coolant, and is rated for operation at a frequency of 60 hertz.

(21)~~(13)~~ "New product" means a product that is sold, offered for sale, or installed for the first time and specifically includes floor models and demonstration units.

(22)~~(14)~~ "Nominal input voltage" means an input voltage within plus 5 percent or minus 5 percent of a specified value.

(23)~~(15)~~ "Nominal lamp watts" means the wattage at which a fluorescent lamp is designed to operate.

(24)~~(16)~~ "Occupancy" means an occupied building or part of a building.

(25)~~(17)~~ "Operation" means the ability to start the lamp at least 8 times out of 10 with a minimum of 1 minute between attempts when tested under test conditions.

(26) "Point of use water dispenser" means a water dispenser that uses a pressurized water utility connection as the source of potable water.

(27)~~(18)~~ "Power input" means the rate of energy consumption in watts of a ballast and fluorescent lamp or lamps.

(28) "Refrigerated bottled or canned beverage vending machine" means a commercial refrigerator that cools bottled or canned beverages and dispenses such beverages upon payment.

(29)~~(19)~~ "Relative light output" means the test ballast light output divided by a reference ballast light output using the same reference lamp and expressing the value as a percent.

(30) "Service factor" means a multiplier that, when applied to the rated horsepower of an electric motor driven by an alternating current, indicates a permissible horsepower loading that can be carried under the conditions specified for the service factor.

(31) "Thermal efficiency" of a space heater means a measure of the percentage of heat from the combustion of gas or oil that is transferred to the space being heated or in the case of a boiler, to the hot water or steam.

(32) "Total horsepower" means a value equal to the product of the motor's service factor and the motor's nameplate-rated horsepower in an electric motor that is driven by an alternating current.

(33) "Transformer" means a device consisting of two or more coils of insulated wire that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value. This term does not include devices with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap, or devices, such as those commonly known as drive transformers, rectifier transformers, auto-transformers, uninterruptible power system transformers, impedance transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special-purpose application and are unlikely to be used in general-purpose applications.

(34) "Water dispenser" means a factory-made assembly that mechanically cools and heats potable water and that dispenses the cooled or heated water by integral or remote means.

(35) With respect to audio and video equipment:

(a) "Active mode" means the condition in which the input of a power supply or audio and video equipment is connected to

the line voltage alternating current and the output is connected to a direct current or an alternating current load, fulfilling one or more of its main functions and drawing a fraction of the power supply's nameplate power output greater than zero.

(b) "Audio standby-passive mode" means the appliance is connected to a power source and produces neither sound nor performs any mechanical function but can be switched into another mode with the remote control unit or an internal signal.

(c) "Compact audio product," also known as a "mini," "mid," "micro," or "shelf audio system," means an integrated audio system encased in a single housing that includes an amplifier and radio tuner and attached or separable speakers and can reproduce audio from magnetic tape, a CD, a DVD, or flash memory. The definition does not include products that can be independently powered by internal batteries or a powered external satellite antenna or can provide a video output signal.

(d) "Digital versatile disc" or "DVD" means a laser-encoded plastic medium capable of storing a large amount of digital audio, video, and computer data.

(e) "Digital versatile disc player" or "DVD player" means a commercially available electronic product encased in a single housing that includes an integral power supply and for which the sole purpose is the decoding of digitized video signals on a DVD.

(f) "Digital versatile disc recorder" or "DVD recorder" means a commercially available electronic product encased in a single housing that includes an integral power supply and for which the sole purpose is the production or recording of

digitized audio and video signals on a DVD. The definition does not include models that have an EPG function.

(g) "Digital video recorder" or "DVR" means a device that can record video signals onto a hard disk drive or other device capable of storing the images digitally. The definition does not include models that have an EPG function.

(h) "Electronic programming guide" or "EPG" means an application that provides an interactive, onscreen menu of TV listings and that downloads program information from the vertical blanking interval of a regular TV signal.

(i) "Point of deployment" or "POD" means a card that enables a TV to have secure conditional access to a cable or satellite system.

(j) "Television" or "TV" means a commercially available electronic product consisting of a tuner or receiver and a monitor encased in a single housing that is designed to receive and display an analog or digital video television signal broadcast by an antenna, satellite, cable, or broadband source. The definition does not include multifunction TVs that have VCR, DVD, DVR, or EPG functions or a POD card slot.

(k) "TV standby-passive mode" means the condition in which a power supply or audio and video equipment is connected to a power source, does not produce sound or vision, and can be switched to active mode with the remote control unit or an internal signal.

(l) "Video cassette recorder" or "VCR" means a commercially available analog recording device that includes an

integral power supply and that records television signals onto a tape medium for subsequent viewing.

(m) "Video standby-passive mode" means the appliance is connected to a power source, does not perform any mechanical function or produce video or audio output signals, and can be switched into another mode with the remote control unit or an internal signal.

(36) With respect to pool and spa equipment:

(a) "Coefficient of performance" or "COP" means the ratio of heat output to the total power input in consistent units.

(b) "Heat pump pool heater" means an air-to-water heat pump pool heater, employing a compressor, water-cooled condenser, and outdoor air coil in a single package assembly.

(c) "Low-temperature rating," "spa temperature rating," and "standard temperature rating" mean the conditions described, respectively, in the following table:

Reading	Standard Temperature Rating	Low-Temperature Rating	Spa Temperature Rating
Air Temperature			

	27° C (80.6° F)	10° C (50° F)	27.0° C (80.6° F)
Dry-bulb			
	21.7° C (71° F)	6.9° C (44.4° F)	21.7° C (71.0° F)
Wet-bulb			
Relative Humidity	63%	63%	63%
Pool Water Temperature	26.7° C 80° F	26.7° C 80° F	40° C 104° F

(d) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs, and similar products.

(e) "Portable electric spa" means a factory-built electric spa or hot tub supplied with equipment for heating and circulating water.

(f) "Readily accessible on-off switch" of a pool heater means an on-off switch located in a place that can be easily used without the need for tools to remove any covering when the pool heater is on display in a store or when it is installed.

(g) "Residential pool pump" means a pump used to circulate

and filter pool water in order to maintain clarity and sanitation.

(h) "Thermal efficiency" of a pool heater means a measure of the percentage of heat from the input that is transferred to the water.

(37)~~(20)~~ With respect to refrigerators, freezers, and refrigerator-freezers:

(a) "Automatic defrost system" means a defrost system in which the defrosting action for all refrigerated surfaces is initiated and terminated automatically.

(b) "Freezer" means a cabinet designed as a unit for the storage of food at temperatures of about 0 °F, having the ability to freeze food, and having a source of refrigeration requiring an energy input.

(c) "Refrigerator" means a cabinet designed for the refrigerated storage of food at temperatures above 32 °F, and having a source of refrigeration requiring an energy input. It may include a compartment for the freezing and storage of food at temperatures below 32 °F, but does not provide a separate low temperature compartment designed for the freezing of and the long-term storage of food at temperatures below 8 °F. It has only one exterior door, but it may have interior doors on compartments.

(d) "Refrigerator-freezer" means a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above 32 °F, and with at least one of the compartments designed for the freezing of and the storage of

frozen foods at temperatures of 8 °F or below. The source of refrigeration requires energy input.

(38) ~~(21)~~ Definitions used in the code shall also apply to terms used in this part.

Section 7. Section 553.957, Florida Statutes, is amended to read:

553.957 Products covered by this part.--

(1) The provisions of this part apply to the testing, certification, and enforcement of energy conservation standards for the following types of new products sold in the state:

(a) Bottle-type water dispensers.

(b) Commercial boilers.

(c) Commercial hot food holding cabinets.

(d) Compact audio products.

(e) Digital television adapters.

(f) Digital versatile disc players and recorders.

(g) ~~(b)~~ Lighting equipment.

(h) Liquid-immersed distribution transformers.

(i) Medium voltage dry-type distribution transformers.

(j) Pool heaters.

(k) Portable electric spas.

(l) ~~(a)~~ Refrigerators, refrigerator-freezers, and freezers which can be operated by alternating current electricity, excluding:

1. Any type designed to be used without doors; and

2. Any type which does not include a compressor and condenser unit as an integral part of the cabinet assembly.

(m) Residential pool pumps.

(n) ~~(c)~~ Showerheads.

(o) Vending machines.

(p) ~~(d)~~ Any other type of consumer product which the department classifies as a covered product as specified in this part.

(2) The provisions of this part do not apply to:

(a) New products manufactured in the ~~this~~ state and sold outside the state.

(b) New products manufactured outside the ~~this~~ state and sold at wholesale in the ~~this~~ state for final retail sale and installation outside the state.

(c) Products installed in manufactured homes at the time of construction.

(d) ~~(e)~~ Products designed expressly for installation and use in recreational vehicles ~~or other equipment designed for regular mobile use~~.

Section 8. Section 553.961, Florida Statutes, is amended to read:

553.961 Test methods.--

(1) The manufacturer shall cause the testing of samples of each model of each product covered by this part. Test procedures identified in the code shall be the accepted test procedures for those products addressed by the code. Test procedures for products not addressed in the code shall be determined by the department. The department shall use United States Department of Energy approved test methods or, in the absence of such test methods, other appropriate nationally recognized test methods applicable to the respective products. The department may elect

to develop and prescribe other test methods based upon the department's determination that use of such other test methods is justified due to decreased cost, increased accuracy, or the general use and acceptance of a specific test method by the industry involved.

(2) The department may test products covered by this part. If products are found to not be in compliance with the minimum efficiency standards established under this part, the department shall charge the manufacturer of such product for the cost of product purchase and testing and shall provide information to the public on products found not to be in compliance with the standards.

(3) The department shall coordinate with the certification programs of other states and federal agencies with similar standards to the maximum extent practicable, including investigating whether certification in another state can serve as a substitute for certification in Florida.

Section 9. Section 553.963, Florida Statutes, is amended to read:

553.963 Energy conservation standards.--

(1) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.--

(a) The following is the maximum energy use allowed in kilowatt hours per year for the following products, other than those described in paragraph (b), manufactured on or after January 1, 1993:

	Energy Standards Equations
Refrigerators and refrigerator-freezers with manual defrost	13.7 AV+267
Refrigerator-freezers--partial automatic defrost	17.4 AV+344
Refrigerator-freezers--automatic defrost with:	
Top-mounted freezer without ice	16.7 AV+336
Side-mounted freezer without ice	22.4 AV+395
Bottom-mounted freezer without ice	22.4 AV+395
Top-mounted freezer with through-the-door ice	18.5 AV+374
Side-mounted freezer with through-the-door ice	24.8 AV+438
Upright freezers with:	
Manual defrost	8.38 AV+324
Automatic defrost.	12.3 AV+477

Chest freezers and all other freezers 6.3 AV+282

(b) The standards described in paragraph (a) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

(2) STANDARDS FOR LIGHTING EQUIPMENT.--

(a) Except as provided in paragraph (b), no fluorescent lamp ballast or luminaire manufactured on or after January 1, 1989, shall either have a ballast efficiency factor, or contain a ballast with a ballast efficiency factor, less than the following applicable values:

Ballasts Designed for the Operation of:	Nominal Input Voltage	Total Nominal Lamp Watts	Ballast Efficiency Factor
One F40T12 lamp	120	40	1.805
	277	40	1.805
Two F40T12 lamps	120	80	1.060
	277	80	1.050
Two F96T12 lamps	120	150	0.570
	277	150	0.570

(b) The standards described in paragraph (a) do not apply to the following types of fluorescent lamp ballasts:

1. Those which have a dimming capability.

2. Those intended for use in ambient temperatures of 0 °F or less.

3. Those with a power factor of less than 0.60.

(3) STANDARDS FOR SHOWERHEADS.--

(a) The initial minimum standards for showerheads manufactured on or after January 1, 1988, shall require the limiting of maximum water discharge to 3.00 gallons per minute when tested according to ANSI A112.18.1M-1979.

(b) Showerheads manufactured for use in safety spray installations shall be exempt.

(4) STANDARDS FOR BOTTLE-TYPE WATER DISPENSERS.--The standby energy consumption of bottle-type water dispensers and point of use water dispensers, dispensing both hot and cold water, shall not exceed 1.2 kWh/day.

(5) STANDARDS FOR COMMERCIAL BOILERS.--Commercial boilers shall adopt a standard of no less than 80 percent thermal efficiency for gas-fired boilers and 82 percent thermal efficiency for oil-fired boilers.

(6) STANDARDS FOR COMMERCIAL HOT FOOD HOLDING CABINETS.--The idle energy rate of commercial hot food holding cabinets shall be no greater than 40 watts per cubic foot of measured interior volume.

(7) STANDARDS FOR AUDIO AND VIDEO EQUIPMENT.--

(a) The power usage of audio and video equipment shall not be greater than the applicable values shown in the following table. For equipment that consists of more than one individually powered product, each with a separate main plug, the

individually powered products shall each have a power usage not greater than the applicable values shown in the following table:

Appliance Type	Maximum Power Usage (Watts)
Compact Audio Products	2 W in Audio standby-passive mode for those without a permanently illuminated clock display 4 W in Audio standby-passive mode for those with a permanently illuminated clock display
Televisions	3 W in TV standby-passive mode
Digital Versatile Disc Players and Digital Versatile Disc	3 W in Video standby-passive mode

(b) Digital television adapters shall use no more than 8 W

of power in active modes and 1 W in standby mode.

(c) Liquid-immersed distribution transformer standards shall not be greater than the applicable values shown in the following table:

Rated Power Output in kVa		Minimum Efficiency %	Rated Power Output in kVa		Minimum Efficiency %
≥15	<25	Single Phase	Three Phase		98.3
≥25	<37.5	98.9	≥30	<45	98.6
≥37.5	<50	99.0	≥45	<75	98.8
≥50	<75	99.1	≥75	<112.5	98.9
≥75	<100	99.2	≥112.5	<150	99.0
≥100	<167	99.2	≥150	<225	99.1
≥167	<250	99.3	≥225	<300	99.2
≥250	<333	99.4	≥300	<500	99.2

≥333	<500	99.4	≥500	<750	99.3
≥500	<667	99.5	≥750	<1000	99.4
≥667	<883	99.6	≥1000	<1500	99.4
883		99.6	≥1500	<2000	99.5
			≥2000	<2500	99.6
			2500		99.6

(d) Medium voltage dry-type distribution transformer standards shall not be greater than the applicable values shown in the following table:

Single Phase			Three Phase		
Rated Power Output in kVa		Minimum Efficiency %	Rated Power Output in kVa		Minimum Efficiency %
≥15	<25	97.9	≥15	<30	97.1
≥25	<37.5	98.2	≥30	<45	97.6
≥37.5	<50	98.4	≥45	<75	97.9

≥50	<75	98.5	≥75	<112.5	98.2
≥75	<100	98.7	≥112.5	<150	98.4
≥100	<167	98.8	≥150	<225	98.5
≥167	<250	99.0	≥225	<300	98.7
≥250	<333	99.1	≥300	<500	98.8
≥333	<500	99.2	≥500	<750	99.0
≥500	<667	99.3	≥750	<1000	99.1
≥667	<883	99.3	≥1000	<1500	99.2
883		99.4	≥1500	<2000	99.3
			≥2000	<2500	99.3
			2500		99.4

(8) STANDARDS FOR POOL HEATERS, RESIDENTIAL POOL PUMPS, AND PORTABLE ELECTRIC SPAS.--

(a) Natural gas pool heaters shall not be equipped with constant burning pilots.

(b) All pool heaters shall have a readily accessible on-off switch that is mounted on the outside of the heater and that

allows shutting off the heater without adjusting the thermostat setting.

(c) For heat pump pool heaters, the average of the coefficient of performance at standard temperature rating and the coefficient of performance at low temperature rating shall be not less than 3.5.

(d) The thermal efficiency of gas-fired pool heaters and oil-fired pool heaters shall not be less than 80 percent.

(e) Pool pump motors may not be split-phase, shaded-pole, or capacitor start-induction run types.

(f) Pool pump motors with a capacity of 1 HP or more shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum rotation rate.

(g) Pool pump motor controls shall have the capability of operating the pool pump at a minimum of two speeds. The default circulation speed shall be the lowest speed, with a high speed override capability being for a temporary period not to exceed one normal cycle or 120 minutes, whichever is less.

(h) The standby power of portable electric spas shall be not greater than $5(V^{2/3})$ watts when V = the total volume in gallons.

(9) REFRIGERATED CANNED OR BOTTLED BEVERAGE VENDING MACHINES.--

(a) Refrigerated canned or bottled beverage vending machines shall be equipped with hard-wired controls or software capable of automatically placing the machine into each of the following low power mode states and automatically returning the

machine to its normal operating conditions at the conclusion of the low-power mode:

1. Lighting low power state: lights off for an extended period.

2. Refrigeration low power state: the average beverage temperature is allowed to rise above 40° F. for an extended period of time.

3. Whole machine low power state: the lights are off and the refrigeration operates in its low-power state.

The low power mode controls and software shall be capable of onsite adjustments by the vending operator or machine owner.

(b) Standards for refrigerated canned or bottled beverage vending machines shall be no greater than the applicable values shown in the following table:

Appliance	Maximum Daily Energy Consumption(kWh)
Refrigerated canned or bottled beverage vending machines when tested at 90° F ambient temperature except multi-package units	0.55(8.66 +(0.009 × C))

Refrigerated multi-package canned or bottled beverage vending machines when tested at 75° F ambient temperature	0.55(8.66 + (0.009 x C))

C=Rated capacity (number of 12-ounce cans)

(10) STANDARDS FOR DISTRIBUTION TRANSFORMERS.--Medium voltage dry-type distribution transformers shall meet minimum efficiency levels three-tenths of a percentage point higher than the Class 1 efficiency levels for medium voltage distribution transformers specified in Table 4-2 of the "Guide for Determining Energy Efficiency for Distribution Transformers" published by the National Electrical Manufacturers Association, NEMA Standard TP-1-2002.

(11)~~(4)~~ STANDARDS FOR OTHER COVERED PRODUCTS.--

(a) The department may prescribe an energy conservation standard for any type or class of covered products of a type specified in s. 553.957~~, except where precluded by federal law,~~ if the department determines that:

1. The average per occupancy energy use within this state resulting from performance of products of such type or class exceeded 80 kilowatt hours or its Btu equivalent for any 12 calendar-month period ending before such determination; and

2. Substantial improvement in the energy efficiency of products of such type or class is technologically feasible.

(b) The department may prescribe an energy conservation testing and rating standard for any type or class of covered products of a type specified in s. 553.957 if the department determines that the certifications to the state and uniform product labeling required by this part will improve the enforceability of the code.

(c) Any new or amended standard for covered products of a type specified in s. 553.957(1)~~(d)~~ shall not apply to products manufactured within 2 years after the publication of a final rule establishing such standard.

(d) If the department finds during any rulemaking procedure that a state energy standard requires a waiver from federal preemption, the department shall apply for such a waiver.

(12) EFFECTIVE DATES.--

(a) By July 1, 2009, the department, in consultation with the Public Service Commission, shall adopt rules in accordance with chapter 120 to establish minimum efficiency standards for the types of new products under this section.

(b) By July 1, 2010, no new product of a type under this section may be sold or offered for sale in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards adopted pursuant to paragraph (a).

(c) By July 1, 2011, no new product of a type under this section may be installed in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards adopted pursuant to paragraph (a).

Section 10. By July 1, 2009, the Department of Revenue, in

consultation with the Department of Environmental Protection and the Public Service Commission, shall establish and implement, by rule, a program providing sales tax refunds to businesses for the purchase of qualified products under section 553.957, Florida Statutes, as amended by section 7 of this act. The program shall terminate on July 1, 2011.

Section 11. (1) The Department of Management Services shall adopt, by rule, a schedule for minimum energy efficiency standards for all general purpose lights. The schedule, in combination with other programs and activities affecting lighting use in the state, shall be structured to reduce average statewide electrical energy consumption by not less than 50 percent from the 2007 level for indoor residential lighting, and by not less than 25 percent from the 2007 level for indoor commercial and outdoor lighting, by 2018.

(2) By January 1, 2009, the department shall make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding how to reduce per capita residential and commercial energy consumption 20 percent below the 2007 level.

(3) By July 1, 2010, the department and all other state agencies shall cease purchasing general purpose lights that do not meet the standards adopted pursuant to this act unless the lighting is deemed historically appropriate for the facility.

(4) For purposes of this section, the term "general purpose lights" means lamps, bulbs, tubes, or other electric devices that provide functional illumination for indoor residential, indoor commercial, and outdoor use. The term does

not include any of the following specialty lighting: applicant, black light, bug, colored, infrared, left-hand thread, marine, marine signal service, mine service, plant light, reflector, rough service, shatter resistant, sign service, silver bowl, showcase, three-way, traffic signal, vibration service or vibration resistant, and lights needed to provide special-needs lighting for individuals with exceptional needs.

Section 12. Section 553.975, Florida Statutes, is amended to read:

553.975 Report to the Governor and Legislature.--The Public Service Commission shall submit a biennial report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, concurrent with the report required by s. 366.82(8) ~~(4)~~, beginning in 1990. Such report shall include an evaluation of the effectiveness of these standards on energy conservation in this state.

Section 13. This act shall take effect July 1, 2008.