556356

CHAMBER ACTION

Senate	.	House
Comm: TP 4/9/2008	. . . .	

The Committee on Environmental Preservation and Conservation (Rich) recommended the following **amendment:**

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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 efficiency or conservation measure or program or use of alternative energy resources may 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 to determine the cost-effectiveness of proposed energy efficiency, conservation, 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 a demand-side option or a supply-side option.

(b) "Demand-side option" or "demand-side resource" means an energy resource that meets the energy service needs of the utility's retail customers by reducing the demand for electricity such customers would otherwise impose, including, but not limited to, energy efficiency and conservation, load management, cogeneration, and renewable energy resources.

(c) "Integrated resource plan" means an energy resource acquisition plan of a utility which is developed through a comprehensive planning process that evaluates the costs, benefits, and risks of many different demand and supply-side options for meeting the future energy demand of the utility's customers and selects the optimal mix of energy resources which minimizes costs while meeting reliability needs or other goals.

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

(e) "Renewable energy" means energy from a demand-side option or a supply-side option which is produced by using the sun, wind, water, or biomass sources that, unlike fossil fuels, are naturally recurring and can be used to produce energy indefinitely without diminishing in availability and abundance.

(f) "Supply-side option" or "supply-side resource" means an electric plant, a long-term power purchase, or any other source of additional electricity. The term includes, but is not limited to, any generation or transmission lines needed to

deliver electricity from the source to the utility's retail customers.

(g) "Total Resource Cost test" means a standard to quantify the net cost savings obtained by substituting demand-side resources for supply-side resources which is met if, for an acquisition of an energy efficiency, conservation, or demand-response energy resource, the benefit-cost ratio is greater than 1. The benefit-cost ratio of such an acquisition is the ratio of the net present value of the acquisition's total benefits to the net present value of the acquisition's total costs, calculated over the lifetime of the end-use measures implemented by the acquisition. The total benefits are the sum of the reasonable estimates of the costs for power and energy, including, but not limited to, costs for generation, transmission, and distribution of electricity and costs likely to be required for compliance with future laws or rules limiting emissions of greenhouse gases, which costs are avoided by implementing such measures. The total costs are the sum of the reasonable estimates of the incremental costs of such measures, including utility and participant contributions, and the costs to administer and evaluate the program delivering the measures.

(h) "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 and post on its website an integrated resource plan that contains:

(a) The utility's electric demand and energy forecast for at least a 10-year period.

(b) The utility's program for meeting the requirements shown in its forecast in an economical and reliable manner.

(c) The utility's analysis of all capacity resource options, including demand-side and supply-side options, and a detailed description of the utility's assumptions and conclusions with respect to the effect of each capacity resource option on the future cost and reliability of energy service.

(d) A description, by size and type, of each proposed electric generation facility that is expected to be owned or operated in whole or in part by the utility upon which construction is expected to commence during the ensuing 10 years or such longer period as the commission deems necessary and of each existing power generation facility intended to be removed from service during such period or upon completion of such construction.

(e) A description of practical alternatives to the fuel type and method of generation of each such proposed electric generating facility which sets forth in detail the utility's reasons for selecting the fuel type and method of generation.

(f) A statement quantifying the estimated effect of each such proposed electric generating facility and alternative on the environment and describing the means by which potential adverse effects will be avoided or minimized.

(g) A detailed statement of the projected demand for electric energy for a 20-year period and the basis for determining the projected demand.

(h) A description of the utility's relationship to other utilities in regional associations, power pools, and networks.

(i) A description identifying each major research project and program of the utility which will continue or commence in the succeeding 3 years and setting forth the reasons for selecting specific areas of research.

(j) A description of the utility's existing and planned programs and policies to discourage inefficient or excessive power use.

(k) Other information as may be required by the commission.

(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 person may comment regarding the contents and adequacy of the plan. After the hearing, the commission shall determine whether:

(a) The requirements shown in the utility's forecast 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 which may result from measures to improve energy efficiency and conservation 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 which are associated with improvements in energy efficiency and conservation, pooling of power and purchases of power from neighboring states, facilities that operate on renewable energy, facilities that operate on the principle of cogeneration or hydrogeneration, and other power generation facilities and demand-side options.

(4) The utility's integrated resource plan must include demand-side options that pass the Total Resource Cost test. The commission may not approve an integrated resource plan that includes only those demand-side options that pass the 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 renewable energy and 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 a utility's integrated resource plan no later than 120 days after the date the utility files the plan with the commission. 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 ~~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 may ~~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) "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 term excludes hot water supply boilers ~~"AV" means the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure~~.

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

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

(4) "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 term

excludes heated glass merchandising cabinets, drawer warmers, or cook-and-hold appliances.

(5) "Cook-and-hold appliance" means a multiple-mode appliance intended for cooking food which may also be used to hold the temperature of the cooked food in the same appliance. ~~"Date of sale" means the day when the product is physically delivered to the buyer~~.

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

(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.

(8) "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.

(9)~~(8)~~ "Energy conservation standard" or "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 that ~~which~~ the department may prescribe.

~~(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.~~

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

(11) "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 transmission and distribution lines to lower levels required to power equipment and machinery. ~~"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~~.

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

(13) "Medium voltage dry-type distribution transformer" means a transformer that has an input voltage of more than 600 volts but fewer 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.

(14) ~~(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.

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

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

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

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

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

~~"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.~~

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

(19) "Thermal efficiency" of a boiler 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. ~~"Relative light output" ballast light output divided by a reference ballast light output using the same reference lamp and expressing the value as a percent.~~

(20) "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. ~~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.~~

(21) "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 having multiple voltage taps of which the highest voltage tap equals 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.

(22) "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.

(23) 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 which is greater than zero.

(b) "Audio standby-passive mode" means the appliance is connected to a power source and does not produce sound or perform any mechanical function, but can be switched into another mode using 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 term 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 records video signals onto a hard disk drive or other device capable of storing the images digitally. The term 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 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 term 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 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 may be switched into another mode using the remote control unit or an internal signal.

(24) 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°	21.7° C (71.0° F)
Wet-bulb		F)	
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.

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

(25) ~~(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 efficiency ~~conservation~~ standards for the following types of new products sold in the state:

(a) Bottle-type water dispensers. ~~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.~~

(b) Commercial boilers ~~Lighting equipment~~.

(c) Commercial hot food holding cabinets.

(d) Compact audio products.

(e) Digital television adapters.

(f) Digital versatile disc players and recorders.

(g) Liquid-immersed distribution transformers.

(h) Medium voltage dry-type distribution transformers.

(i) Pool heaters.

(j) Portable electric spas.

(k) Residential pool pumps.

(l) ~~(c)~~ Showerheads.

(m) Vending machines.

(n) ~~(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) ~~(c)~~ 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 test methods approved by the 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 energy-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 having similar standards to the maximum extent practicable, including investigating whether certification in another state can serve as a substitute for certification in this state.

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

553.963 Energy efficiency ~~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.~~

(1) ~~(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.

(2) 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, may not exceed 1.2 kWh/day.

(3) 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.

(4) 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.

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

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

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

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

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

shutting off the heater without adjusting the thermostat setting.

(c) For heat pump pool heaters, the coefficient of performance at low temperature rating may not be less than 4.0.

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

(e) Pool pump motors may not be shaded-pole type.

(7) 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 × C))

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

(8) 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.

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

(a) The department may prescribe an energy efficiency 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 efficiency 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 efficiency standard requires a waiver from federal preemption, the department shall apply for such a waiver.

(10) 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 implement the minimum energy efficiency standards established under subsections (2) through (8).

(b) On or after July 1, 2010, a new product of a type for which minimum energy efficiency standards are established under subsections (2) through (8) may not be sold or offered for sale in the state unless the energy efficiency of the new product meets or exceeds such minimum standards and any rule requirements adopted pursuant to paragraph (a).

(c) On or after July 1, 2011, a new product of a type for which minimum efficiency standards are established under subsections (2) through (8) may not be installed in the state unless the energy efficiency of the new product meets or exceeds such minimum efficiency standards and the requirements of rules adopted pursuant to paragraph (a) or as otherwise authorized under this chapter.

Section 10. 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) ~~s. 366.82(4)~~, beginning in 1990. Such report shall include an evaluation of the effectiveness of these standards on energy efficiency in this state.

Section 11. (1)(a) As used in this subsection, the term "general purpose lights" means lamps, bulbs, tubes, or other electric devices that provide functional illumination for indoor residential, indoor commercial, or outdoor use. The term

excludes 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 who have exceptional needs.

(b) The Department of Management Services shall adopt, by rule:

1. A schedule for installing general purpose lights in the buildings owned or leased by the state so that by 2008, in combination with other programs and activities affecting lighting use in the state, the buildings' average statewide electrical energy consumption is reduced by at least 50 percent from the 2007 level for indoor residential lighting and by at least 25 percent from the 2007 level for indoor commercial and outdoor lighting.

2. Minimum energy-efficiency standards for all general purpose lights that are used in the buildings owned or leased by the state. By July 1, 2010, the department and all other state agencies shall cease purchasing general purpose lights that do not meet or exceed the minimum standards adopted under this subparagraph unless the lighting is deemed historically appropriate for the facility.

(2) By January 1, 2009, the Department of Management Services 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 energy

consumption in the buildings owned or operated by the state by 20 percent below the 2007 level.

Section 12. This act shall take effect July 1, 2008.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to energy efficiency; amending s. 366.041, F.S.; prohibiting public utilities from considering lost revenues resulting from conservation or the use of alternative energy resources as a cost that denies a reasonable rate of return; amending s. 366.05, F.S.; requiring public utilities to maintain separate accounts relating to certain energy conservation, energy efficiency, energy audit, and alternative energy programs; requiring the commission to consider certain information in cost determinations concerning such programs; 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, conservation, and load-management plans; amending s. 366.82, F.S.; providing definitions; requiring a public utility to file an integrated resource plan with the commission; providing requirements concerning the contents of the plan; 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; providing requirements governing utility implementation of integrated resource plans; requiring submission of an annual report by the commission to the Legislature and the Governor; providing that the Executive Office of the Governor is a part in certain proceedings involving goals for integrated resources plans; 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 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; removing and adding certain types of products from the list; 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 concerning 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-efficiency standards for certain products; removing energy-efficiency standards for certain products; requiring the department to apply for federal waivers under certain circumstances; requiring the department to adopt rules; prohibiting the sale or installation of certain products as of specified dates; requiring that certain products meet or exceed certain efficiency standards; amending s. 553.975, F.S.; conforming a cross-reference; defining the term "general purpose lights"; requiring the Department of Management Services to adopt rules concerning a schedule and minimum energy-efficiency standards for the use of general purpose lights in certain buildings; providing criteria concerning the schedule and standards; requiring the department to make recommendations to the Governor and the Legislature concerning the reduction in energy consumption in certain buildings; providing an effective date.