

By Senator Geller

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1 A bill to be entitled

2 An act relating to energy-efficiency standards; providing  
3 legislative findings; providing definitions; providing  
4 that the act applies to specified types of new products  
5 sold, offered for sale, or installed in this state;  
6 requiring the Department of Environmental Protection, in  
7 consultation with the Public Service Commission, to adopt  
8 rules establishing minimum efficiency standards for  
9 specified products; specifying minimum efficiency levels  
10 for those standards; setting implementation deadlines;  
11 authorizing the Department of Environmental Protection to  
12 revise rules to increase efficiency levels for specified  
13 products over minimum standards when energy conservation  
14 is promoted and cost-effective; providing for a delayed  
15 effective date; requiring the department to adopt  
16 nationally recognized procedures for testing the  
17 efficiency of specified products if the procedures are not  
18 provided for in the state building code; requiring  
19 manufacturers of specified products to certify compliance  
20 with the act; requiring the department to adopt rules  
21 governing the identification and certification of  
22 specified products; authorizing the department to use an  
23 accredited testing facility; requiring the department to  
24 charge the manufacturer for noncompliant products and to  
25 provide information to the public about noncompliant  
26 products; authorizing the department to conduct periodic  
27 inspections of distributors or retailers; requiring the  
28 department to investigate complaints and report the  
29 results to the Attorney General; authorizing the Attorney

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30 General to initiate civil proceedings to enforce the act;  
31 providing for penalties against a manufacturer,  
32 distributor, or retailer in violation of the act;  
33 providing for a warning for first-time violations;  
34 authorizing the department to adopt additional rules;  
35 providing an effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Legislative findings.--The Legislature finds  
40 that:

41 (1) Efficiency standards for certain products sold or  
42 installed in the state assure business and residential consumers  
43 that such products meet minimum efficiency performance levels,  
44 thus saving money on utility bills.

45 (2) Such efficiency standards save energy and thus reduce  
46 pollution and other environmental impacts associated with the  
47 production, distribution, and use of electricity and natural gas.

48 (3) Such efficiency standards can make electrical systems  
49 more reliable by reducing the strain on the electric power grid  
50 during peak demand periods. Improved energy efficiency can reduce  
51 or delay the need for new power plants, new power transmission  
52 lines, and upgrades to the power distribution system.

53 (4) Energy-efficiency standards contribute to the economy  
54 of the state by enabling business and residential consumers to  
55 spend less on energy, leaving more capital available for the  
56 purchase of local goods and services.

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

58 (1) "Commercial clothes washer" means a soft mount front-

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59 loading or soft mount top-loading clothes washer that is designed  
60 for use by more than one household, such as in multifamily  
61 housing common areas, coin laundries, or other multifamily  
62 applications, and that has a clothes container compartment no  
63 greater than 3.5 cubic feet for horizontal-axis clothes washers  
64 or no greater than 4 cubic feet for vertical-axis clothes  
65 washers.

66 (2) "Commercial refrigerator and freezer" means a reach-in  
67 cabinet, pass-through cabinet, roll-in cabinet, or roll-through  
68 cabinet that has less than 85 cubic feet of cooling space and is  
69 not a walk-in model or a consumer product regulated under the  
70 National Appliance Energy Conservation Act of 1987, Pub. L. No.  
71 100-12.

72 (3) "Department" means the Department of Environmental  
73 Protection.

74 (4) "Illuminated exit sign" means an internally illuminated  
75 sign that is designed to be permanently mounted and used to  
76 identify an exit. A light source illuminates the sign or letters  
77 from within and the background of the sign is not transparent.

78 (5) "Large packaged air-conditioning equipment" means  
79 packaged air-conditioning equipment having a cooling capacity of  
80 240,000 Btu per hour or more.

81 (6) "Low-voltage, dry-type distribution transformer" means  
82 a distribution transformer that:

83 (a) Has an input voltage of 600 volts or less;

84 (b) Is between 14kVa and 2,501kVa in size;

85 (c) Is air-cooled; and

86 (d) Does not use oil as a coolant.

87 (7) "Packaged air-conditioning equipment" means air-

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88 conditioning equipment that is built as a package and shipped as  
89 a whole to the site of an end user.

90 (8) "Pass-through cabinet" means a commercial refrigerator  
91 or commercial freezer with hinged or sliding doors on the front  
92 and rear of the refrigerator or freezer.

93 (9) "Reach-in cabinet" means a commercial refrigerator,  
94 commercial refrigerator-freezer, or commercial freezer with  
95 hinged or sliding doors or lids, but excluding a roll-in or roll-  
96 through cabinet or pass-through cabinet.

97 (10) "Roll-in or roll-through cabinet" means a commercial  
98 refrigerator or commercial freezer with hinged or sliding doors  
99 that allows wheeled racks of product to be rolled into or through  
100 the cooling space.

101 (11) "Traffic signal module" means a standard 8-inch, 200  
102 mm, or 12-inch, 300 mm, round traffic signal indication that has  
103 a light source, lens, and all parts necessary to communicate  
104 movement messages to drivers through red, amber, and green  
105 colors, which may include arrow modules in the same colors to  
106 indicate turning movements.

107 (12) "Transformer" means a device consisting of two or more  
108 coils of insulated wire that transfers alternating electric  
109 current by electromagnetic induction from one coil to another in  
110 order to change the original voltage or current value.

111 Section 3. Scope.--

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

115 (a) Commercial clothes washers;

116 (b) Commercial refrigerators and freezers;

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117 (c) Illuminated exit signs;

118 (d) Large packaged air-conditioning equipment;

119 (e) Low-voltage, dry-type distribution transformers; and

120 (f) Traffic signal modules.

121 (2) This act does not apply to:

122 (a) New products manufactured in the state and sold outside  
123 the state;

124 (b) New products manufactured outside the state and sold at  
125 wholesale inside the state for final retail sale and installation  
126 outside the state;

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

129 (d) Products designed expressly for installation and use in  
130 recreational vehicles.

131 Section 4. Efficiency standards.--By January 1, 2009, the  
132 department, in consultation with the Public Service Commission,  
133 shall adopt rules, in accordance with chapter 120, Florida  
134 Statutes, establishing minimum efficiency standards for the types  
135 of new products set forth in section 3. The rules shall provide  
136 for the following minimum efficiency standards:

137 (1) Commercial clothes washers shall meet the requirements  
138 shown in Table P-3 of section 1605.3 of the California Code of  
139 Regulations, Title 20: Division 2, Chapter 4, Article 4:  
140 Appliance Efficiency Regulations which took effect on November  
141 27, 2002.

142 (2) Commercial refrigerators and freezers shall meet the  
143 requirements shown in Table A-6 of section 1605.3 of the  
144 California Code of Regulations, Title 20: Division 2, Chapter 4,  
145 Article 4: Appliance Efficiency Regulations which took effect on

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146 November 27, 2002.

147 (3) Illuminated exit signs shall meet the product  
148 specification (Version 2.0) of the Energy Star Program  
149 Requirements for Exit Signs developed by the United States  
150 Environmental Protection Agency.

151 (4) Large packaged air-conditioning equipment shall meet  
152 the Tier 2 efficiency levels of the Minimum Equipment  
153 Efficiencies for Unitary Commercial Air Conditioners and Minimum  
154 Equipment Efficiencies for Heat Pumps, developed by the  
155 Consortium for Energy Efficiency in Boston, Massachusetts, which  
156 took effect on July 1, 2002.

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

160 (6) Traffic signal modules shall meet the product  
161 specifications of the Energy Star Program Requirements for  
162 Traffic Signals, developed by the United States Environmental  
163 Protection Agency, which took effect in February 2001.

164 Section 5. Implementation.--On or after January 1, 2012, a  
165 new product of a type set forth in section 3 may not be sold or  
166 offered for sale in the state unless the efficiency of the new  
167 product meets or exceeds the efficiency standards set forth in  
168 the rules adopted under section 4. On or after January 1, 2009, a  
169 new product of a type set forth in section 3 may not be installed  
170 in the state unless the efficiency of the new product meets or  
171 exceeds the efficiency standards set forth in the rules adopted  
172 under section 4.

173 Section 6. Revised standards.--The department may adopt  
174 rules that increase efficiency standards for products listed in

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175 section 3 beyond the efficiency levels specified in section 4. In  
176 considering such rules, the department shall consult with the  
177 Public Service Commission. The rules must be based on a  
178 determination that the increased efficiency levels would promote  
179 energy conservation and be cost-effective for consumers who  
180 purchase and use such products. A rule establishing revised  
181 efficiency standards does not take effect until 1 year after the  
182 rule is adopted. The department may apply for a waiver of federal  
183 preemption, under 42 U.S.C. s. 6297(d), for those products  
184 regulated by the Federal Government.

185 Section 7. Testing, certification, labeling, and  
186 enforcement.--

187 (1) The department shall adopt procedures for testing the  
188 energy efficiency of the products listed in section 3 if such  
189 procedures are not provided for in the Florida Building Code. The  
190 department shall use test methods approved by the United States  
191 Department of Energy or, in the absence of such test methods,  
192 other appropriate nationally recognized test methods. The  
193 manufacturers of such products shall cause samples of such  
194 appliances to be tested in accordance with the test procedures  
195 adopted under this subsection or the Florida Building Code.

196 (2) Each manufacturer of the new products listed in section  
197 3 shall certify to the department that such products are in  
198 compliance with this act. The department shall adopt rules  
199 governing the certification of such products and may work in  
200 coordination with the certification program of other states that  
201 have similar standards.

202 (3) Each manufacturer of the new products listed in section  
203 3 shall identify each product offered for sale or installed in

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204 the state as in compliance with this act by means of a mark,  
205 label, or tag on the product and packaging at the time of sale or  
206 installation. The department shall adopt rules governing the  
207 identification of such products and packaging and may work in  
208 coordination with the labeling programs of other states that have  
209 equivalent standards.

210 (4) The department may test the products listed in section  
211 3 using an accredited testing facility. If products tested do not  
212 comply with the minimum efficiency standards established under  
213 section 4, or as revised under section 6, the department shall:

214 (a) Charge the manufacturer of such product for the cost of  
215 product purchase and testing; and

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

218 (5) The department may conduct periodic inspections of  
219 distributors or retailers of the products listed in section 3 in  
220 order to determine compliance with this act. The department shall  
221 work with the Department of Business and Professional Regulation  
222 to coordinate inspections when such products are also covered by  
223 the Florida Building Code.

224 (6) The department shall investigate complaints received  
225 concerning violations of this act and shall report the results of  
226 such investigations to the Attorney General. The Attorney General  
227 may institute civil proceedings to enforce the provisions of this  
228 act. Any manufacturer, distributor, or retailer who violates this  
229 act shall be issued a warning by the department for a first  
230 violation. Repeat violations are subject to a civil penalty of  
231 not more than \$250. Each violation constitutes a separate  
232 offense, and each day that such violation continues constitutes a



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233 | separate offense. Penalties assessed under this subsection are in  
234 | addition to costs assessed under subsection (4).

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

237 | Section 8. This act shall take effect upon becoming a law.