

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;  
9 specifying minimum efficiency standards; specifying  
10 implementation deadlines; authorizing the Department of  
11 Environmental Protection to amend efficiency standards and  
12 establish efficiency standards for nonspecified products  
13 for the purpose of promoting energy conservation and cost  
14 efficiency if such standards do not become effective  
15 within a certain time period; requiring the department to  
16 adopt procedures for testing the energy efficiency of new  
17 products if the procedures are not provided for in the  
18 state building code; requiring the department to use  
19 nationally recognized testing methods; requiring  
20 manufacturers of certain new products to certify  
21 compliance with the act; requiring the department to adopt  
22 rules governing the identification and certification of  
23 new products; authorizing the department to use an  
24 accredited testing facility; requiring the department to  
25 charge the manufacturer for noncompliant products and to  
26 provide information to the public about noncompliant  
27 products; permitting the department to conduct periodic  
28 inspections of distributors or retailers; requiring the  
29 department to investigate complaints and report the

HB 1445

2004

30 results to the Attorney General; permitting the Attorney  
 31 General to initiate civil proceedings to enforce the act;  
 32 providing for penalties against a manufacturer,  
 33 distributor, or retailer in violation of the act;  
 34 requiring 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 consumers and businesses that such  
 43 products meet minimum efficiency performance levels, thus saving  
 44 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  
 48 gas.

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

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

HB 1445

2004

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

60 (1) "Commercial clothes washer" means a soft mount front-  
 61 loading or soft mount top-loading clothes washer that is  
 62 designed for use in applications where the occupants of more  
 63 than one household will be using it, such as in multifamily  
 64 housing common areas and coin laundries, or other commercial  
 65 applications, if the clothes container compartment is no greater  
 66 than 3.5 cubic feet for horizontal-axis clothes washers or no  
 67 greater than 4 cubic feet for vertical-axis clothes washers.

68 (2) "Commercial refrigerator and freezer" means a reach-in  
 69 cabinet, pass-through cabinet, roll-in cabinet, or roll-through  
 70 cabinet that has less than 85 cubic feet of capacity and that is  
 71 not a walk-in model or a consumer product regulated under the  
 72 National Appliance Energy Conservation Act of 1987, Pub. L. No.  
 73 100-12.

74 (3) "Department" means the Department of Environmental  
 75 Protection.

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

81 (5) "Large packaged air-conditioning equipment" means  
 82 packaged air-conditioning equipment having a cooling capacity of  
 83 240,000 Btu per hour or more.

84 (6) "Low voltage dry-type distribution transformer" means  
 85 a distribution transformer that:

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

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

88        (c) Is air cooled; and

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

90        (7) "Packaged air-conditioning equipment" means air-  
 91 conditioning equipment that is built as a package and shipped as  
 92 a whole to an end-user site.

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

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

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

104        (11) "Traffic signal module" means a standard 8-inch, 200  
 105 mm, or 12-inch, 300 mm, round traffic signal indication that  
 106 consists of a light source, lens, and all parts necessary for  
 107 operation and that communicates movement messages to drivers  
 108 through red, amber, and green colors. Arrow modules in the same  
 109 colors are used to indicate turning movements.

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

114        Section 3. Scope.--

HB 1445

2004

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

- 118 (a) Commercial clothes washers;
- 119 (b) Commercial refrigerators and freezers;
- 120 (c) Illuminated exit signs;
- 121 (d) Large packaged air-conditioning equipment;
- 122 (e) Low voltage dry-type distribution transformers;
- 123 (f) Traffic signal modules; and
- 124 (g) Such other products as may be designated by the  
 125 department in accordance with section 6.

126 (2) This act does not apply to:

- 127 (a) New products manufactured in the state and sold  
 128 outside the state;
- 129 (b) New products manufactured outside the state and sold  
 130 at wholesale inside the state for final retail sale and  
 131 installation outside the state;
- 132 (c) Products installed in mobile manufactured homes at the  
 133 time of construction; or
- 134 (d) Products designed expressly for installation and use  
 135 in recreational vehicles.

136 Section 4. Efficiency standards.--By January 1, 2005, the  
 137 department, in consultation with the Public Service Commission,  
 138 shall adopt rules, in accordance with chapter 120, Florida  
 139 Statutes, establishing minimum efficiency standards for the  
 140 types of new products set forth in section 3. The rules shall  
 141 provide for the following minimum efficiency standards:

- 142 (1) Commercial clothes washers shall meet the requirements  
 143 shown in Table P-3 of section 1605.3 of the California Code of

HB 1445

2004

144 Regulations, Title 20: Division 2, Chapter 4, Article 4:  
 145 Appliance Efficiency Regulations which took effect on November  
 146 27, 2002.

147 (2) Commercial refrigerators and freezers shall meet the  
 148 August 1, 2004, requirements shown in Table A-6 of section  
 149 1605.3 of the California Code of Regulations, Title 20: Division  
 150 2, Chapter 4, Article 4: Appliance Efficiency Regulations which  
 151 took effect on November 27, 2002.

152 (3) Illuminated exit signs shall meet the product  
 153 specification (Version 2.0) of the "Energy Star Program  
 154 Requirements for Exit Signs" developed by the United States  
 155 Environmental Protection Agency.

156 (4) Large packaged air-conditioning equipment shall meet  
 157 the Tier 2 efficiency levels of the "Minimum Equipment  
 158 Efficiencies for Unitary Commercial Air Conditioners" and  
 159 "Minimum Equipment Efficiencies for Heat Pumps" developed by the  
 160 Consortium for Energy Efficiency, Boston, MA, which took effect  
 161 on July 1, 2002.

162 (5) Low voltage dry-type distribution transformers shall  
 163 meet or exceed the energy efficiency values shown in Table 4-2  
 164 of National Electrical Manufacturers Association Standard TP-1-  
 165 2002.

166 (6) Traffic signal modules shall meet the product  
 167 specifications of the "Energy Star Program Requirements for  
 168 Traffic Signals" developed by the United States Environmental  
 169 Protection Agency which took effect in February 2001.

170 Section 5. Implementation.--On or after January 1, 2007, a  
 171 new product of a type set forth in section 3 may not be sold or  
 172 offered for sale in the state unless the efficiency of the new

HB 1445

2004

173 product meets or exceeds the efficiency standards set forth in  
 174 the rules adopted pursuant to section 4. On or after January 1,  
 175 2008, a new product of a type set forth in section 3 may not be  
 176 installed in the state unless the efficiency of the new product  
 177 meets or exceeds the efficiency standards set forth in the rules  
 178 adopted pursuant to section 4.

179 Section 6. New and revised standards.--The department may  
 180 establish increased efficiency standards on the products listed  
 181 in section 3. The department may also establish standards for  
 182 products not specifically listed in section 3. In considering  
 183 such new or amended standards, the department, in consultation  
 184 with the Public Service Commission, shall set efficiency  
 185 standards upon a determination that increased efficiency  
 186 standards would serve to promote energy conservation in the  
 187 state and would be cost-effective for consumers who purchase and  
 188 use such new products if the new or increased efficiency  
 189 standards do not become effective within 1 year following the  
 190 adoption of any amended rules providing for such increased  
 191 efficiency standards. The department may apply for a waiver of  
 192 federal preemption, in accordance with 42 U.S.C. s. 6297(d), for  
 193 those products regulated by the Federal Government.

194 Section 7. Testing, certification, labeling, and  
 195 enforcement.--

196 (1) The department shall adopt procedures for testing the  
 197 energy efficiency of the new products covered by section 3 if  
 198 such procedures are not provided for in the Florida Building  
 199 Code. The department shall use test methods approved by the  
 200 United States Department of Energy or, in the absence of such  
 201 test methods, other appropriate nationally recognized test

HB 1445

2004

202 methods. The manufacturers of such products shall cause samples  
 203 of such appliances to be tested in accordance with the test  
 204 procedures adopted pursuant to this act or those specified in  
 205 the Florida Building Code.

206 (2) Each manufacturer of new products covered by section 3  
 207 of this act shall certify to the department that such products  
 208 are in compliance with this act. The department shall adopt  
 209 rules governing the certification of such products and may work  
 210 in coordination with the certification program of other states  
 211 with like standards.

212 (3) Each manufacturer of new products covered by section 3  
 213 of this act shall identify each product offered for sale or  
 214 installed in the state as in compliance with this act by means  
 215 of a mark, label, or tag on the product and packaging at the  
 216 time of sale or installation. The department shall adopt rules  
 217 governing the identification of such products and packaging and  
 218 may work in coordination with the labeling programs of other  
 219 states with like standards.

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

224 (a) Charge the manufacturer of such product for the cost  
 225 of product purchase and testing; and

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

228 (5) The department may conduct periodic inspections of  
 229 distributors or retailers of new products covered by section 3  
 230 in order to determine compliance with this act. The department



HB 1445

2004

231 shall also work with the Department of Business and Professional  
 232 Regulation to coordinate inspections for new products that are  
 233 also covered by the Florida Building Code.

234 (6) The department shall investigate complaints received  
 235 concerning violations of this act and shall report the results  
 236 of such investigations to the Attorney General. The Attorney  
 237 General may institute civil proceedings to enforce the  
 238 provisions of this act. Any manufacturer, distributor, or  
 239 retailer who violates any provision of this act shall be issued  
 240 a warning by the department for any first violation. Repeat  
 241 violations are subject to a civil penalty of not more than \$250.  
 242 Each violation constitutes a separate offense, and each day that  
 243 such violation continues constitutes a separate offense.

244 Penalties assessed under this paragraph are in addition to costs  
 245 assessed under subsection (4).

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

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