

PART VI

ENERGY CONSERVATION STANDARDS

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553.951 Short title.--This part may be cited as the "Florida Energy Conservation Standards Act."

History.--s. 1, ch. 87-271.

553.953 Purpose.--

(1) The purpose of these energy conservation standards is to provide statewide minimum standards for energy efficiency in certain products, consistent with energy conservation goals. The standards shall be based on feasible and attainable efficiencies which will reduce Florida's energy consumption growth rate and the growth rate of energy demand. Standards adopted pursuant to this part shall be cost-effective to the majority of the users and shall consider the expected life of the covered product. Such standards shall collectively be known and may be cited as "Florida Energy Conservation Standards."

(2) The Legislature recognizes that energy conservation is an important element of the energy policy of this state. Further, it is the policy of the state and the intent of the Legislature to employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption and prudently conserving energy resources. The Legislature finds that increased product efficiency can contribute significantly toward energy conservation. It is the intent of the Legislature to bring about increased product efficiency through adoption of energy conservation standards.

History.--s. 1, ch. 87-271.

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.

History.--s. 1, ch. 87-271.

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) "Code" means the Florida Energy Efficiency Code for Building Construction.

(5) "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) "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.

(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) "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) "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) "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.

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

(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.

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

(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.

(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.

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

History.--s. 1, ch. 87-271; s. 11, ch. 93-249.

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) 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) Lighting equipment.

(c) Showerheads.

(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 this state and sold outside the state.
- (b) New products manufactured outside this state and sold at wholesale in this state for final retail sale and installation outside the state.
- (c) Products designed expressly for installation and use in recreational vehicles or other equipment designed for regular mobile use.

History.--s. 1, ch. 87-271.

553.959 Applicability.--

(1) Subject to the effective dates provided by s. 553.963, no new product covered by this part may be sold, offered for sale, advertised or otherwise displayed for sale, or installed or caused to be installed in buildings or structures in the state unless the efficiency rating of the product meets or exceeds the levels established by this part. For each new product that is sold, offered for sale, advertised or otherwise displayed for sale, or installed or caused to be installed in buildings or structures in this state a separate offense may be found. Further, new products which do not comply with the provisions of this part shall not be imported or delivered after sale or pursuant to a contract for sale for use in or in connection with a building or structure in the state.

(2) The standards adopted in or pursuant to the provisions of this part shall be minimum standards. They shall constitute a statewide, uniform standard for energy conservation. The Florida Energy Conservation Standards shall, by reference, set minimum efficiencies for products also covered by the code.

History.--s. 1, ch. 87-271.

553.961 Test methods.--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.

History.--s. 1, ch. 87-271.

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 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.

History.--s. 1, ch. 87-271; s. 13, ch. 93-249.

553.968 Exemptions.--The department may grant an exemption from compliance with the standards of this part for any currently produced product model which the manufacturer shows, and the department finds, comprises less than 0.5 percent of that manufacturer's total sales volume in the state for that product class, and with respect to which the manufacturer shows, and the department finds, that modification of the product model to meet the standards of this part would place an undue burden on the manufacturer. Such determination by the department shall be considered final agency action reviewable pursuant to chapter 120. An exemption so granted shall be for a period

of up to but not exceeding 2 years. The department shall grant only one exemption for any particular model, and any new product model initially produced after January 1, 1988, shall not be eligible for such an exemption.

History.--s. 1, ch. 87-271.

553.969 Revisions of standards.--The department shall, no earlier than 2 years after adoption of new or revised standards and no later than 4 years after adoption of new or revised standards, review and if warranted by the department update the standards established by this part. Revisions to the standards established by this part shall be based upon the department's determination that revised energy conservation levels are cost-effective to the majority of the users and shall include consideration of the expected life of the covered product.

History.--s. 1, ch. 87-271; s. 43, ch. 91-220.

553.971 Certification statements.--

- (1) Manufacturers of products covered by this part shall certify to the department that such products are in compliance with the provisions of this part.
- (2) Except as provided in subsection (3), the manufacturer shall submit a certification statement to the department for each model, containing the following information:
 - (a) Name and address of manufacturer.
 - (b) Type of product.
 - (c) Brand name.
 - (d) Model number, as it appears on the product name plate.
 - (e) Name and address of laboratory where test for efficiency was performed.
 - (f) Date of test for efficiency.
 - (g) Results of the test for efficiency, expressed in terms consistent with the applicable test procedure identified in s. 553.961.
 - (h) Sufficient information about the model number or other identification by which the date of manufacture can be readily ascertained.
 - (i) A declaration that the product model complies with the standards established by this part.
 - (j) Every certification statement shall be dated and signed by the manufacturer attesting to its truth and accuracy under penalty of perjury. If the manufacturer is either a

corporation or a business association, the certification statement shall be dated, signed, and attested to by an officer thereof.

(k) Within 45 days after receipt of a certification statement, the department shall forward to the manufacturer an acknowledgment that the statement has been received and that it is complete and accurate on its face.

(3) Manufacturers or distributors of covered products that participate in a nationally recognized product certification program are exempt from the requirements of subsection (2), except that sufficient information about the model number or identification by which the date of manufacture can be readily ascertained shall be provided to the department.

(4) The following information shall appear on each product:

(a) The manufacturer's or distributor's name or brand name.

(b) The model number as used in certifying compliance with the provisions of this part.

(c) The date of manufacture, which may be coded into the model or serial number for the product.

(5) The department may require, by rule, other information necessary to permit the determination that products covered by this part comply with the standards established herein.

History.--s. 1, ch. 87-271.

553.973 Enforcement and penalties.--

(1) The Department of Community Affairs shall investigate any complaints received concerning violations of this part and shall report the results of its investigation to the Attorney General or state attorney. The Attorney General or state attorney may institute proceedings to enjoin any person found to be violating the provisions of this part.

(2) The department shall cause periodic inspections to be made of manufacturers, distributors, or retailers of new products in order to determine compliance with this part. The department, by rule, shall adopt procedures for such inspections and verification of products.

(3) Any person who violates any provision of this part is guilty of a misdemeanor of the first degree, punishable by fine as provided in s. 775.083.

History.--s. 1, ch. 87-271.

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(4), beginning in 1990. Such report shall include an evaluation of the effectiveness of these standards on energy conservation in this state.

History.--s. 1, ch. 87-271.