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A bill to be entitled
 An act relating to treated wood; prohibiting use of wood products treated with chromated copper arsenate in publicly funded playground equipment; providing definitions; providing applicability; providing for enforcement on state lands by the Department of Environmental Protection; requiring the Department of Education to provide notice to and develop guidelines for school districts regarding the sealing of wood treated with chromated copper arsenate; prohibiting state agencies from purchasing wood treated with chromated copper arsenate; providing exceptions; providing for grants for conversion of wood treating companies to operations using preservatives that do not contain arsenic; specifying persons who must provide notice to consumers of wood or wood products containing chromated copper arsenate; providing contents of such notice; providing a penalty for failure to provide notice; providing appropriations; providing an effective date.

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

Section 1. (1) The use of any wood product containing chromated copper arsenate is prohibited in the construction of any playground equipment, and for use as decorative mulch or groundcover associated with playground equipment, for which public funds are used.

(2) As used in this section, the term:

(a) "Playground equipment" means swings, slides, climbing equipment, merry-go-rounds, seesaws, spring rockers,



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31 trampolines, and other similar equipment intended for use
32 primarily by children and includes stairways, ramps, ladders,
33 handrails, platforms, guardrails, and protective barriers that
34 support, provide access to, or act as safety barriers for such
35 equipment. The term does not include buildings, docks, picnic
36 tables, and other associated structures which may be located
37 near playgrounds or adjacent recreation areas.

38 (b) "Public funds" means funds provided by the state, a
39 county, a municipality, a school district, or a special
40 district, or an agency of any of them. The term does not include
41 funds provided by the Federal Government.

42 (3) This section applies only to construction of new
43 playground equipment and new placement of decorative mulch or
44 groundcover. This section does not apply to maintenance or
45 modification of equipment that was in place prior to October 1,
46 2003, nor does it apply to any construction that was begun, or
47 for which contracts have been signed, prior to October 1, 2003.

48 (4) Notwithstanding subsection (1), the Department of
49 Environmental Protection may not enforce the provisions of this
50 section unless the playground equipment is constructed, or the
51 decorative mulch or groundcover is used, on state land.

52 Section 2. (1) The Department of Education shall annually
53 notify school districts that wood that is likely to come in
54 contact with children, and that is treated with chromated copper
55 arsenate, must be sealed every 2 years with a nontoxic sealant.
56 The department shall consult with the wood treating industry,
57 the Department of Health, and the Department of Environmental
58 Protection to develop guidelines on effective types of sealants
59 and their application.



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60 (2) The department may provide grants to school districts
61 and charter schools to help offset the costs of sealing
62 playground equipment made with wood treated with chromated
63 copper arsenate as provided in subsection(1).

64 Section 3. (1) A state agency may not purchase wood
65 treated with chromated copper arsenate unless it can be shown
66 that there are no arsenic-free treated wood products
67 commercially available for a particular use, such as pilings
68 used in submerged applications, or that chemicals used in the
69 arsenic-free product pose an environmental threat to aquatic,
70 wetland, or other sensitive ecosystems.

71 (2) The Department of Environmental Protection may provide
72 grants to private companies that treat wood with chromated
73 copper arsenate, to be used to convert operations to treat wood
74 with a preservative that does not contain arsenic. The grants
75 may be used to offset the costs associated with the conversion,
76 including removal of arsenic-containing wood preservatives and
77 treatment residuals, equipment cleaning or modifications, and
78 labor costs.

79 Section 4. (1) The following persons must provide notice
80 regarding the use of wood treated with chromated copper
81 arsenate:

82 (a) A retailer of wood treated with chromated copper
83 arsenate, or a product containing wood treated with chromated
84 copper arsenate, must provide each noncommercial purchaser of
85 treated wood with the notice specified in subsection (2).

86 (b) A contractor or subcontractor engaged to construct an
87 improvement to a residential structure which will contain wood
88 treated with arsenic, inorganic arsenic, or an arsenic copper
89 combination such as chromated copper arsenate wood preservative,



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90 or a product containing wood treated with any of these
91 substances, must provide the owner of the structure and each
92 nonowner resident with the notice specified in subsection (2).

93 (2) The notice required by this section must include the
94 information guidelines developed by the United States
95 Environmental Protection Agency for consumer purchases of wood
96 treated with chromated copper arsenate, as well as language that
97 prominently states: "Urgent Notice: This wood is treated with
98 arsenic. If children are expected to come into contact with this
99 wood, you must seal this wood with a nontoxic sealant at least
100 once every 2 years."

101 (3) A person who is required to provide this notice and
102 who fails to do so shall refund to the purchaser the full cost
103 of the treated wood or wood product.

104 Section 5. There is appropriated from the General Revenue
105 Fund to the Department of Education the sum of \$250,000 for
106 fiscal year 2003-2004 to provide grants to public school
107 districts and charter schools to help offset the costs of
108 sealing playground equipment made with wood treated with
109 chromated copper arsenate.

110 Section 6. There is appropriated from the General Revenue
111 Fund to the Department of Environmental Protection the sum of
112 \$250,000 for fiscal year 2003-2004 to provide grants to private
113 companies that treat wood with chromated copper arsenate, to be
114 used to convert operations to treat wood with a preservative
115 that does not contain arsenic.

116 Section 7. This act shall take effect July 1, 2003.