

expected later this year. Effective January 1, 2004, the EPA will not allow CCA treated wood to be used for virtually any residential use.

III. Effect of Proposed Changes:

Section 1.

Subsection (1) prohibits the use of any wood product containing CCA in playground equipment and decorative mulch or ground cover associated with playground equipment for which public funds are used.

Subsection (2) defines the following terms:

- (a) Playground equipment means swings, slides, climbing equipment, merry-go-rounds, seesaws, spring rockers, handrails, platforms, guardrails, and protective barriers. Buildings, docks, picnic tables, and other associated structures are specifically excluded.
- (b) Public funds means funds provided by the state, a county, a municipality, a school district, or a special district, or any agency of any of them. Federal funds are excluded.

Subsection (3) limits application to new equipment and new placement of decorative mulch or groundcover. Further, it does not apply to maintenance or modification of equipment in place prior to October 31, 2003.

Subsection (4) provides that the DEP can enforce these provisions only on state land.

Section 2.

Subsection (1) requires the DOE to annually notify school districts that wood treated with CCA must be sealed every 2 years with a nontoxic sealant. It also requires the DOE to develop guidelines on sealants and their applications after consulting with the wood treating industry, the Department of Health, and the DEP.

Subsection (2) provides that the DOE may provide grants to school districts and charter schools to help offset the costs of sealing playground equipment made with wood treated with CCA.

Section 3.

Subsection (1) prohibits a state agency from purchasing wood treated with chromated copper arsenate unless an arsenic-free product is not commercially available for a particular use.

Subsection (2) provides that the DEP may provide grants to private companies to offset the costs to convert operations to treat wood with an arsenic-free preservative.

Section 4.

Subsection (1) requires notice be given regarding the use of wood treated with CCA:

- (a) to each noncommercial purchaser by a retailer of wood or a product containing wood treated with CCA.
- (b) to the owner and each nonowner resident by a contractor or subcontractor doing improvements to a residential structure which will contain wood treated with arsenic.

Subsection (2) requires the notice to include information guidelines developed by the EPA for consumer purchases of wood treated with CCA, as well as the following language “Urgent Notice: This wood is treated with arsenic. If children are expected to come into contact with this wood, you must seal this wood with a nontoxic sealant at least once every 2 years.”

Subsection (3) requires a person who fails to provide the required notice to refund to the purchaser the full cost of the treated wood or wood product.

Section 5. Appropriates \$250,000 from the General Revenue Fund to the Department of Education to provide the grants described herein.

Section 6. Appropriates \$250,000 from the General Revenue Fund to the Department of Environmental Protection to provide the grants described herein.

Section 7. Provides that this act shall take effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The industry may incur unknown costs to convert their operations to treat wood with arsenic-free preservatives.

C. Government Sector Impact:

Other than the initial grant money, no funding is provided to the school districts for compliance. No funding is provided DEP for its enforcement responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Agriculture:

Removes sections which provided appropriations in the amount of \$500,000 to assist in the implementation of this bill. WITH TITLE AMENDMENT

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
