

By Representative Rodriguez-Chomat

1 A bill to be entitled
2 An act relating to disparagement of cattle or
3 cattle products; creating the
4 "Anti-Disparagement of Florida Cattle
5 Industries Act of 1998"; amending s. 865.065,
6 F.S.; revising legislative intent; providing
7 definitions; establishing a cause of action for
8 the disparagement of cattle or cattle products;
9 providing damages allowable and statute of
10 limitations; providing an effective date.

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

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14 Section 1. This act shall be known and may be cited as
15 the "Anti-Disparagement of Florida Cattle Industries Act of
16 1998."

17 Section 2. Section 865.065, Florida Statutes, is
18 amended to read:

19 865.065 Disparagement of perishable agricultural food
20 products or cattle or cattle products; cause of action;
21 limitation.--

22 (1) The Legislature finds, determines, and declares
23 that the production of agricultural food products and the
24 production of cattle and cattle products constitute
25 ~~constitutes an~~ important and significant ~~portions~~ portion of
26 the state economy and that it is imperative to protect the
27 vitality of the agricultural economy and cattle industry
28 economies for the citizens of this state by providing a cause
29 of action for agricultural producers and persons in cattle or
30 cattle-product enterprises or industries to recover damages

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1 for the disparagement of any perishable agricultural product
2 or any cattle or cattle products, respectively.
3 (2) For purposes of this section, the term:
4 (a) "Cattle" has the same meaning as defined in s.
5 585.01 and specifically includes, without being limited to,
6 any "beef cattle" or "dairy cattle," as those terms are
7 defined in s. 585.01.
8 (b) "Cattle product" means any "product" or "animal
9 product," as those terms are defined in s. 585.01, which is
10 derived from or consists wholly or in part of cattle and which
11 is intended for human consumption. The term "cattle product"
12 specifically includes, without being limited to:
13 1. Any "carcass," "meat," "meat byproduct," or "meat
14 food product," as those terms are defined in s. 585.70, which
15 is derived from or consists wholly or in part of cattle.
16 2. Any cattle "milk" or cattle "milk product," as
17 those terms are defined in s. 502.012.
18 (c)~~(a)~~ "Disparagement" means the willful or malicious
19 dissemination to the public in any manner of any false
20 information that a perishable agricultural food product, or
21 any cattle or cattle food product, is not safe for human
22 consumption. False information is that information which is
23 not based on reliable, scientific facts and reliable,
24 scientific data which the disseminator knows or should have
25 known to be false.
26 (d)~~(b)~~ "Perishable agricultural food product" means
27 any agricultural or aquacultural food product or commodity
28 grown or produced within the State of Florida which is sold or
29 distributed in a form that will perish or decay within a
30 reasonable period of time.
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1 (e) "Person in a cattle or cattle-product enterprise
2 or industry" means a person who owns, raises, herds, or dairy
3 farms cattle or produces cattle products, whether for private
4 use, for commercial purposes of the beef industry or the dairy
5 industry, or any other cattle or cattle-product industry, or
6 for any other legal use.

7 (f)~~(e)~~ "Producer" means the person who actually grows
8 or produces perishable agricultural food products.

9 (3)(a) Any producer or any association representing
10 producers of perishable agricultural food products which
11 suffers damages as a result of another person's disparagement
12 of any such perishable agricultural food product may bring an
13 action for damages and for any other relief a court of
14 competent jurisdiction deems appropriate, including, but not
15 limited to, compensatory and punitive damages.

16 (b) Any person in a cattle or cattle-product
17 enterprise or industry, or any association representing
18 persons in any cattle or cattle-product enterprise or
19 industry, that suffers damages as a result of another person's
20 disparagement of any such cattle or cattle product may bring
21 an action for damages and for any other relief a court of
22 competent jurisdiction deems appropriate, including, but not
23 limited to, compensatory and punitive damages.

24 (4) The statute of limitations for disparagement of
25 perishable agricultural food products, or disparagement of
26 cattle or cattle products, is 2 years from the date the
27 disparagement occurs.

28 Section 3. This act shall take effect October 1 of the
29 year in which enacted.

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HOUSE SUMMARY

Creates the "Anti-Disparagement of Florida Cattle Industries Act of 1998." Provides legislative intent. Establishes a cause of action for the disparagement of cattle or cattle products, as defined. Provides damages allowable and statute of limitations.