

By Representatives Heyman, Kendrick, Stansel, Evers,
Spratt, Argenziano, Macheck, Kosmas, Bucher and Richardson

1 A bill to be entitled
2 An act relating to damage or destruction of
3 agricultural products or production systems;
4 amending s. 604.60, F.S.; revising provisions
5 that provide a cause of civil action for the
6 knowing and willful damage or destruction of
7 agricultural crops to revise terminology and
8 include damage or destruction to agricultural
9 production systems; providing for allowable
10 damages; providing an exemption from liability;
11 providing an effective date.

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

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15 Section 1. Section 604.60, Florida Statutes, is
16 amended to read:

17 604.60 Damage or destruction of agricultural products
18 or agricultural production systems ~~crops~~; civil action.--

19 (1) As used in this section:

20 (a) "Agricultural product" means the natural products
21 from a farm, nursery, grove, orchard, vineyard, garden, or
22 apiary, including livestock, tobacco, and vegetables, and
23 includes aquacultural, horticultural, viticultural, forestry,
24 aquatic, dairy, livestock, poultry, bee, and any farm
25 products.

26 (b) "Agricultural production system" means land,
27 buildings, or equipment used in the production of any
28 agricultural product as defined in paragraph (a).

29 (2) Any private, public, or commercial agricultural
30 grower or producer who grows or produces any agricultural
31 product, as defined in s. 468.382(7), for personal, research,

1 or commercial purposes or for testing or research purposes in
2 a product development program conducted in conjunction or
3 coordination with a private research facility, a university,
4 or any federal, state, or local government agency who suffers
5 damages as a result of another person's willful and knowing
6 damage or destruction of any such agricultural product or the
7 agricultural production system of such grower or producer has
8 a cause of action for damages equal to triple ~~double~~ the
9 amount of the value of the product or production system or
10 portion thereof damaged or destroyed, including the cost of
11 any experimental product replication, and for any other relief
12 a court of competent jurisdiction deems appropriate,
13 including, but not limited to, compensatory and punitive
14 damages.

15 (3) In awarding damages under this section, the courts
16 shall consider the market value of the product or production
17 system prior to damage or destruction, and production,
18 research, testing, replacement, and product development costs
19 directly related to the product or production system that has
20 been damaged or destroyed as part of the value of the product
21 or production system. The prevailing party in any action
22 brought pursuant to this section is entitled to an award of
23 reasonable attorney's fees and court costs.

24 (4) There shall no liability on the part of, and no
25 cause of action shall arise against, the state or any agency
26 thereof, including any criminal justice agency, the Department
27 of Agriculture and Consumer Services or its agents or
28 employees, a local governmental entity, or any other political
29 subdivision of the state for any action taken by them in the
30 performance of their powers and duties.

31 Section 2. This act shall take effect October 1, 2002.

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HOUSE SUMMARY

Revises provisions that provide a cause of civil action for the knowing and willful damage or destruction of agricultural crops to revise the term "agricultural crops" to "agricultural products" and to include damage or destruction to agricultural production systems within such provisions. Provides for damages equal to triple the amount of the value of the product or production system or portion thereof damaged or destroyed. Provides an exemption from liability for the state or any of its political subdivisions for actions taken in the performance of their powers and duties.