

By the Council for Smarter Government and Representatives Heyman, Kendrick, Stansel, Evers, Spratt, Argenziano, Machek, Kosmas, Bucher, Richardson and Bowen

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

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