

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

16 604.60 Damage or destruction of agricultural products
17 or agricultural production systems ~~crops~~; civil action.--

18 (1) As used in this section:

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

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

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

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

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

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