

By Senator Smith

5-1186-02

See HB

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 include damage or

8           destruction to agricultural production systems;

9           providing for allowable damages; providing an

10          exemption from liability; providing an

11          effective date.

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

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, the term:

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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LEGISLATIVE 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.