

By the Committees on Judiciary; and Agriculture; and Senator Evers

590-03544-14

20141138c2

1 A bill to be entitled  
2 An act relating to the civil liability of farmers;  
3 amending s. 768.137, F.S.; expanding an existing  
4 exemption from civil liability for farmers who  
5 gratuitously allow a person to enter upon their land  
6 for the purpose of removing farm produce or crops left  
7 in the field after harvesting to include farmers who  
8 gratuitously allow a person to enter upon their land  
9 to remove any farm produce or crops; revising  
10 exceptions to the exemption from civil liability;  
11 providing an effective date.

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

14  
15 Section 1. Subsections (2) and (3) of section 768.137,  
16 Florida Statutes, are amended to read:

17 768.137 Definition; limitation of civil liability for  
18 certain farmers; exception.—

19 (2) A ~~Any~~ farmer who gratuitously allows a person ~~persons~~  
20 to enter upon the farmer's ~~her or his own~~ land for the purpose  
21 of removing ~~any~~ farm produce or crops is remaining in the fields  
22 ~~following the harvesting thereof,~~ shall be exempt from civil  
23 liability:

24 (a) Arising out of any injury or the death of such person  
25 due to ~~resulting from~~ the nature or condition of the such land;  
26 or

27 (b) Arising out of any injury or death due to the nature,  
28 age, or condition of the any such farm produce or crops removed  
29 by such person ~~crop~~.

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30 (3) The exemption from civil liability provided for in this  
31 section does ~~shall~~ not apply if injury or death directly results  
32 from the gross negligence or~~r~~ intentional act of the farmer, or  
33 the failure of the farmer to warn of a dangerous condition of  
34 which the farmer has actual knowledge unless the dangerous  
35 condition would be obvious to a person entering upon the  
36 farmer's land ~~from known dangerous conditions not disclosed by~~  
37 ~~the farmer.~~

38 Section 2. This act shall take effect July 1, 2014.