

By Senator Evers

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1 A bill to be entitled
 2 An act relating to the civil liability of farmers;
 3 amending s. 768.137, F.S.; providing that 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 applies at any time, rather than only
 8 after harvesting; revising exceptions to the
 9 exemption; providing an effective date.

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

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

15 768.137 Definition; limitation of civil liability for
 16 certain farmers; exception.-

17 (2) A ~~Any~~ farmer who gratuitously allows a person ~~persons~~
 18 to enter upon the farmer's ~~her or his own~~ land for the purpose
 19 of removing ~~any~~ farm produce or crops is remaining in the fields
 20 ~~following the harvesting thereof,~~ shall be exempt from civil
 21 liability arising out of any injury to, or the death of, such
 22 person due to ~~resulting from~~ the nature or condition of the ~~such~~
 23 land or the nature, age, or condition of the ~~any such~~ farm
 24 produce or crops that are removed ~~crop~~.

25 (3) The exemption from civil liability provided ~~for~~ in this
 26 section does ~~shall~~ not apply if injury or death directly results
 27 from the gross negligence or, intentional act of the farmer, or
 28 from the farmer's failure to warn of a dangerous condition of
 29 which the farmer has actual knowledge unless that condition

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30 would be obvious to a person entering upon the farmer's land
31 ~~from known dangerous conditions not disclosed by the farmer.~~

32 Section 2. This act shall take effect July 1, 2015.