



LEGISLATIVE ACTION

Senate

House

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The Committee on Rules (Martin) recommended the following:

1 **Senate Amendment (with title amendment)**

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3 Delete lines 1856 - 1894

4 and insert:

5 Section 48. Section 865.065, Florida Statutes, is amended
6 to read:

7 865.065 Disparagement of real perishable agricultural food
8 products; cause of action; limitation.—

9 (1) The Legislature finds, determines, and declares that
10 the production of real agricultural food products constitutes an
11 important and significant portion of the state economy and that



12 it is imperative to protect the vitality of the agricultural
13 economy for the citizens of this state by providing a cause of
14 action for agricultural producers to recover damages for the
15 disparagement of any real perishable agricultural product.

16 (2) For purposes of this section, the term:

17 (a) "Disparagement" means the willful or malicious
18 dissemination to the public in any manner of any false
19 information that a real perishable agricultural food product is
20 not safe for human consumption. False information is that
21 information which is not based on reliable, scientific facts and
22 reliable, scientific data which the disseminator knows or should
23 have known to be false.

24 (c) (b) "Real Perishable Agricultural food product" has the
25 same meaning as the definition of the term "agricultural
26 commodity" in 7 U.S.C. s. 7412(1). For the purposes of this
27 section, the term applies only to those products marketed by the
28 United States Department of Agriculture for human or livestock
29 consumption, except that it does not apply to a hemp or hemp
30 extract product, as defined in s. 581.217, or a product derived
31 from a scheduled substance, pursuant to the provisions of s.
32 893.03 means any agricultural or aquacultural food product or
33 commodity grown or produced within the state of Florida which is
34 sold or distributed in a form that will perish or decay within a
35 reasonable period of time.

36 (b) (e) "Producer" means the person who actually grows or
37 produces real perishable agricultural food products.

38 (3) Any producer or any association representing producers
39 of real perishable agricultural food products which suffers
40 damages as a result of another person's disparagement of any



41 such real perishable agricultural food product may bring an
42 action for damages and for any other relief a court of competent
43 jurisdiction deems appropriate, including, but not limited to,
44 compensatory and punitive damages.

45 (4) The statute of limitations for disparagement of real
46 perishable agricultural food products is 2 years from the date
47 the disparagement occurs.

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49 ===== T I T L E A M E N D M E N T =====
50 And the title is amended as follows:

51 Delete lines 220 - 221

52 and insert:

53 authorized to wear or display such item; amending s.
54 865.065, F.S.; revising legislative findings; revising
55 and providing definitions; revising the cause of
56 action for disparagement of agricultural food
57 products;