



212138

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1856 - 1894

and insert:

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

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

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



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

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

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

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

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

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



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

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 220 - 221

and insert:

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