

THE FLORIDA SENATE
2015 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

SB 158 — Civil Liability of Farmers

by Senators Evers and Latvala

This bill expands and clarifies a farmer's protection from civil liability in negligence actions brought by a person the farmer gratuitously allows upon the farmer's land to remove farm produce or crops.

Under existing law, if a farmer allows a person onto a farm without charge to harvest crops or produce leftover *after* the farm is harvested, the farmer is not liable for damages caused by the condition of the crops or produce or the condition of the land. Under the bill, a farmer may allow a person to harvest crops or produce *at any time* without being liable for the condition of the crops or produce or the condition of the land.

Under existing law, a farmer may be liable for damages caused by dangerous conditions not disclosed by the farmer to a person who is allowed to harvest leftover crops or produce. Under the bill, the farmer is liable for those damages that result from the failure of the farmer to warn of a dangerous condition of which the farmer has "actual knowledge" unless the dangerous condition would be obvious to a person entering upon the farmer's land. The farmer, however, as under existing law, remains liable for injury or death directly resulting from the farmer's gross negligence or intentional acts.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 38-0; House 113-0