

Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS), the Department of Health and Human Services' Food and Drug Administration, and the Environmental Protection Agency, have the responsibility for implementing the nation's biotechnology regulatory framework. Within this framework, the U.S. regulatory process is constantly being reassessed and refined for all foods, both bioengineered and traditional.

The United States has more than a decade of experience in regulating bioengineered foods. About 50 varieties of bioengineered food crops have gone through the U.S. government regulatory procedures, and thousands of foods containing ingredients from these bioengineered crops are currently on the U.S. market. USDA-APHIS regulates the field testing of genetically engineered plants. To satisfy USDA-APHIS regulatory requirements, a field test must be conducted in such a way that neither the genetically engineered plant nor its offspring establishes or survives beyond the field trial in either the agricultural or nonagricultural environment. Specific precautions must be taken to prevent the escape of pollen, plants, or plant parts from the field-test site. The field-test plot must be monitored the following year to assure that no "volunteer" plants survive and grow on the plot. In addition, once USDA-APHIS approves a new biotechnology-derived plant for field testing, agency officials and their state counterparts may inspect the field-test site before, during, and after a test to ensure that the test is conducted and managed safely.

In the past two to three years, there has been an increase in domestic terrorism by groups of citizens who vandalize or destroy property to further their causes. One such group, eco-terrorists, targets biotechnology, which is especially disturbing to the agricultural community. Because of the significant investment in agricultural research made by universities and technology companies, they have become prime targets for the activities of these eco-terrorists.

Since 1998, various groups of eco-terrorists have damaged or destroyed more than 40 private and government properties throughout the United States where genetic engineering was being conducted. Not only is there a loss of tangible property and crops when these attacks occur, but the greater loss is the unrecoverable value of the research being conducted.

Florida law provides a misdemeanor of the first degree for anyone caught trespassing or causing destruction to agricultural crops. California and Virginia have passed anti-crop destruction legislation. Such legislation has been introduced in sixteen other states.

III. Effect of Proposed Changes:

Section 1. Creates s. 604.60, F.S., to allow any private or commercial agricultural grower or producer who grows or produces any agricultural field crop for personal or commercial purposes or for testing or research purposes in a product development program conducted in conjunction or coordination with a private research facility, a university, or any governmental agency who suffers damage as a result of another person's willful and knowing damage or destruction of such crop to bring an action for damages for twice the value of the crop damaged or destroyed. Provides for court costs and attorney's fees for the prevailing party.

Section 2. Amends s. 810.09, F.S., to provide a third degree felony for offenders trespassing on agricultural sites legally posted and identified as being used for research and testing purposes.

Section 3. Reenacts sections 260.0125 and 810.011, F.S., to update the penalty structure referenced in s. 810.09, F.S.

Section 4. Provides that this bill shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.