SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL:CS/SB 1772SPONSOR:Senate Agriculture and Consumer Services Committee and Senator Smith

SUBJECT: Damage or Destruction of Agricultural Products or Production Systems

DATE: February 12, 2002 REVISED:

STAFF DIRECTOR	REFERENCE	ACTION
Poole	AG	Favorable/CS
	JU	
	GO	
		Poole AG JU

I. Summary:

Section 604.60, F.S. was created by the Legislature in the 2001 regular session to provide a cause of civil action against a person who damages or destroys agricultural products. This bill clarifies the meaning of agricultural products and adds land, building, or equipment as items covered by the statute. The bill increases the amount that can be recovered from double to triple the amount of damages. It also exempts government agencies at local and state levels from liability for actions taken by them in the performance of their powers and duties.

This bill substantially amends, section 604.60 of the Florida Statutes.

II. Present Situation:

As reported in the staff analysis when section 604.60, F.S., was created by the 2001 Legislature, in the past several years, there has been an increase in domestic terrorism by groups of citizens who vandalize or destroy property to further their causes. Eco-terrorists have targeted biotechnology research properties, 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 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.

In 2001, the Florida Legislature created 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. In addition, the Legislature made it a third degree felony for trespassing on agriculture sites legally posted and identified as being used for research and testing purposes.

Presently damages are limited to twice the amount of the loss. The bill will increase the amount of damages recoverable to three times the value of the loss. The economic consequences of such acts can be far greater than the damages to the crops. Soil and production equipment can be damaged and compromised at a great economic loss and assets in this category, referred to as "agricultural production systems," are not covered by current statute. Also, no exemption is provided under present law for government workers in the performance of their duties.

III. Effect of Proposed Changes:

Section 1. Creates definitions for "agricultural product" and "agricultural production system" as follows:

- "Agriculture product" means the natural products from a farm, nursery, grove, orchard, vineyard, garden, or apiary, including livestock, tobacco, and vegetables, and includes aquacultural, horticultural, viticultural, forestry, aquatic, dairy, livestock, poultry, bee and any farm products.
- "Agricultural production system" means land, buildings, or equipment used in the production of any agricultural product as defined above.

Extends the cause of action to cover damage to an agricultural production system.

Increases the amount that can be recovered from double to triple the amount of damages.

Provides an exemption from liability under this section for government workers at all levels for action taken in the performance of their powers and duties.

Section 2. Provides that this bill shall take effect on October 1, 2002.

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:

This bill increases the amount of damages, from double to triple the value of the loss, that growers or producers of agriculture products could potentially recover for damage to their agriculture products or agricultural production systems.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.