

# PROTECTION FROM CIVIL AND CRIMINAL LIABILITY

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There are State and Federal laws that protect farmers from liability when making donations of food to nonprofit organizations that feed the hungry.

## ***The Bill Emerson Good Samaritan Food Donation Act of 1996***

The Bill Emerson Good Samaritan Food Donation Act protects individuals and nonprofit organizations from civil and criminal liability associated with the donation of apparently wholesome foods if donated in “good faith.” The Act also protects farmers from civil and criminal liability in the event individuals collecting food for donation to charity are injured on their property, except in cases of gross negligence.

## ***FLA. STAT. § 768.136 (2014) Liability for canned or perishable food distributed free of charge.***

This law protects a food donor or gleaner who donates food to a charitable or nonprofit organization, and the charitable or non-profit organization which accepts, collects, transports or distributes such food without charge, from criminal or civil liability arising from the condition of the food, except in cases of gross negligence, recklessness, or intentional misconduct.

## ***FLA. STAT. § 768.137 (1997) Limitation of civil liability for certain farmers.***

This law protects any farmer who allows persons to enter the land for the purpose of removing any crops that remain in the fields after harvest from civil liability “arising out of any injury or death resulting from the nature or condition of such land or the nature, age, or condition of any such farm produce or crop,” except in cases of gross negligence, intentional act, or nondisclosure of known dangerous conditions.

*For more information, contact us at:*

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*This institution is an equal opportunity provider.*

**Florida Department of Agriculture and Consumer Services**