

Bill No. CS for SB 374

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following amendment:

**Senate Amendment (with title amendment)**

On page 26, line 4,

insert:

Section 14. Section 768.1256, Florida Statutes, is created to read:

768.1256 Government rules defense.--

(1) In a product liability action brought against a manufacturer or seller for harm allegedly caused by a product, there is a rebuttable presumption that the product is not defective or unreasonably dangerous and the manufacturer or seller is not liable if, at the time the specific unit of the product was sold or delivered to the initial purchaser or user, the aspect of the product that allegedly caused the harm:

(a) Complied with federal or state codes, statutes, rules, regulations or standards relevant to the event causing the death or injury;

(b) The codes, statutes, rules, regulations or

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1 standards are designed to prevent the type of harm that  
2 allegedly occurred; and  
3 (c) Compliance with the codes, statutes, rules,  
4 regulations or standards is required as a condition for  
5 selling or distributing the product.  
6 (2) In a product liability action as described in  
7 subsection (1), there is a rebuttable presumption that the  
8 product is defective or unreasonably dangerous and the  
9 manufacturer or seller is liable if the manufacturer or seller  
10 did not comply with the federal or state codes, statutes,  
11 rules, regulations or standards which:  
12 (a) Were relevant to the event causing the death or  
13 injury;  
14 (b) Are designed to prevent the type of harm that  
15 allegedly occurred; and  
16 (c) Require compliance as a condition for selling or  
17 distributing the product.

18 (Renumber subsequent sections.)

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

22 And the title is amended as follows:

23 On page 3, line 18, after the semicolon,  
24  
25 insert:  
26 creating s. 768.1256, F.S.; providing a government rules  
27 defense with respect to certain products liability actions;  
28 providing for rebuttable presumptions;

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