

534-209AX-06

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Sublette offered the following:

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13 **Amendment (with title amendment)**

14 On page 21, lines 22-31, and on page 22, lines 1-4,  
15 remove from the bill: all of said lines

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17 and insert in lieu thereof:

18 768.1256 Government rules defense.--

19 (1) In a product liability action brought against a  
20 manufacturer or seller for harm allegedly caused by a product,  
21 there is a rebuttable presumption pursuant to s. 90.302(1)  
22 that the product is not defective or unreasonably dangerous  
23 and the manufacturer or seller is not liable if, at the time  
24 the specific unit of the product was sold or delivered to the  
25 initial purchaser or user, the aspect of the product that  
26 allegedly caused the harm:

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

30 (b) The codes, statutes, rules, regulations or  
31 standards contain specifications concerning the design or

1 manufacture of the product from which the manufacturer may not  
2 deviate;

3 (c) The codes, statutes, rules, regulations or  
4 standards are designed to prevent the type of harm that  
5 allegedly occurred; and

6 (d) Compliance with the codes, statutes, rules,  
7 regulations or standards is required as a condition for  
8 selling or distributing the product.

9 (2) In a product liability action as described in  
10 subsection (1), there is a rebuttable presumption pursuant to  
11 s. 90.302(1) that the product is defective or unreasonably  
12 dangerous and the manufacturer or seller is liable if the  
13 manufacturer or seller did not comply with the federal or  
14 state codes, statutes, rules, regulations or standards as  
15 described in subsection (1).

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

19 And the title is amended as follows:

20 On page 2, line 17,

21

22 after the semicolon insert:

23 providing for a presumption of liability under  
24 certain circumstances;

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