

By Senator Smith

14-988-04

1 A bill to be entitled
2 An act relating to limitation of civil
3 liability; creating s. 768.1365, F.S.; limiting
4 the civil liability of a retail food seller for
5 damages arising from personal injury or
6 wrongful death when the claim is premised upon
7 a person's long-term consumption of food or
8 nonalcoholic beverages; providing an exception
9 for false or misleading nutritional
10 information; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 768.1365, Florida Statutes, is
15 created to read:

16 768.1365 Limitation on civil liability arising from
17 long-term consumption of food and nonalcoholic beverages.--No
18 person shall have a claim against a retail seller of food for
19 damages arising from personal injury or wrongful death to the
20 extent the claim is premised upon the person's weight gain or
21 obesity, or a health condition related to weight gain or
22 obesity, resulting from the person's long-term consumption of
23 food or nonalcoholic beverages. As used in this section, the
24 term "long-term consumption" means the cumulative effect of
25 multiple instances of consuming food or nonalcoholic beverages
26 over a period of time and not the result of a single or
27 isolated instance of consumption. This section does not bar a
28 claim for damages against a person providing false or
29 misleading nutritional information about a food or
30 nonalcoholic beverage.

31 Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Limits the civil liability of a retail food seller for damages arising from personal injury or wrongful death when the claim is premised upon a person's long-term consumption of food or nonalcoholic beverages. Provides an exception for false or misleading nutritional information.