

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to immunity from civil liability; creating  
7 s. 768.37, F.S.; providing to certain entities immunity  
8 from civil liability for personal injury or wrongful death  
9 based upon long-term consumption of certain foods or  
10 nonalcoholic beverages under certain circumstances;  
11 providing application; providing a limitation on immunity;  
12 providing an effective date.

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

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16 Section 1. Section 768.37, Florida Statutes, is created to  
17 read:

18 768.37 Limitation on civil liability arising from long-  
19 term consumption of food and nonalcoholic beverages.--No  
20 manufacturer, distributor, or seller of foods or nonalcoholic  
21 beverages intended for human consumption shall be subject to  
22 civil liability for personal injury or wrongful death to the  
23 extent such liability is premised upon a person's weight gain or

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24 obesity, or a health condition related to weight gain or  
25 obesity, resulting from the person's long-term consumption of  
26 such foods or nonalcoholic beverages. For purposes of this  
27 section, the term "long-term" means the cumulative effect of  
28 multiple instances over a period of time and not the effect of a  
29 single or isolated instance. Such limitation on civil liability  
30 shall not bar a claim under any other provision of law against a  
31 manufacturer, distributor, or seller of foods or nonalcoholic  
32 beverages if such manufacturer, distributor, or seller has  
33 failed to provide nutritional content information as required by  
34 any applicable state or federal law or regulation, or has  
35 provided materially false or misleading information to the  
36 public in any form.

37 Section 2. This act shall take effect upon becoming a law  
38 and shall apply to all claims filed on or after the effective  
39 date.