

By Senator Leek

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A bill to be entitled

An act relating to liability of advanced driving system manufacturers and developers; creating s. 768.1258, F.S.; providing legislative intent; defining the term "advanced driving system"; providing a limitation on the liability of a manufacturer or developer of an advanced driving system for certain damages, injuries, claims, or losses; providing exceptions to such limitation on liability; authorizing punitive damages only under certain circumstances; prohibiting a plaintiff from recovering punitive damages under certain circumstances; providing construction; providing an effective date.

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

Section 1. Section 768.1258, Florida Statutes, is created to read:

768.1258 Liability of advanced driving system manufacturers and developers.—

(1) It is the intent of the Legislature to promote innovative conduct and the safe deployment of advanced driving systems while providing reasonable certainty in the allocation of liability.

(2) As used in this section, the term "advanced driving system" means any software, device, or integrated hardware-software combination that, when engaged or deployed, is capable of performing specific driving tasks or functions without human intervention, with or without a human driver or human

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30 supervision, for at least part of its system operation, and that
31 is equipped on a motor vehicle that is permitted, registered,
32 licensed, certified, or authorized, and not otherwise
33 prohibited, for use or operation in this state. The term
34 includes, but is not limited to, advanced driver assistance
35 systems as defined in s. 559.903, automated driving systems as
36 defined in s. 316.003, and vehicle systems defined as Level 2 or
37 greater under SAE International's J3016 standard.

38 (3) A manufacturer or developer of an advanced driving
39 system, or any affiliate, subsidiary, or employee thereof, is
40 not liable for any damages, injuries, claims, or losses alleged
41 to have arisen from, or in relation to, the design, failure to
42 warn, or performance of the advanced driving system under
43 theories of strict product liability, negligence,
44 misrepresentation, breach of warranty, or breach of contract,
45 unless a plaintiff proves by clear and convincing evidence that:

46 (a) The plaintiff's harm directly arose from a known
47 manufacturing defect in a hardware component contained within
48 the advanced driving system;

49 (b) The advanced driving system failed to comply with an
50 applicable federal motor vehicle safety standard related to
51 advanced driving systems;

52 (c) At the time of the alleged incident, the advanced
53 driving system was operating outside its intended operational
54 design domain, if applicable. For purposes of this section,
55 operational design domains do not apply to Level 1 or 2 vehicles
56 as defined by SAE International's J3016 standard; or

57 (d) The manufacturer or developer engaged in fraud or
58 intentional concealment of a known defect that presented an

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59 unreasonable risk to the safety of the plaintiff.

60 (4) (a) Punitive damages are permitted only when the
61 evidence supports a finding that the manufacturer or developer
62 engaged in fraud or intentional concealment of a known defect
63 that presented an unreasonable risk to the safety of the
64 plaintiff.

65 (b) A plaintiff may not recover an award of punitive
66 damages if the manufacturer or developer establishes that the
67 design of its advanced driving system complied with the state of
68 the art of scientific and technical knowledge that existed at
69 the time of manufacture in accordance with s. 768.1257.

70 (5) This section does not limit any claim based on breach
71 of warranty, express statutory duties, or independent acts of
72 negligence that are unrelated to the design, manufacture,
73 failure to warn, or performance of an advanced driving system.

74 (6) To the extent that s. 768.1256 conflicts with this
75 section, this section prevails.

76 Section 2. This act shall take effect July 1, 2026.