9-1478-05

1	A bill to be entitled
2	An act relating to limitation on liability for
3	products; creating s. 768.1259, F.S.; defining
4	the term "seller"; prohibiting a person from
5	commencing or maintaining a civil claim or
6	action against the seller of a product based on
7	any legal theory that the product caused harm
8	unless certain specified conditions are
9	satisfied; providing that the seller of a
10	product is subject to an action for product
11	liability if the manufacturer of the product is
12	not subject to personal jurisdiction in this
13	state; providing an effective date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Section 768.1259, Florida Statutes, is
18	created to read:
19	768.1259 Protection from liability for sellers
20	(1) As used in this section, the term "seller" means a
21	person who sells a product as a retailer, distributor, or
22	wholesaler, or who otherwise transfers a product to another
23	for compensation.
24	(2) A person may not commence or maintain a civil
25	claim or action against the seller of a product based on any
26	legal theory that the product caused harm of any kind unless
27	the seller:
28	(a) Manufactured, produced, or designed the product;
29	<u>or</u>
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1	(b) Altered, modified, assembled, or failed to
2	maintain the product in a manner that caused harm to the
3	claimant.
4	(3) Notwithstanding subsection (2), the seller of a
5	product is subject to an action for product liability if the
6	manufacturer of the product is not subject to personal
7	jurisdiction in this state.
8	Section 2. This act shall take effect July 1, 2005.
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11	SENATE SUMMARY
12	Provides a definition for the term "seller." Provides that a person may not commence or maintain a civil claim
13	or action against the seller of a product based on any legal theory that the product caused harm unless certain
14	specified conditions are satisfied. Provides that the seller of a product is subject to an action for product
15	liability if the manufacturer of the product is not subject to personal jurisdiction in this state.
16	subject to personal jurisdiction in this state.
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