

CHAPTER 2004-88

House Bill No. 333

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

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

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

768.37 Limitation on civil liability arising from long-term consumption of food and nonalcoholic beverages.—No manufacturer, distributor, or seller of foods or nonalcoholic beverages intended for human consumption shall be subject to civil liability for personal injury or wrongful death to the extent such liability is premised upon a person’s weight gain or obesity, or a health condition related to weight gain or obesity, resulting from the person’s long-term consumption of such foods or nonalcoholic beverages. For purposes of this section, the term “long-term” means the cumulative effect of multiple instances over a period of time and not the effect of a single or isolated instance. Such limitation on civil liability shall not bar a claim for damages if otherwise available under any other provision of law against a manufacturer, distributor, or seller of foods or nonalcoholic beverages if such manufacturer, distributor, or seller has failed to provide nutritional content information as required by any applicable state or federal statute or regulation, or has provided materially false or misleading information to the public.

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

Approved by the Governor May 21, 2004.

Filed in Office Secretary of State May 21, 2004.