By Senator Leek

7-00352-26 20261616__

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

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

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

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

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

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

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unreasonable risk to the safety of the plaintiff.

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

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

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

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

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

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