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Annotated view — SEO content changes (2026-07-16 → 07-20, pending attorney review)

 **Green = New section added** (did not exist before)

 **Amber = Existing section rewritten/edited** (accuracy or keyword fix)



+ NEW TOC (FIX #19)

Table of Contents

- 1. What is Product Liability?**
- 2. How Many Product Liability Cases Are Filed in Florida Each Year?**
- 3. Types of Product Defects Leading to Injuries**
- 4. Types of Defective Products Our Miami Attorneys Handle**
- 5. Claims Our Product Liability Attorneys Handle**
- 6. Elements Involved in a Product Liability Claim**
- 7. What to Do After a Defective Product Injury: Steps to File a Claim**
- 8. How Long Do You Have to File a Product Liability Claim in Florida?**
- 9. Federal Agencies That Regulate Defective and Dangerous Products**
- 10. Your Rights Under Federal Warranty Law**
- 11. When Is a Class Action Lawsuit Appropriate?**
- 12. What Damages Can a Product Liability Attorney in Miami Help Me Recover?**
- 13. How Long Does a Product Liability Case Take in Florida?**
- 14. Product Liability Lawyers Serving Miami and Nearby Communities**



+ NEW CITED STAT (FIX #11)

Buying a product typically entails safe usage as it will describe potential hazards and instructions on its labels. However, there are sometimes assembly failures, and this can lead to accidents. Product Liability attorneys can assist you in creating a case regarding defective products that have hurt you or a loved one. At Gallardo Law Firm, our attorneys dedicate themselves to creating the strongest case possible for you by identifying responsible parties and preserving evidence.

Product liability is a specialized field. Across all of Florida, only about 627 product liability cases were filed in the 2024-25 court year — a fraction of routine injury claims — and they turn on evidence and legal theories that general personal-injury practice rarely touches. (Source: **Florida Office of the State Courts Administrator, FY 2024-25 Statistical Reference Guide.**)

✎ EDITED

What is Product Liability?

Product Liability is the area of law that holds the companies that make and sell a product responsible when a defect in it causes harm. What gives you the right to bring a claim is being injured, not being the person who paid for the product. You do not need to have bought it yourself to sue over an injury it caused: under the Florida Supreme Court's decision in *West v. Caterpillar Tractor Co.*, 336 So. 2d 80 (Fla. 1976), Florida protects anyone the manufacturer should reasonably have expected to be using the product or to be near it, so a person hurt by something they were given, borrowed, or simply happened to be standing beside can still have a case. The responsibility extends to component manufacturers, assembling manufacturers, wholesalers and the retail store owners who distributed the product. Everyone involved in the process of creating and selling the product can be found responsible, so it is important to study the details of the case closely.

+ NEW

How Many Product Liability Cases Are Filed in Florida Each Year?

Product liability claims are a small, specialized part of Florida's civil courts. The Florida Office of the State Courts Administrator publishes how many products liability cases are filed statewide each fiscal year, and the number has fallen since Florida's 2023 tort-reform law (HB 837) took effect:

Fiscal Year	Products Liability Cases Filed (Statewide Florida)
FY 2021–22	1,034
FY 2022–23	921
FY 2023–24	895
FY 2024–25	627

Source: Florida Office of the State Courts Administrator, Statistical Reference Guide, Chapter 4 (Circuit Civil) — **FY 2021-22, FY 2022-23, FY 2023-24, and FY 2024-25**. Figures are statewide filing counts, not verdicts.

What about how many of these cases are won? Court statistics do not report a “win rate,” and for a good reason: the large majority of product liability claims are resolved by a negotiated settlement rather than a trial verdict, so no public dataset measures how often claimants win. Any product liability lawyer who quotes you a fixed winning percentage is offering a number the data does not support. What a defective product lawyer can do is review the specific facts of your case and explain, honestly, what it may be worth.

✂ EDITED Types of Product Defects Leading to Injuries

Manufacturing defects are issues with the production of the item, which then cause it to fail at its function. This is usually a failure to follow the intended design of the product.

Design defect is when a product's design is already dangerous before it reaches the production stage. Sometimes product plans overlook possible dangers for its users.

Failure to Warn is when manufacturers fail to warn or provide appropriate information about a product's risks to the public. This covers the warning label itself: a label that is missing, unclear, incomplete, or placed where a user will not see it leaves people unaware of a hazard the maker already knew about. It also covers instructions that do not explain how to use the product safely. Either way, the result is the same, and it can lead to injury.

+ NEW

Types of Defective Products Our Miami Attorneys Handle



A defective product claim can arise from almost anything sold to the public. Our Miami product liability attorneys most often handle claims involving the categories below, and the federal agency that regulates each one publishes the recall data we use to investigate a claim:

Defective medical devices. Implants, surgical tools, monitoring equipment, and other devices that fail or were dangerously designed. The FDA regulates medical devices and issues Class I recalls for those that can cause serious injury or death.

Dangerous drugs and medications. Prescription and over-the-counter medications that are contaminated, mislabeled, or sold without adequate warnings about their risks. These are also regulated by the FDA.

Defective auto parts and airbags. Faulty airbags, brakes, tires, seat belts, and other components that fail in a crash or cause one. The NHTSA oversees recalls of defective vehicles and auto parts.

E-cigarette and lithium-battery explosions. Vape pens, e-cigarettes, phones, and other devices whose lithium-ion batteries overheat, catch fire, or explode, causing burns and other serious injuries.

Defective tools, machinery, and appliances. Power tools, household appliances, and industrial equipment with a manufacturing or design defect. The CPSC regulates most of these consumer products.

Dangerous children's products and toys. Toys, cribs, car seats, and other children's products with choking hazards, toxic materials, or design flaws, most of which fall under CPSC oversight.

If a defective product injured you or a loved one and it is not on this list, our defective product lawyers can still review your claim. We check the CPSC, NHTSA, and FDA recall databases for every case, whatever the product involved.

EDITED

Claims Our Product Liability Attorneys Handle

Product liability based on negligence



Distributors, manufacturers and suppliers have a responsibility to provide safe products, and liability law requires reasonable care, which protects customers from injury. If a product has mistakes in its production, or fails to warn customers of its dangers, there can be a negligence claim filed against the parties involved in its distribution.

Strict Product Liability

is the concept that focuses solely on the defectiveness of the product in order for the victims to receive compensation without having to prove there was negligence or intentional wrongdoing.

Product Warranty Violations

A warranty is a promise about what a product will do, and Florida recognizes two kinds. An express warranty is a specific claim the manufacturer or seller actually makes about the product, whether in advertising, on the packaging, in the manual, or in a written guarantee, and that claim becomes part of the basis of the sale (Fla. Stat. § 672.313). An implied warranty is imposed automatically by law even when no one says a word: the implied warranty of merchantability requires that a product be fit for the ordinary purpose it is sold for, and the implied warranty of fitness for a particular purpose applies when a seller knows the specific use you have in mind and you rely on their judgment to choose it (Fla. Stat. §§ 672.314–672.315). When a product fails to live up to a promise that was made, or is simply not fit for ordinary use, and that failure injures you or costs you money, you may have a breach of warranty claim alongside a negligence or strict liability claim. Warranty works differently from the other two on one point worth knowing: because a warranty comes out of the sale itself, an implied warranty claim generally has to be brought against the party you actually bought from rather than against a manufacturer you never dealt with. Your negligence and strict liability claims are not limited that way.

+ NEW The Three Product Liability Theories at a Glance

Legal Theory	What You Must Show	Key Point
Negligence	The maker or seller failed to use reasonable care, and that failure caused your injury	Focuses on the defendant's conduct



Legal Theory	What You Must Show	Key Point
Strict product liability	The product was defective and the defect caused your injury	You do not have to prove the manufacturer was careless
Breach of warranty	The product broke an express or implied promise about what it would do	An implied-warranty claim usually runs against the party you bought from

EDITED Elements Involved in a Product Liability Claim

Proving that you have suffered injury or loss

To pursue a product liability claim you must prove that you have suffered an injury and you can provide evidence of this through use of medical bills, witness testimonies, records of lost earnings and possible future income loss due to your injury.

Proving the existence of a defective product

You would provide evidence of the defective products with things such as its assembly instructions and warning labels. You should also try to gather documentation such as proof of purchase and other evidence that proves how it was used and any modifications that were done after purchase if there were any.

Proving that a defective product caused your injury

Causation has two parts: the injury would not have happened but for the defect, and the injury was a foreseeable result of it. You also need to show the defect was already there when the product left the manufacturer's control, rather than coming from a modification or repair made later.



You do not have to prove you followed the label to the letter. Florida asks whether the product performed as safely as an ordinary consumer would expect when used as intended or in a way a manufacturer could reasonably have anticipated, so a foreseeable misuse does not end your claim. Knowing that the product carried some risk does not end it either. The narrower defense is that you went on using the product unreasonably after you discovered the actual defect and the danger it created.

Your own conduct usually affects how much you recover rather than whether you can bring a claim at all. Florida reduces your damages by your share of the fault, and since March 2023 a person found more than 50 percent at fault for their own harm recovers nothing (Fla. Stat. § 768.81). That rule reaches product liability, strict liability and breach of warranty claims, not just ordinary negligence. Because that threshold can decide whether a case is worth bringing, it is worth speaking with a product liability lawyer before you give a recorded statement to an insurer.

Seller or manufacturer's duty

Sellers and manufacturers have a duty to ensure the product they put on the market is safe for the use it is sold for and for any use they could reasonably have anticipated. That second part matters: the duty is not limited to people who follow the instructions exactly, because a maker is expected to foresee the ordinary ways a product actually gets used. The duty runs to every party involved in the sale, from the company that made a component through to the store that sold the finished product.

+ NEW What to Do After a Defective Product Injury: Steps to File a Claim

If a defective product has injured you or a loved one, the steps you take early on can decide how strong your product liability claim becomes. Here is what a Miami defective product lawyer will usually tell you to do:

1. **Get medical care right away.** Your health comes first, and prompt medical records tie your injury to the defective product — evidence every product liability claim depends on.
2. **Keep the defective product and do not repair or throw it away.** The product itself is the single most important piece of evidence. Preserve it exactly as it was, along with the packaging, labels, manual,

and your proof of purchase.



3. **Document everything.** Photograph the product and your injuries, and save medical bills, receipts, and records of lost wages so the full value of your damages can be established.
4. **Do not give a recorded statement to the manufacturer or insurer.** Speak with a product liability lawyer first, because an early statement can be used to reduce or deny your compensation.
5. **Check for a recall.** Search the CPSC, NHTSA, and FDA databases — a recall notice is powerful evidence that a product was defective, though you do not need one to file a claim.
6. **Watch the filing deadline.** Florida's statute of limitations is strict, and missing it ends the case no matter how strong the evidence is. See the deadline section below and act early.
7. **Contact a defective product lawyer for a free consultation.** A Miami product liability attorney will identify every responsible party, preserve the evidence, and handle the claim so you can focus on recovering.

+ NEW How Long Do You Have to File a Product Liability Claim in Florida?

Every product liability claim has a filing deadline, and missing it ends the case regardless of how strong the evidence is. This is the one part of a claim that no amount of preparation can fix later, so it is worth understanding early.

Under Florida Statute § 95.11(3)(d), Florida allows four years to bring a claim founded on the design, manufacture, distribution or sale of a product. There is a complication. In March 2023 the state cut the deadline for ordinary negligence claims to two years under § 95.11(4)(a), and product cases are very often built on negligence. Which of the two periods applies to a negligence-based product claim has not yet been decided by a Florida court, so the honest answer today is that it depends on how your claim is framed and that nobody can promise you the longer period. Plan on the shorter one.

A separate rule — Florida's statute of repose (Fla. Stat. § 95.031(2)(b)) — can end a claim on its own. It bars most product claims brought more than twelve years after the product was first delivered to its original purchaser, no matter when the injury happened. That is an outside limit, not extra time: an older product can be past the deadline before it ever hurts anyone. Narrow exceptions exist, including where a manufacturer knew about a defect and concealed it, and where an injury could not reasonably have been discovered in time.

Because the deadline turns on which theory your case is built on, and because that question is currently unsettled in Florida, waiting to see how an injury develops is the most expensive thing you can do. Speak with a product liability lawyer early enough that the choice of theory is still yours to make.



+ NEW Federal Agencies That Regulate Defective and Dangerous Products

A defective product case does not happen in a vacuum. Several federal agencies track dangerous products, order recalls, and publish the safety data a product liability lawyer can use to build a claim. Knowing which agency oversees the product that hurt you is often the first step.

Consumer Product Safety Commission (CPSC). The CPSC has jurisdiction over more than 15,000 types of consumer products used in and around the home, in sports, in recreation, and in schools. It issues recalls for defective products ranging from appliances and furniture to toys and power tools. (Source: [U.S. Consumer Product Safety Commission](#).)

National Highway Traffic Safety Administration (NHTSA). NHTSA regulates defective vehicles and auto parts under the National Traffic and Motor Vehicle Safety Act (49 U.S.C. § 30118). In 2023 alone it processed roughly 1,000 recalls covering more than 39 million vehicles and items of motor vehicle equipment. (Source: [U.S. National Highway Traffic Safety Administration](#).)

Food and Drug Administration (FDA). The FDA oversees defective drugs and medical devices and sorts recalls into three classes: Class I, where there is a reasonable probability of serious injury or death; Class II, where harm is temporary or reversible; and Class III, where a violation is unlikely to cause harm (21 CFR 7.3). A Class I recall of a defective medical device is often central to a product liability claim. (Source: [U.S. Food and Drug Administration](#).)

A recall is not the same thing as a lawsuit, and it is not required before you sue — but a recall notice is powerful evidence that a defective product left the manufacturer in an unsafe condition. Our product liability attorneys review these federal databases when investigating a defective product claim in Miami.

+ NEW Your Rights Under Federal Warranty Law

Alongside Florida's warranty rules, a federal statute protects consumers nationwide: the Magnuson-Moss Warranty Act of 1975 (15 U.S.C. § 2301 and following). Enforced by the Federal Trade Commission, it governs written warranties on consumer products and was passed to stop manufacturers from burying unfair or misleading terms in the fine print. The law does not force a company to give a warranty, but when one is given it has to comply with the Act, and a consumer harmed by a broken warranty can sue to enforce it. (Source: **Federal Trade Commission, Businessperson's Guide to Federal Warranty Law**.) A product liability lawyer can pursue a federal warranty claim under this Act together with the Florida claims described above.



EDITED When Is a Class Action Lawsuit Appropriate?

A class action is more appropriate in cases where there have been injuries or damages that could be considered too small for an individual lawsuit. This provides more opportunities for victims to recover their damages from bigger companies with dangerous products.

Joining a class action may be appropriate when the cost of an individual lawsuit could exceed the amount the victim would receive as compensation. Where injuries are serious, or where they differ a great deal from one person to the next, a class action is usually the wrong vehicle: the questions become individual rather than common, and a court is unlikely to certify a class. That does not mean there is no case. It usually means the case belongs on its own, or as part of a mass tort action where each claimant keeps a separate claim.

Our team will focus on the small details of your injuries and damages in order to establish the correct lawsuit for you.

EDITED What Damages Can a Product Liability Attorney Miami Help Me Recover in a Lawsuit?

What a product liability lawyer does is work out which cause of action gives you the best chance, identify every party who may share responsibility, and put a value on the loss before anyone offers to settle it. You are free to pursue a claim without one, and some people do. The reason most

claimants hire a defective product lawyer is that the other side will have its own, and the size of a fair offer usually depends on how well the claim is built before the first offer is made.



A Miami product liability attorney — sometimes called a defective product attorney or product defect lawyer — can assist you in creating a case so that you can recover damages. This includes an extensive list of things you can receive compensation for such as medical care, loss of capacity to earn, lost wages, and even non-economic damages such as pain and suffering.

If you need a products liability attorney, our team handles many kinds of claims, including numerous cases involving defective toys, tools, medications, clothing, motor vehicles, and heavy machinery, among others. Suppose you or a family member has been injured, burned, wounded, suffered a broken bone, lost money, or had an accident related to the use of a defective, damaged, or incomplete product, or one that did not present appropriate warnings of potential risks. In that case, that is sufficient reason to contact our injury lawyers and initiate a claim.

+ NEW How Long Does a Product Liability Case Take in Florida?

There is no single answer, because most product liability claims settle before trial and the timeline depends on the facts. Florida does set official time standards, though — the timeframes its courts are expected to aim for in resolving a civil case, measured from the start of the case to its final resolution:

Type of Circuit Civil Case	Florida Time Standard (start of case to final resolution)
Complex case	30 months
Jury trial case	18 months
Non-jury case	12 months

Source: Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) (as amended) — **Supreme Court of Florida, No. SC2023-0837**. These are presumptively reasonable time standards for the courts, not averages for a particular case and not a guarantee.

In practice, a straightforward defective product claim that settles can resolve well inside these windows, while a complex case against several manufacturers can take longer. A product liability

lawyer can give you a realistic timeline once the facts of your defective product claim are known



+ NEW How Much Money Can You Recover in a Product Liability Case?

There is no reliable “average” settlement or verdict for a Florida product liability case, and any figure presented as typical should be treated with caution, because every case turns on its own facts.

What a claim is worth depends on the damages you can prove: medical care, lost wages, lost future earning capacity, and non-economic damages such as pain and suffering. Florida also reduces an award by your share of the fault, and a claimant found more than 50 percent at fault recovers nothing (Fla. Stat. § 768.81). A defective product lawyer values a claim by working through these specific factors, not by quoting a number from a brochure.

+ NEW Product Liability Lawyers Serving Miami and Nearby Communities

As a Miami product liability law firm, Gallardo Law Firm helps injured people across Miami-Dade County from two local offices: one on SW 8th Street in Miami (33144) and one on NW 103rd Street in Hialeah (33016). If you have been searching for a defective products lawyer or a product liability attorney near you, our attorneys handle defective product claims throughout the area.

We represent clients hurt by defective products in Miami and the surrounding communities, including Hialeah, Coral Gables, Doral, Miami Lakes, Miami Springs, Miami Beach, South Miami, Miami Shores, Opa-locka, Kendall, Aventura, Miami Gardens, Homestead, and downtown Miami and Brickell. A local defective products attorney who knows the Miami courts can be the difference in how quickly a defective product claim moves.

Wherever you are in Miami-Dade, a defective product injury is handled the same careful way: we identify every responsible party, preserve the product and the evidence, and check the federal recall databases described above. Call our Miami or Hialeah product liability lawyers at (305) 261-7000 for a consultation.

Contact Gallardo Law Firm in Defective Products Cases



We understand how frustrating it can be to buy a defective product. If you or someone you know have bought a defective product and would like to start your product liability suit, contact us today for a consultation. We will investigate the damages and product's issues thoroughly and allow you to receive the results you deserve. You can contact us at our Miami or Hialeah offices or call us at (305) 261-7000

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+ NEW FAQs

Q - How long do I have to file a product liability claim in Florida? ☐

Q - Do I have to have bought the product myself to file a claim? ☐

Q - What are the different types of product defects? ☐

Q - What is strict product liability? ☐

Q - Can I still recover compensation if the accident was partly my fault? ☐

Q - Is a product recall the same as a lawsuit?



Q - What types of defective products does your firm handle?



Q - How do I find a product liability lawyer near me in Miami?



Q - How much does it cost to hire a product liability lawyer?



Q - How long does a product liability case take in Florida?



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Amputation

Jet Ski Accident

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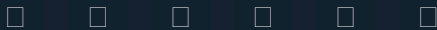
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ABOUT US

Gallardo Law Firm specializes in areas of law such as personal injury, bankruptcy, immigration, civil litigation, and family law. We pride ourselves on our experienced lawyers who are highly dedicated to your case. We strive to provide solutions geared towards your needs and work hard with our clients to achieve success.



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