

By Senator Simmons

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1 A bill to be entitled
2 An act relating to asbestos trust claims; creating s.
3 774.301, F.S.; defining terms; requiring a plaintiff
4 who files an asbestos claim to provide certain
5 information to the parties of the action within a
6 specified timeframe; requiring the plaintiff to
7 supplement the information and materials under certain
8 circumstances within a specified timeframe;
9 authorizing the defendant to seek discovery from an
10 asbestos trust; prohibiting the plaintiff from
11 claiming privilege or confidentiality to bar discovery
12 of such materials; providing that asbestos trust claim
13 materials and trust governance documents are
14 admissible in evidence under certain circumstances;
15 providing for the adjustment of a judgment under
16 certain circumstances; providing for severability;
17 providing an effective date.

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

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21 Section 1. Section 774.301, Florida Statutes, is created to
22 read:

23 774.301 Asbestos trust claim disclosures.-

24 (1) As used in this section, the term:

25 (a) "Asbestos claim" has the same meaning as in s. 774.203.

26 (b) "Asbestos trust" means a government-approved or court-
27 approved trust, qualified settlement fund, compensation fund, or
28 claims facility that is created as a result of an administrative
29 or legal action or a court-approved bankruptcy, or under 11

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30 U.S.C. s. 524(g), 11 U.S.C. s. 1121(a), or other applicable law,
31 and that is intended to provide compensation to claimants
32 arising out of, based on, or related to the health effects of
33 exposure to asbestos.

34 (c) "Trust claim materials" means a final, executed proof
35 of claim and any other document or information submitted to or
36 received from an asbestos trust, including a claim form or
37 supplementary material, an affidavit, a deposition or trial
38 testimony, a work history, an exposure allegation, a medical or
39 health record, or a document reflecting the status of a claim
40 against an asbestos trust and, if the trust claim has been
41 settled, any document relating to the settlement of the trust
42 claim.

43 (d) "Trust governance document" means a document that
44 relates to eligibility and payment levels, including a claims
45 payment matrix, a trust distribution procedure, or a plan for
46 the reorganization of an asbestos trust.

47 (2) Within 30 days after filing an asbestos claim, a
48 plaintiff shall provide all parties with a sworn statement
49 identifying all asbestos trust claims made by the plaintiff and
50 all material submitted to or received from an asbestos trust.

51 (3) A plaintiff must supplement the information required
52 under subsection (2) within 30 days after the plaintiff files an
53 additional asbestos trust claim, supplements an existing
54 asbestos trust claim, or receives additional information related
55 to an asbestos trust claim.

56 (4) A defendant in an asbestos claim may seek discovery
57 from an asbestos trust. The plaintiff may not claim privilege or
58 confidentiality to bar discovery and shall provide consent or

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59 other expression of permission that may be required by the
60 asbestos trust to release the information sought by the
61 defendant.

62 (5) Asbestos trust claim materials are admissible in
63 evidence only to the extent permissible under the Florida
64 Evidence Code.

65 (6) If a plaintiff files an asbestos trust claim after the
66 plaintiff obtains a judgment in an asbestos claim and before
67 satisfaction of the judgment, and the asbestos trust was in
68 existence at the time of the judgment, the trial court, upon
69 motion by a defendant, may only adjust the judgment by the
70 amount of any payments obtained by the plaintiff as a result of
71 such after-filed claim to the extent permissible under Florida
72 law.

73 Section 2. If any provision of this act or its application
74 to any person or circumstance is held invalid, the invalidity
75 does not affect other provisions or applications of the act
76 which can be given effect without the invalid provision or
77 application, and to this end the provisions of this act are
78 severable.

79 Section 3. This act shall take effect July 1, 2020.